

A quick, easy and low-cost way to have your case heard.

The image shows the letters 'VCAT' embossed in a large, serif font onto a textured, fabric-like surface. The embossing creates a three-dimensional effect with shadows and highlights. Above the letters, there are several wavy, horizontal lines, also embossed, which resemble stylized waves or a decorative flourish. The entire scene is set against a dark blue background.

Victorian Civil and Administrative Tribunal

2002–03
Annual Report

Overview	
Profile	1
Year at a Glance	2
Year in Review	
President's Report	3
Chief Executive Officer's Message	6
User and Community Relationships	7
Information Technology	8
Outlook for 2003–04 and Beyond	9
List Performance	
Mediation at VCAT	10
Anti-Discrimination List	11
Civil Claims List	12
Credit List	13
Domestic Building List	14
Guardianship List	15
Real Property List and Retail Tenancies List	16
Residential Tenancies List	17
General List and Taxation List	18
Land Valuation List	19
Occupational and Business Regulation List	20
Planning and Environment List	21
Organisational Profile	
Governance Policies	23
Organisational Structure	24
Rules Committee Report	25
Registry Management	26
Committee Profile	27
Member Profile	28
VCAT People	29
Appendices	
Operating Statement and Financial Commentary	30
Legislation Defining VCAT Jurisdiction	31
VCAT Member Directory	34
Access to Files and Your Privacy at VCAT	36
Mediation Code of Conduct	38
User Service Charter	39
Hearing Venues	40
How to Apply, Map of Hearing Locations	<i>inside back cover</i>

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 2002 to 30 June 2003 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 ending 30 June 2003; and
- proposals for improving the operation of VCAT and forecasts of VCAT's workload in the subsequent 12-month period.

Sincerely



Stuart Morris
President
 30 September 2003



John Ardlie
Chief Executive Officer
 30 September 2003

Background to the VCAT Act

The 1996 Department of Justice report *Tribunals in the Department of Justice: A Principled Approach* acknowledged that tribunals "are now considered to be an integral part of the justice system". 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).

VCAT is headed by a Supreme Court judge as President and is divided into three divisions (Civil, Administrative and Human Rights). Two County Court judges supervise the divisions as Vice-Presidents. These divisions comprise various Lists, each headed by a Deputy President. A Rules Committee appointed under the VCAT Act develops rules of practice and procedure and Practice Notes for VCAT.

VCAT provides accessible justice in the State of Victoria in respect of administrative review matters, civil disputes and human rights.

About this Annual Report

The Annual Report is the major publication produced by VCAT each year. It complies with the VCAT Act and is used to inform Government, VCAT users, students and other interested parties about VCAT's activities and achievements.

Profile



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 amalgamated all or part of 14 former boards and tribunals and comprises three divisions—Civil, Administrative and Human Rights. Each division has a number of Lists that specialise in particular types of cases.

VCAT has a hierarchy of members:

- the President of VCAT who is a Supreme Court judge;
- two Vice-Presidents who are County Court judges and are appointed to head the divisions;
- 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.

Members are assigned to specific Lists by the President 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. This allows for the most efficient use of members' time, as well as flexible and appropriate use of members' expertise. Of the 39 full-time members, 30 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 that involves:

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

In our Administrative Division, VCAT 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;
- state taxation; and
- other administrative decisions such as Transport Accident Commission decisions and freedom of information issues.

In our Human Rights Division, VCAT deals with matters relating to:

- guardianship and administration; and
- discrimination.

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

Vision

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

Purpose

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

Aims and Objectives

List Users

Achieve excellence in our service to List users 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 that VCAT continues to raise awareness of its services and to improve its service delivery to the community through:

- User feedback
- Education

VCAT aims to provide a timely, efficient and cost-effective dispute resolution service. 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.

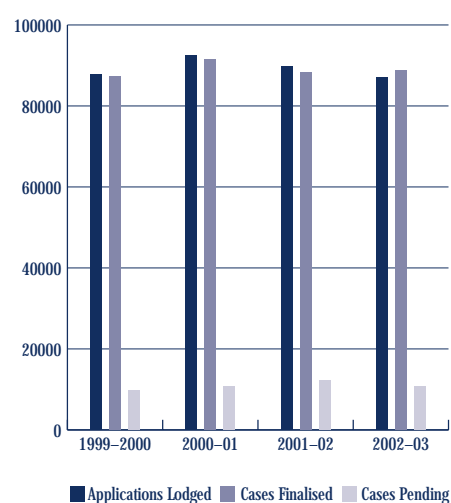
Year at a Glance

Item	2002-03	2001-02	% Change
List Users			
Applications lodged	87,107	89,854	(3)
Cases finalised	88,803	88,387	1
Cases pending	10,830	12,253	(12)
Overall mediation success rate (%)	64	66	(3)
Unique visitors to VCAT web site	257,965	126,700	103.6
Hearing venues used	108	114	(5.3)
Our Role			
Applications received per List:			
• Residential Tenancies List	66,216	69,191	(4)
• Planning and Environment List	3,271	3,349	(2)
• Guardianship List	8,717	8,743	nil
• General List and Taxation List	1,843	1,537	20
• Domestic Building List	866	829	4
• Anti-Discrimination List	464	469	nil
• Civil Claims List	5,109	5,124	nil
• Real Property List	35	31	13
• Retail Tenancies List	222	215	3
• Occupational and Business Regulation List	137	107	28
• Land Valuation List	124	182	(32)
• Credit List	103	77	34
Our People			
VCAT employees	169	160	5.7
Judicial members	7	6	16.7
Full-time members	39	39	-
Sessional members	148	146	1.4
The Community			
User group meetings conducted	19	15	26.6

Four-Year Financial Summary

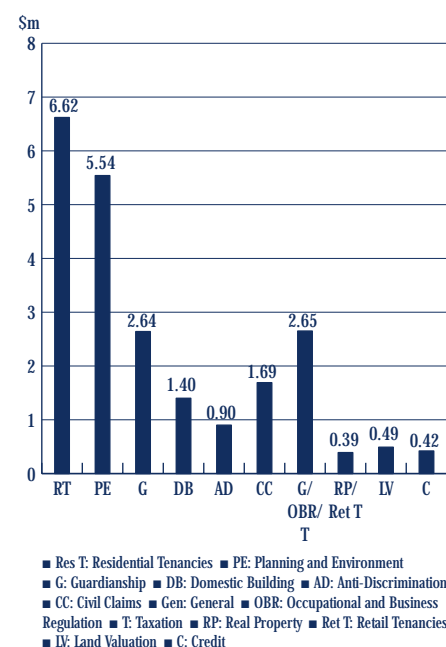
Item	2002-03	2001-02	2000-01	1999-00
VCAT funding sources:				
• Appropriations (VCAT)	13.90	12.15	11.24	11.63
• Residential Tenancies Trust Fund	6.63	6.66	6.31	6.02
• Domestic Builders Fund	1.40	1.49	1.35	1.41
• Guardianship and Administration Trust Fund	0.80	0.78	0.83	0.90
Total:	22.73	21.08	19.73	19.96
VCAT operational expenditure:				
• Salaries to staff	5.77	5.81	5.62	5.42
• Salaries to full-time members	5.35	4.10	4.25	4.54
• Salaries to sessional members	3.18	2.86	2.59	2.62
• Salary related on-costs	2.63	2.40	1.50	1.82
• Operating costs	5.80	5.91	5.77	5.55
Total:	22.73	21.08	19.73	19.96

All VCAT Cases—1999-2003



A fundamental indicator of VCAT's performance is that the number of cases finalised should equal the number of applications received in a year, while the number of cases pending stays at an acceptable level. This was achieved during 2002-03.

VCAT Expenditure by List 2002-03 Total Expenditure \$22.73 Million



VCAT expenditure totalled \$22.73 million, which was divided among the Lists as shown.

President's Report

On 9 June 2003, my term of office as President expired, making this is the fifth and final President's Report to be given by me.

The fifth year of VCAT's operations marked the culmination of a fruitful period in which we gained further consolidation and greater efficiencies since amalgamating the former boards and tribunals five years ago.

Overview of Caseload and Operating Expenditures

Detailed reports of caseload and operating expenditures are provided elsewhere in this report. In summary, the year has been most satisfactory in terms of our efficient disposal of caseload. A total of 88,803 applications were finalised during the year in review, exceeding the number of applications received, totalling 87,107. The number of applications received dropped slightly from the last financial year due mainly to a lesser number of applications being received in the Residential Tenancies List. However, there was a 27% increase in applications under the *Transport Accident Act 1986*, taking the total to 1,509 applications. In the Planning and Environment List 3,271 cases were issued. I am pleased to observe that there was a 15% increase in the number of matters finalised compared with last financial year, resulting in 3,448 cases being finalised. In contrast, the Civil Claims List finalised 4,835 matters compared with 5,109 matters initiated, resulting in a 38% rise in cases pending due to a lack of adequate funding.

Budgetary Concerns

Once again, and as highlighted in my report last financial year, budgetary concerns had a significant impact on the capacity of VCAT to list all cases at the time that they were ready for hearing. It was necessary to restrict the number of cases that could be otherwise heard because of such concerns and this significantly affected the waiting times in the Civil Claims List in particular. An appropriate strategic plan in respect of the budgetary process and the provision of funding for VCAT is necessary



From left, Vice-President Administrative Division Judge Michael Higgins, Judicial Member Judge Michael Strong, inaugural President of VCAT Justice Murray Kellam, incoming President of VCAT Justice Stuart Morris, and Vice-President Civil and Human Rights Divisions Judge John Bowman.

if VCAT is to meet its statutory obligations with maximum efficiency. For example, VCAT had not been informed by the Department of Justice of the sum of money that would be allocated to it to conduct its operations for 2003–04, as at the date of the completion of my term as President of VCAT on 9 June 2003. This circumstance makes it very difficult for VCAT to plan properly in advance for each financial year. As noted last financial year, the Attorney-General announced a review of the courts' and VCAT's administrative processes. We hope that this review will provide positive results to enable a more strategically effective budgetary process.

Member Remuneration

The review of member remuneration, which took place at the instigation of the Attorney-General in July 2001, resulted in Cabinet's approval for substantial increases in remuneration for all non-judicial members of VCAT. These increases took effect from 8 July and 12 December 2002. This review remedied the consequences of the serious neglect of remuneration for tribunal members over the decade leading up to 2001. It is, of course, important for the morale of the membership of VCAT to know that they will be fairly and reasonably compensated for their work. It is of equal, if

not more importance, for the future of VCAT as an institution that it is able to attract the most qualified and experienced persons as members. To attract those people there needs to be appropriate, fair and reasonable remuneration. In this regard, it is of great significance that Cabinet included the remuneration of VCAT members as a matter to be considered by the Judicial Remuneration Tribunal pursuant to the *Judicial Remuneration Tribunal (Amendment) Act 2002*. I am confident that this decision will ensure that VCAT is, in the future, able to attract well-qualified members. I wish to record my personal gratitude to the Attorney-General for his support in relation to this matter.

Planning and Environment List

Notwithstanding the budgetary concerns expressed above, it is appropriate that I express my appreciation to the Minister for Planning and to the Department of Infrastructure for arranging an increase of funding by \$1 million over the period 2002–03 and 2003–04 to improve and streamline the hearing of cases in the Planning and Environment List. The provision of this funding by the Department of Infrastructure to the Department of Justice enabled the appointment of a further full-time planning member and allowed for a substan-

President's Report

tial increase in the number of sessional members who could be employed to sit in the Planning and Environment List. This has resulted in a reduction in waiting times for hearing cases in that List, together with, in particular, the 'fast tracking' of enforcement applications. Of great significance, in my opinion, is the capacity of VCAT, because of this funding, to enable panels of more than one member to hear planning cases more regularly. This is important in relation both to consistency and to the application of a full range of expertise in particular Planning and Environment cases. Furthermore, the additional funding provided to VCAT in relation to planning and environment matters enabled a significant number of planning cases to benefit from mediation processes.

The volume of planning cases heard by the List remained high throughout the financial year. Substantially by reason of additional funding and because of the hard work of the members and the Deputy President of the Planning and Environment List, more cases were heard than were initiated during 2002–03. In the course of the financial year, the Minister for Planning conducted an enquiry into certain aspects of the planning system by way of the Whitney Committee. Members of VCAT were pleased to assist with the enquiry conducted by the Whitney Committee. In particular, I thank Mr Ian Marsden, a sessional member of VCAT, Deputy President Richard Horsfall and His Honour Judge Strong who attended the Whitney Committee meetings. The Whitney Committee Report was handed down during the financial year and contained valuable proposals as to the improvement of the planning system in Victoria. The final report was, in my view, supportive of the work done by Planning and Environment List members at VCAT. However, planning and environment matters remain contentious and at the forefront of public debate. I record my appreciation to the members of the Planning and Environment List who, once again, continued to provide a high standard of work determining planning disputes in a difficult and conflicting environment.

Ensuring Accessibility

A principal focus once again was to ensure that VCAT was as accessible as possible to members of the public. VCAT members heard cases at venues convenient to users and continued to provide a high frequency of visits to rural Victoria. In addition, VCAT has sessional members resident in Horsham, Wodonga, Mildura and Bairnsdale. Regularly, these members hear cases in those cities and surrounding regional areas. I record my gratitude to the Chief Magistrate who has continued to support the system of a number of magistrates being sessional members who can hear VCAT cases quickly in emergency situations. Regular use of telephone and video-conferencing facilities provided additional access to VCAT users. As new courts are built in Victoria, facilities are provided for VCAT to have a hearing room in such courts. The new court constructed at Heidelberg during the year under review is an example of this process. I am grateful for the support of the Chief Magistrate and the Attorney-General in relation to this matter. Hearing rooms will be provided for VCAT in the soon to be constructed Mildura, Warrambool and Morwell courts.

Raising Community Awareness

VCAT continued to play a valuable part in educating the public about its jurisdictions and processes. Information sessions once again included a number of open days during Planning Week and Law Week, and cooperation with the Department of Infrastructure in conducting its Planning, Education and Training (PLANET) program. This program is provided to Responsible Authorities and members of the planning community, including council planners.

Member Training and Development

During 2002–03, VCAT members continued to participate in a number of significant training and development activities and initiatives, including numerous seminars conducted by VCAT and those

relevant to the jurisdiction and processes of VCAT. The Judicial College of Victoria arranged for a seminar on contempt proceedings conducted by The Honourable Justice Brooking AO. In cooperation with VCAT, the college conducted an advanced mediation course for VCAT members and mediators in March 2003. This course was provided for experienced mediators and is another indication of the leadership role played by VCAT in mediation in Australia. I congratulate the Principal Mediator Dr Greg Lyons for his leadership of mediation at VCAT.

VCAT Online Success

In last year's Annual Report, I reported the considerable improvement in accessibility and administrative efficiency of VCAT Online receiving 41% of the total applications in the Residential Tenancies List. During 2002–03, the number of applications made to VCAT in that List through the use of VCAT Online increased to 62%, exceeding our target of 60%. This is a most significant achievement and I congratulate all those involved with the introduction and continuation of VCAT Online, including Jim Nelms, Phil Monk, David Freeman and Ian Proctor.

Vice President Changes

In October 2002, His Honour Judge Strong returned to the County Court, although he remains as a Vice-President of VCAT and may sit from time to time in the future. His Honour Judge Higgins took over from Judge Strong as Vice-President in charge of the Administrative Division of VCAT. I wish to record my appreciation for the work undertaken by each of the Vice-Presidents during the period under review. Judge Strong made a significant contribution to VCAT during his membership. In particular, his drive and enthusiasm was of great assistance to the administration of the Planning and Environment List. Judge Bowman continued to provide strong leadership to the Civil Division and to the Human Rights Division throughout the financial year. Already, Judge Higgins has made a substantial contribution by

way of his leadership of the Administrative Division of VCAT and, in particular, by way of his contribution to the administration of the Planning and Environment List. Each of the three judges concerned provided me with strong and loyal support, and I am grateful indeed for their contribution to the success of VCAT.

Acknowledgements

I record my deep gratitude to Chief Executive Officer John Ardlie, throughout not only the current financial year but the whole period of my time as President. John is a first class Chief Executive Officer and VCAT is fortunate indeed to have retained his services. I am confident that VCAT would not be the success it is to date without his leadership. He has been supported by Principal Registrar Ian Proctor, providing intelligent and thoughtful leadership to the Registry throughout my term as President. George Adgemis has likewise made a significant contribution to the success of VCAT by reason of his dedication and drive as the Listings Manager. The listing of cases in the numerous venues and jurisdictions conducted by VCAT is a complex and demanding task. George has never failed to meet the demands of such a task during my time at VCAT. I am grateful to each of the Senior Registrars, Richard O'Keefe and Jim Nelms, who have provided support and leadership of their respective divisions. Finally, I record the significant contribution made to VCAT in a variety of ways by my associate Margot Moylan and my tip-staff Grant Small, who together with my secretary Elizabeth Duncanson, provided me and others with great support.

Incoming President

I congratulate The Honourable Justice Stuart Morris on his appointment as President of VCAT from 10 June 2003. I am delighted that the Attorney-General has appointed such an outstanding lawyer as Justice Morris to the position. Justice Morris has been one of, if not the, leading figure in planning administration and law in Victoria over a period in excess of two decades. It augurs well for the future that he has accepted the leadership of VCAT. In particular, I am confident that Justice Morris will make a significant impact upon the capacity of VCAT to meet its statutory obligations in the Planning and Environment List. I wish Justice Morris and VCAT well for the future.

The first stage of the consolidation of many disparate boards and tribunals into one effective organisation is, I believe, now complete. The many changes that have been made during the last five years enable a platform for VCAT, under the leadership of Justice Morris as President, to build further efficiencies and improvements in the standards of tribunal justice in Victoria. VCAT is already an Australian leader in tribunal standards and performance and I am confident that this leadership will be enhanced by the appointment of Justice Morris as President.



Murray B Kellam
President



It is a great privilege to succeed Justice Murray Kellam as President of VCAT.

Justice Kellam has given outstanding service to the Victorian community in establishing and consolidating VCAT out of numerous disparate tribunals.

I look forward to continuing to develop the work of VCAT over the next five years. In particular, I wish to reinforce our goals of reaching wise decisions, in a timely manner, after giving the parties a fair hearing.

My first initiative will be reforms to VCAT's Planning and Environment List. These reforms, designed to promote timely decisions, have the objective of reducing the average time to determine planning matters by 20%.

In addition, I wish to emphasise the vital role VCAT provides in offering a timely, efficient and cost-effective service to all Victorians.



Stuart Morris
President

Chief Executive Officer's Message

Our fifth VCAT Annual Report reflects another successful year where service delivery levels were maintained within tight budget and resource constraints. I am pleased to provide these comments in support of this Annual Report.

Financial Performance

In 2002–03, VCAT's recurrent expenditure of \$22.73 million was 8% higher than the \$21.08 million expended by VCAT in 2001–02. This rise was due to an increase in members' salaries of \$1.58 million. The salary increase followed a recommendation to Government by the Judicial Remuneration Tribunal, as described by the President on page 3 of this Annual Report.

Staff salaries decreased in the same period by \$0.04 million—a direct result of administrative and IT based efficiencies introduced within the Registry. Salary related on-costs increased by \$0.23 million and operating costs decreased by \$0.11 million due to these efficiencies. (Refer to the operating statement and financial commentary on page 30.)

Technology Development

I congratulate our in-house IT team managed by Phil Monk, Peter Anderson and David Freeman who, in partnership with software developers *Softworks* and *Mace Technologies*, continued to develop and enhance our case management systems and our Internet-based case initiation system VCAT Online. The enhancements have significantly improved services for our users and gained efficiencies within the VCAT Registry by streamlining administrative procedures. These initiatives are described in detail on page 8 of this Annual Report.

Telecommunications Upgrade

We upgraded VCAT's telephone system to improve response times and messaging in the Guardianship List. Our staff at the Melbourne Registry alone answer more than 800 calls each day. Services such as the improved telephone system, high speed facsimile service, email and the web site, make VCAT accessible to all Victorians.

Acknowledgements

I thank VCAT's Registry team, secretaries and members of the judges' staff who have all worked cooperatively to provide the judges, members and the Victorian community with outstanding administrative support. At VCAT, we are most fortunate to have in place trained administrators and technicians who provide a diverse range of specialised



From left, Personnel Assistant Lorraine Renouf, Chief Executive Officer John Ardlie, Personnel Manager Sam Kenny, Personal Assistant Karen McNamara, Finance Manager Alan Karfut and Assistant Rupali Varma.

skills, so necessary to manage the statewide operations of this high volume tribunal. In that regard, I record my appreciation for the outstanding support provided by Principal Registrar Ian Proctor, Senior Registrars Richard O'Keefe and Jim Nelms, Listings Manager George Adgemis, and our entire Registry team. I congratulate them on their dedicated service to the judges, members and all VCAT users.

Along with officers of VCAT, I have worked closely with Executive Director of Court Services John Griffin and his colleagues during the reporting year. Their support has been outstanding and is appreciated.

I congratulate the former Secretary of the Department of Justice Peter Harmsworth upon his new appointment, and thank him for his personal interest and support since VCAT's inception.

On behalf of my colleagues, I welcome Ms Penny Armytage as the Secretary of the Department and look forward to working with her on mutually based projects in the future.

The ongoing assistance of Court Registrars and their colleagues at venues where VCAT sits in suburban and rural Victoria is very much appreciated by VCAT and its users. At 55 King Street, the daily assistance of the judges' tipstaves as hearing room ushers ensures that parties, particularly those who are unrepresented, are comfortably located in hearing rooms prior to hearings and that cases commence at the appointed time.

Personally, and on behalf of all administrative personnel at VCAT, I wish to thank Justice Kellam, the inaugural President, for his leadership and

guidance during VCAT's first five years. It was the President's personal dedication to the development and implementation of strategies that brought about the efficient amalgamation of the range of former boards and tribunals that became VCAT. It is largely due to his efforts that VCAT now serves as a model for dispute resolution for tribunals across Australia and elsewhere.

We welcome Justice Morris as the newly appointed President. As a barrister, Justice Morris was a frequent visitor as an advocate in VCAT's Planning and Environment List and he is well known to many members and staff. We look forward to supporting him in his challenging new role.

In conclusion and most importantly, I wish to thank my administrative team HR Manager Sam Kenny, Finance Manager Alan Karfut, Lorraine Renouf and Rupali Varma for working tirelessly to assist VCAT members and staff throughout the year.

I wish to record my personal appreciation of my colleagues Mirella Scaramuzzino and Karen McNamara who so competently managed the affairs of my office. In addition, the contribution of Ms Margot Moylan has been invaluable.

With all my administrative colleagues, I look forward to meeting the challenges that will present during the next year of operation.

John Ardlie
Chief Executive Officer

User Services and Community Relationships

Central Listings

Central Listings controls the listing process, which involves allocating hearing rooms, members and cases throughout Victoria. This vital function enables VCAT to provide the highest quality and most efficient decision-making process possible.

Hearing Locations

During 2002–03, VCAT members conducted hearings at 55 King Street, Melbourne, and at 108 suburban and rural locations throughout Victoria (114 in 2001–02). Refer to page 40 for a full list of hearing venues and the inside back cover for a map of Victoria showing hearing locations.

In addition to established hearing venues, VCAT members heard cases at locations convenient to the user, including hospitals, private nursing homes and special accommodation homes.

Magistrates as Sessional Members

We use a select group of Magistrates to sit as sessional members. This enables us to increase our presence in rural Victoria and maximise our ability to hear urgent applications. During 2002–03, Magistrate sessional members included two Deputy Chief Magistrates in Melbourne and Magistrates located in Horsham, Shepparton, Bendigo, Sale and Geelong.

Video and Telephone Conferences, and Access for the Hearing Impaired

VCAT users who are unable to attend designated hearing locations have the option to attend hearings conducted by video or telephone. Such conferences also help to manage members' time more efficiently, especially with regard to urgent matters originating in rural areas. For a nominal fee, we can arrange video links to locations around Australia and overseas.

During 2002–03, VCAT members conducted approximately 73 video conferences (52 in 2001–02), which included links throughout Australia. Members conducted telephone conferences on a regular basis at VCAT, averaging 12 to 15 hearings by telephone each week.

For those attending VCAT hearings who are hearing impaired, we offer hearing loop access in four hearing rooms at 55 King Street.

Ground Floor Service

Staff members of the ground floor service at 55 King Street assist users with general advice about VCAT operations and hearing procedures.

They also assist users in filling out application forms, arriving for hearings and requesting that warrants of possession be issued involving residential tenancies matters.

During 2002–03, 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 25 and 30 warrants per day. A facsimile service benefited users with timely processing of warrants directly to real estate agents, landlords and police stations. In addition, VCAT Online was expanded to enable users to request warrants online.

Fifth Floor Service

The fifth floor service at 55 King Street offers a welcoming point for parties arriving for hearings, comprising three staff members, including two judges' tipstaves and one administrative coordinator. They assist the public and VCAT members with as many as 100 hearings each day. Their tasks include recording the arrival of parties for hearings and directing them to hearing rooms.

Victoria Legal Aid Duty Lawyer

The Victoria Legal Aid duty lawyer, located on the ground floor of 55 King Street, assists unrepresented parties with confidential, on-the-spot legal advice, free of charge. In addition, this important service provides a legal resource for VCAT staff in their day-to-day dealings with users, particularly with regard to complex matters. The Duty Lawyer mainly benefited users of the Residential Tenancies List, Civil Claims List and Guardianship List.

VCAT Web Site

The number of visitors to the VCAT web site at www.vcat.vic.gov.au more than doubled, attracting 257,965 unique visitors, compared with 126,700 visitors in 2001–02, representing a 103.6% rise. The site features information about VCAT legislation, Practice Notes and Rules, a list of scheduled hearings, the daily law list and key decisions. In addition, it includes the streaming video *Working It Out Through Mediation*, information about how to apply, and links to a variety of government, judicial and legal web sites.

User Groups

User groups give VCAT users the opportunity to provide valuable feedback with the aim of improving the service VCAT offers. Members of most Lists conduct regular user group meetings, usually

on a quarterly basis. User groups comprise a broad spectrum of representatives from community and industry groups, and the legal profession. User group activities are featured in the review of individual List performance, starting on page 11.

Information Sessions

Information sessions help to raise awareness about the many services VCAT offers, while providing a vital link to the community in which VCAT operates and serves.

Visitors to VCAT

VCAT hosts visits by legal groups, international groups, and tertiary and high school students to give them exposure to VCAT operations. Visitors attend an introductory seminar and hearings. In 2002–03, VCAT hosted 38 visits (21 in 2001–02).

Planning Week

The Planning and Environment List held an open day on 13 November 2002 during Planning Week to raise awareness within the community about the work of the List. The sessions attracted approximately 30 people and 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

On 16 May 2003, VCAT members and staff participated in the 2003 Law Week Program, giving a series of presentations about VCAT operations. Approximately 30 people attended each of the six sessions, covering subjects such as unrepresented persons, mediation, freedom of information and privacy legislation, and the operations of the Civil Claims List and Guardianship List.

Sessions Conducted by VCAT

VCAT members and staff conducted a number of information sessions during 2002–03, including training sessions about VCAT Online and List specific sessions conducted by deputy presidents and senior members of the Guardianship List, Credit List, Residential Tenancies List, and Planning and Environment List. Some examples of information sessions included those presented to:

- representatives of the Real Estate Institute and various tenants groups;
- representatives of consumer credit and banking and finance industries;
- private administrators and guardians; and
- members of the medical research community.

Information Technology

Case Management

The Case Management System (Caseworks) and the Tribunals Management System (TM) enable VCAT members and staff to manage VCAT's substantial workload. We 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.

Ongoing Upgrade of Caseworks

We continued our ongoing program to upgrade Caseworks to further improve its performance. In partnership with software developers *Softworks*, we introduced a new version of the system in March 2003, which has enabled us to generate further efficiencies within the Registry.

We began a project to enable the system to archive old caseworks data, which is essential for long-term maintenance of the database and to improve system speed. We anticipate the project will be completed in early 2003–04.

Improved Monitoring by TM

During 2002–03, we developed TM substantially, which has enabled us to improve our monitoring of annual financial reporting responsibilities of administrators and our fee collection processes.

VCAT Online—a World Leader

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 withdraw applications via the Internet. In approximately 50% of cases, users receive advice of a hearing date within seconds of lodging an application.

A world leader in its field, VCAT Online continued to attract an increasing number of users during 2002–03. We received a total of 41,137 applications by way of VCAT Online, representing 62% of all applications made to the Residential Tenancies List, compared with 41% in 2001–02.

We began work to produce Version Three, which will enable users to view VCAT orders relating to cases in which they were involved. While we had planned its release in 2002–03, the project



From left, Internet Site Administrator Lucille De Kraan meets with IT Coordinator Peter Anderson to discuss improvements to the IT infrastructure implemented during the financial year.

proved more complex than expected. To address this issue, we plan to upgrade VCAT Online to ensure its ongoing robust performance.

Order Entry System (OES)

Members of the Residential Tenancies List and Guardianship List use OES to produce and print orders so that they may be signed and given to the parties immediately after hearings.

During 2002–03, use of OES in the Residential Tenancies List increased dramatically with 57% of all orders being produced by VCAT members using OES (37% in 2001–02). The Guardianship List also experienced a significant rise in use with 50% of all orders made being produced by VCAT members using OES (41% in 2001–02). The remainder of the orders generated by these Lists were produced by VCAT staff at the direction of members.

The increased use reflected the success of the pilots at Sunshine and Ballarat, followed by the expansion of OES to Dandenong, Frankston, Heidelberg, Ringwood and Geelong. In addition, we incorporated improvements that made the system easier to use. We are considering a further expansion in 2003–04.

Telecommunications

During 2002–03, VCAT received approximately 210,000 telephone enquiries (172,500 in 2001–02). The Lists attracting the majority of calls were the Residential Tenancies List (27%), Planning and Environment List (22%), Guardianship List (21%)

and Civil Claims List (12%). We upgraded the Guardianship List call centre in early 2003, improving the service to users.

Digital Recording

The digital recording system records proceedings that take place inside VCAT's hearing rooms and stores those recordings onto a central computer hard drive. The system is installed in 21 hearing rooms located at VCAT's Melbourne premises. The system helps to 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 and to assist in the event of an appeal.

The Future

Future initiatives planned for 2003–04 include the following:

- Launch the *PDF Project* in the Residential Tenancies List and Guardianship List, which will enable electronic storage and archiving of more than 80,000 orders per annum and provide another means of making VCAT orders available via the Internet.
- Expand digital recording to all hearing rooms at 55 King Street.
- Expand a small trial that began in April 2003 to use email to deliver notices of hearings and VCAT orders to our users, thereby achieving savings and improved service delivery.
- Upgrade the remaining outmoded computers used by the majority of VCAT members.

Outlook for 2003–04 and Beyond

At VCAT, anticipating user demands is an important part of our role in order to secure the resources necessary to meet those demands. To achieve this goal, we identify the major influences that may have an impact on case volume brought about by new jurisdictions conferred on VCAT and prepare our forecasts of VCAT's workload.

New Jurisdictions

At VCAT, our ability to accept and integrate new jurisdictions at a relatively low cost to Government and VCAT users represents one of our greatest strengths.

Although we expect new jurisdictions to be conferred on VCAT in 2003–04, no single jurisdiction is likely to cause substantial numbers of matters to be initiated at VCAT. However, we anticipate that changes to the *Fair Trading Act 1989*, which will come into force on 1 October 2003, will result in increased demand.

At the time of writing, two Bills were before Parliament. If they become law, they will amend the following acts:

- *Travel Agents Act 1986*—enabling VCAT to review decisions of the Travel Compensation Fund trustees concerning the payment of compensation.
- *Catchment and Land Protection Act 1994*—enabling a person who has requested a variation of the requirements contained in a land management notice to apply to VCAT for a review of a failure to grant that request or a refusal of the request.

During 2002–03, the Victorian Government considered a number of proposals to further expand VCAT's jurisdiction. The Attorney-General announced that jurisdiction of the Legal Practice Board to hear disciplinary charges against lawyers and determine lawyer-client disputes will be transferred to VCAT in 2005.

For a complete list of jurisdictions, please refer to pages 31–33 of this Annual Report.

Forecasting Case Workload

As one of our responsibilities under the VCAT Act, we must prepare forecasts of VCAT's workload. As part of this process, we review forecasts in conjunction with the Department of Justice and the

Victorian Government. We also consider the feedback we receive from the Lists' user groups.

We have no control over the level of demand placed on VCAT. Parliament decides the types of disputes we are to resolve. Assuming that Parliament does not confer new major jurisdictions on VCAT, we project demand to plateau at approximately 87,000 to 88,000 matters being initiated in 2003–04, 2004–05 and 2005–06, respectively.

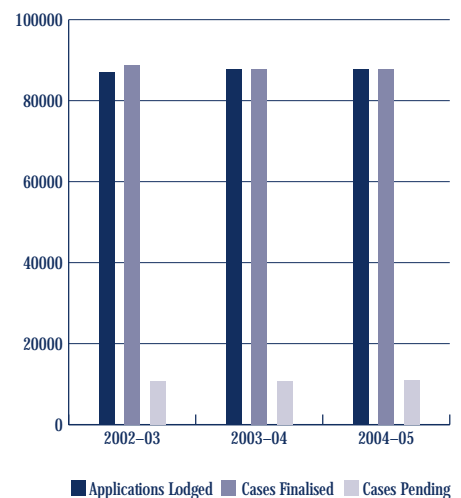
If our annual budget remains stable in real terms compared with what we received in 2002–03, VCAT has the capacity to finalise approximately 87,000 matters per year.

The projections raise the following issues:

- Matters initiated in the Civil Claims List have stabilised at approximately 5,000 matters a year. VCAT had the budget to finalise approximately 4,700 matters in 2002–03. As a result, the number of matters pending and the time taken to finalise matters increased. We will seek additional funding in 2003–04.
- We project matters initiated in the Planning and Environment List to stabilise at approximately 3,330 for the next three financial years. As a result of additional funding provided by the Department of Infrastructure for 2002–03 and 2003–04, we have the budget to finalise approximately 3,400 matters in both those years. However, if demand remains stable and the additional funding is not continued beyond 2003–04, VCAT will only be able to finalise approximately 3,000 matters in both 2004–05 and 2005–06 and waiting times will increase. We will seek ongoing funding in 2003–04.

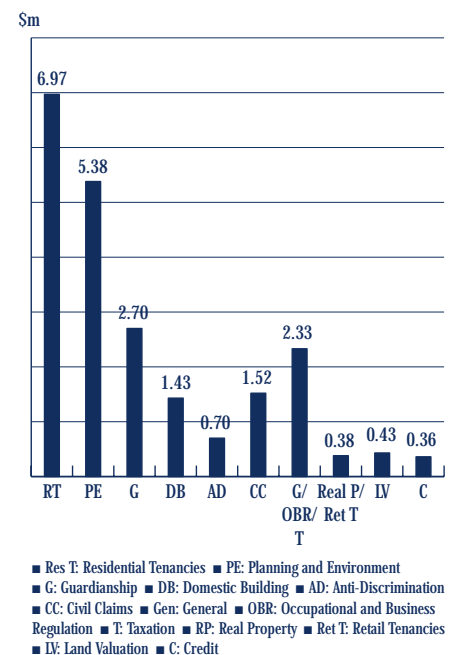
Fluctuations in demand on VCAT's Lists are common from year to year. VCAT's overall effectiveness relies on its ability to shift resources among the Lists to meet changes in demand. For example, between July and December 2002, we experienced a 27% surge in Transport Accident Commission (TAC) matters, which eased by January 2003. This rise in demand was presumably attributed to amendments made to the *Transport Accident Act 1986* affecting

All VCAT Cases—2002–2005



All VCAT Cases shows the expected caseload demand over the next two financial years, compared with 2002–03.

VCAT Allocation by List 2003–04 Total Allocation \$22.2 Million



As of 1 July 2003, VCAT's funding allocation for 2003–04 totalled \$22.2 million, divided among the Lists as shown.

how disputes are handled between the TAC and its claimants. We managed this significant increase in workload with existing resources.

Details regarding the performance of each individual List begin on page 11.

As of 1 July 2003, VCAT's funding allocation for 2003–04 totalled \$22.2 million.

Mediation at VCAT

During 2002–03, mediation continued to be an important method for resolving disputes informally and cost-effectively. Referred to as a form of alternative dispute resolution (ADR), we used mediation primarily in the Anti-Discrimination List, Domestic Building List, Planning and Environment List, and Retail Tenancies List. In addition, we used compulsory conferences, another form of mediation, in the Land Valuation List and for Transport Accident Commission matters in the General List. Parties and their representatives embraced mediation and compulsory conferences as valuable forums in which to work out practical solutions to disputes.

Members of VCAT Mediation Services oversee the activities of core groups of mediators for each List that makes use of mediation. Seven core groups totalling 50 mediators (43 in 2001–02) comprise full-time members, sessional members and private mediators. VCAT also has a number of full-time members, sessional members and private mediators on its reserve list of mediators.

In the Anti-Discrimination, Domestic Building and Retail Tenancies Lists, virtually all matters were referred to mediation. Although at times some parties expressed reluctance about mediation, most participated fully once a skilled mediator explained the advantages of the process.

In the Planning and Environment List, about 20% of matters were referred to mediation, compared with 12% in 2001–02. Potentially, there is scope for a higher percentage of Planning and Environment matters to go to mediation. The List's stakeholders will be invited to consider the advantages of mediation, particularly for those matters involving numerous parties.

Statistical Profile

VCAT Mediation Services collects statistics that show the significant use of mediation at VCAT. During 2002–03, 2,493 cases were initially listed for mediation (2,483 in 2001–02), of which 71% proceeded to mediation (56% in 2001–02) and 29% were adjourned or cancelled (44% in 2001–02). The mediation success rate ranged from 58% to 70% and the overall success rate was 64% (67% in 2001–02). This included cases that were finalised prior to or at mediation as a proportion of the cases finally listed for mediation. The overall

success rate decreased following the decision to no longer refer small claims cases in the Domestic Building List to mediation, since it was more cost-effective to refer these claims directly to hearings.

Professional Development

In April 2003, 46 VCAT mediators participated in a two-day advanced mediation course *Keeping Pace with Mediation Theory and Practice*. The Judicial College of Victoria and VCAT jointly sponsored the course, which was presented by Professors Laurence Boule and John Wade of the Bond University Dispute Resolution Centre. Tailored to VCAT's requirements, the highly interactive course provided participants with an opportunity to discuss practical, ethical and theoretical mediation issues. The feedback received from course participants was very positive, with many commenting that their range of mediator interventions had been expanded through participating in the course. VCAT acknowledges with appreciation the support of the Judicial College of Victoria for the course.

Community Awareness

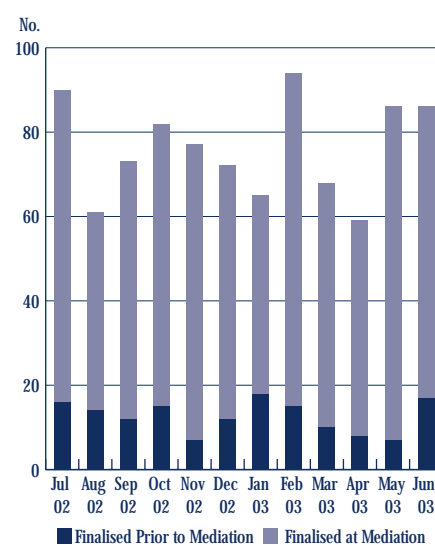
In November 2002, the VCAT web site was expanded to include past editions of the VCAT Mediation Newsletter and the 15-minute video *Working It Out Through Mediation* (a joint production of VCAT and the Victoria Law Foundation) via 'streaming video' technology. From November 2002 to June 2003, the video attracted 3,808 'hits', providing a convenient way for visitors to the web site to learn more about mediation as practised at VCAT.

Principal Mediator Dr Gregory Lyons gave talks on mediation as part of VCAT's contribution to Law Week, at a Victorian Commercial Teachers Association conference, for students at Monash University Law School and to a group of visiting Indonesian judges.

VCAT Mediation Statistics—2002–03

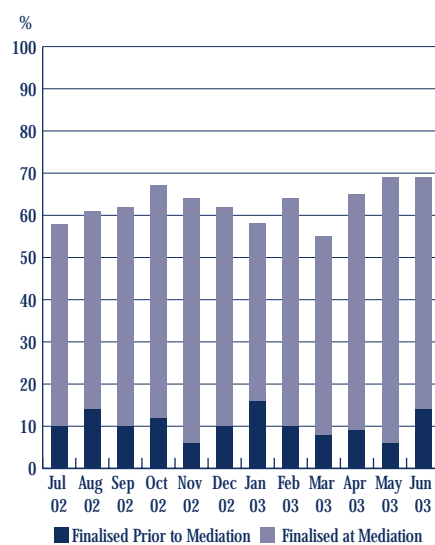
List	Cases Finalised Prior to Mediation		Cases Finalised at Mediation		Mediation Success Rate (%)	
	2002–03	2001–02	2002–03	2001–02	2002–03	2001–02
Anti-Discrimination List	18	21	111	137	70	71
Domestic Building List	44	76	231	357	58	65
Planning and Environment List	56	38	304	184	63	67
Retail Tenancies List	27	30	80	59	66	67

Successful Mediations—2002–03



Successful Mediations shows, on a monthly basis, the number of VCAT cases that were finalised prior to or at mediation.

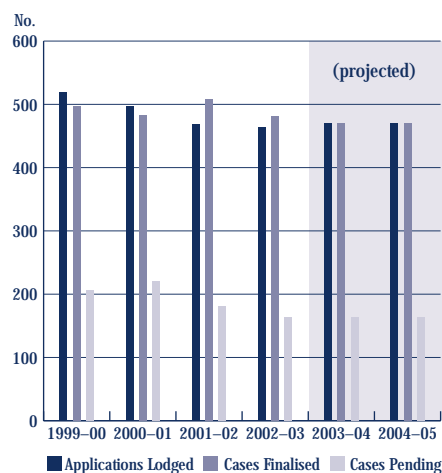
Mediation Success Rate—2002–03



Mediation Success Rate shows cases finalised prior to or at mediation as a percentage of those cases finally listed for mediation.

Anti-Discrimination List

Case Flow 1999–2005



Case Profile

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. Complainants initially lodge their complaints with the Equal Opportunity Commission (EOC). If the EOC declines a complaint, or determines that the complaint is not conciliable, or if attempts to conciliate are unsuccessful, complainants may require the EOC to refer their complaints to VCAT.

In addition, List members hear applications:

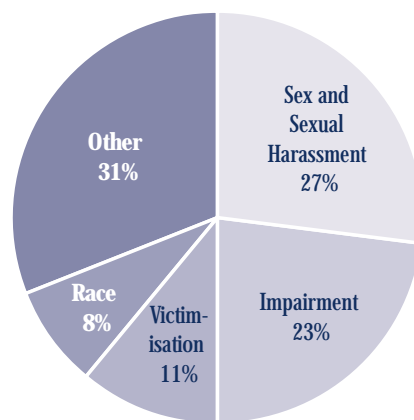
- made to strike out complaints on the basis that they are frivolous, vexatious, misconceived, lacking in substance or an abuse of process; and
- for interim orders to prevent a party to a complaint from acting prejudicially to conciliation or negotiation, or to VCAT's ultimate decision.

In 2002–03, the number of complaints referred to VCAT totalled 375, compared with 340 in 2001–02. The number of exemption applications received during 2002–03 decreased by 2%, totalling 89, compared with 91 applications in 2001–02. A significant proportion of applications was for renewals of exemptions previously granted.

Application Types

Complaints referred to the List claimed discrimination on the basis of race, sex, age, impairment, industrial activity, parental status or status as a carer in areas such as employment, education and the supply of goods and services.

Complaints by Type 2002–03



The percentage of employment-related complaints comprised 81%, compared with 78% in 2001–02. The next highest number of complaint referrals related to the provision of goods and services at 13% (19% in 2001–02) and education at 3% (2% in 2001–02).

In 2002–03, the attribute profile of complaints referred to the List were comprised as follows:

- 27% sex discrimination and sexual harassment (29% in 2001–02);
- 23% impairment (24% in 2001–02);
- 11% victimisation (10% in 2001–02);
- 8% race (10% in 2001–02); and
- 31% other (27% in 2001–02).

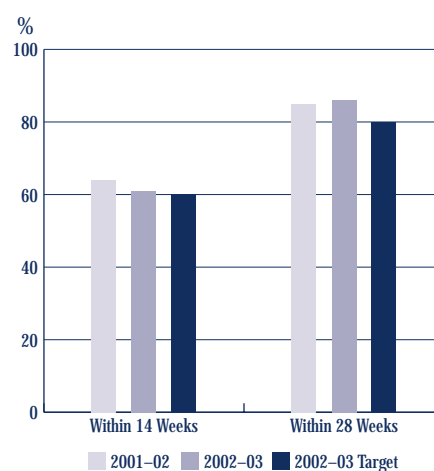
How We Dealt with Cases

In 2002–03, mediation continued to be a successful means of resolving disputes and was used at an early stage in the process. The success rate achieved in resolving complaints at mediation was 70%, compared with 71% in 2001–02. The mediation success rate remained high due to the considerable expertise of the List's core mediators. Although mediation was unsuccessful in a small percentage of cases, the process effectively laid the groundwork for settling disputes prior to hearing. This significantly reduced the number of cases that required a full hearing.

Timeliness

We continued to improve our timeliness and reached a stage where the List experienced no backlog. Cases were listed for mediation or hearing

Timeliness 2001–02 to 2002–03



at the earliest possible date, while allowing time for parties to prepare their cases.

In 2002–03, we resolved 61% of cases within 14 weeks of application and 86% of cases within 28 weeks. This compares with 64% of cases being resolved within 14 weeks of application and 85% of cases within 28 weeks in 2001–02.

User Group Activities

The List's user group comprised legal practitioners who regularly represented complainants and respondents. The user group met on two occasions during 2002–03 to discuss matters of relevance to List users. Some of the matters discussed included the greater efficiency achieved by the List with the introduction of a more streamlined procedure by which VCAT would serve notice on a respondent following a referral of a complaint from the EOC. Previously, once a referral of a complaint was received by VCAT, the complainant had to serve notice on the respondent and then notify VCAT that the notice was served. Under the new streamlined procedure, VCAT is responsible for serving notice, thereby saving the complainant time and money.

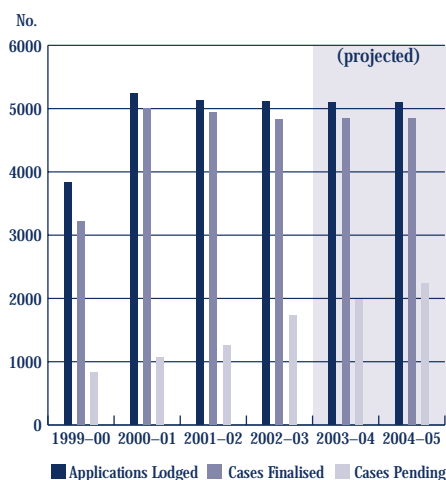
The Future

In 2003–04, we aim to achieve the following objectives:

- Decrease waiting times so that 60% of cases are finalised within 14 weeks of application and 80% within 23 weeks.
- Maintain our pleasing 70% mediation settlement rate.

Civil Claims List

Case Flow 1999–2005



Case Profile

In 2002–03, the Civil Claims List received a similar number of applications in 2002–03, totalling 5,109, compared with 5,124 in 2001–02. The number of cases resolved decreased, totalling 4,835, compared with 4,935 in 2001–02. Cases pending rose by 38%, totalling 1,733, compared with 1,253 on 30 June 2002.

Most cases involved disputes between the purchasers and suppliers of goods and services. The proportion of business applications rose from 28% in 2001–02 to 31%. The number of respondents who were private individuals rose from 20% in 2001–02 to 21%. In most matters, the parties represented themselves, thereby achieving considerable savings in legal costs.

Claims under \$10,000 dominated total applications received at 90%. Claims between \$10,000 and \$50,000 made up 8% of total applications, while 2% of claims exceeded \$50,000. Applications made under the *Fair Trading Act 1999* comprised 80% of claims and 20% of claims were made under the *Small Claims Act 1973*.

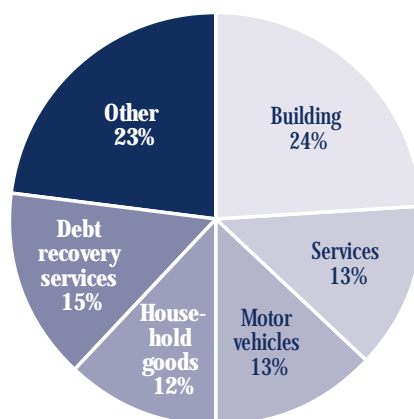
The total value of amounts claimed by applicants decreased by 27% to \$28.6 million, compared with \$39.5 million in 2001–02.

Application Types

The types of applications lodged comprised:

- 24% building (15% in 2001–02);
- 13% services (28% in 2001–02);
- 13% motor vehicles (15% in 2001–02);
- 12% household goods (13% in 2001–02);
- 15% debt recovery services (11% in 2001–02); and
- 23% other (18% in 2001–02).

Applications by Type 2002–03



The Fair Trading Act continued to generate the majority of the work for List members as well as an increasing number of complex cases.

How We Dealt with Cases

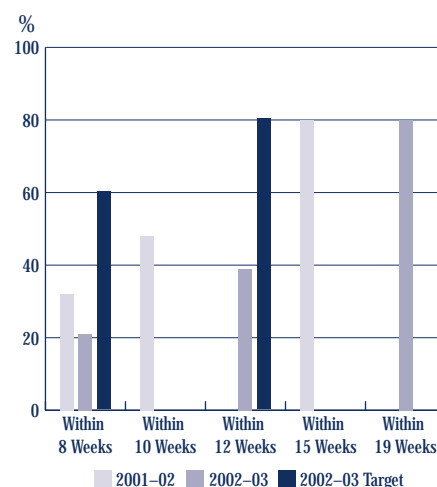
While dealing with most fair trading disputes in a similar way to matters brought under the Small Claims Act, the List dealt with most large value and complex claims exceeding \$10,000 at an early stage by compulsory conference. The compulsory conference, a close relative of mediation, is a form of alternative dispute resolution (ADR). The List settled virtually all claims exceeding \$10,000 by compulsory conference, resulting in minimal legal costs to the parties.

Timeliness

We resolved 21% of cases within eight weeks of application, 39% within 12 weeks and 80% within 19 weeks. This compares with 32% of cases being resolved within eight weeks of application, 48% of cases within 10 weeks and 80% within 15 weeks in 2001–02.

Despite our core aim to hear and determine 80% of claims within 12 weeks, timeliness was seriously affected by the lack of adequate Government funding necessary to resolve disputes in a timely manner. This lack of funding resulted in more than 1,700 outstanding claims at the end of the financial year, moving the waiting time ominously towards six months. In addition, most proceedings arose under the Fair Trading Act and, despite remaining low in value, were complex in nature, requiring more time for hearing. Lack of funds also precluded sufficient flexibility in listing partly heard and urgent matters.

Timeliness 2001–02 to 2002–03



User Group Activities

The user group of the Civil Claims List met on two occasions and included participants from a number of consumer groups. Those who contributed to the success of the meetings included representatives from Small Business Victoria, 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 Legal Aid.

The Future

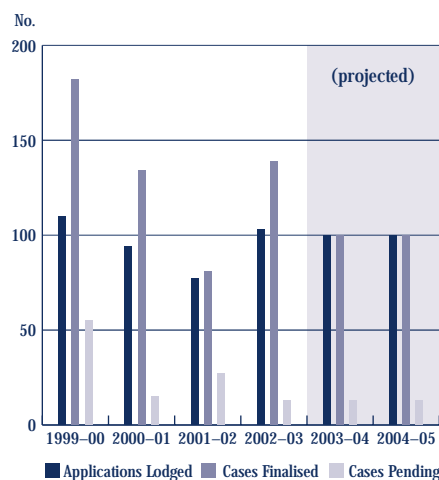
Our objectives for 2002–03 will be to:

- provide services to regional areas;
- raise Government awareness of funding issues so that adequate resources are available to hear cases;
- upon funding increase, reduce waiting times so that 80% of cases are resolved within 12 weeks of application; and
- use compulsory conferences to resolve higher value and complex cases.

We anticipate substantial changes to occur within the List following replacement of the Small Claims Act with a new small claim dispute provision under the Fair Trading Act, amendments to the Fair Trading Act, including declaration of unfair terms in some contracts and changes to the joinder of, and orders against, respondents as a result of the 2003 amendments to the *Wrongs Act 1958*.

Credit List

Case Flow 1999–2005



Case Profile

In 2002–03, the downward trend reversed with the number of applications received by the Credit List rising to 103, compared with 77 in 2001–02 and 94 in 2000–01, representing an increase of 34%. The number of cases finalised also rose, totalling 139, compared with 81 in 2001–02—a substantial 72% increase. In addition, the number of repossession applications increased from 49 in 2001–02 to 70 in 2002–03.

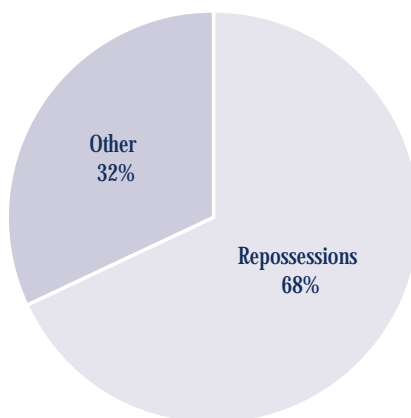
The List continued to finalise more cases than it received. The number of pending cases on 30 June 2003 totalled 13, compared with 27 matters pending on 30 June 2002.

The majority of cases coming to the List related to requests for repossession orders. A credit provider must not enter residential premises to recover mortgaged goods without an order from VCAT or a court.

Another important element of the List's work involved applications made by credit providers relating to breaches of key requirements of the Consumer Credit (Victoria) Code ('the Code'), which sought determinations from VCAT as to whether or not civil penalties should be imposed on the credit providers. Applications of this kind are the most complex of the applications that the List receives. Typically, they involve large numbers of credit contracts and require applicants to undertake extensive sampling processes and notifications to affected debtors.

Other 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.

Applications by Type 2002–03



Application Types

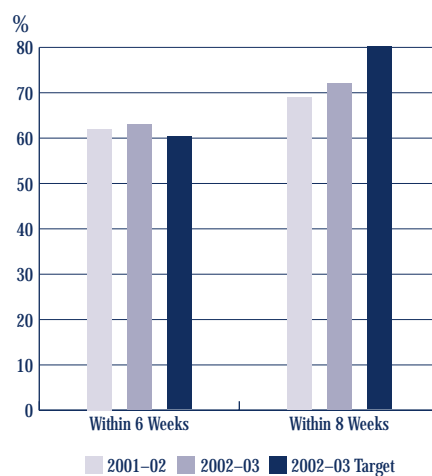
Of the 103 applications received in 2002–03, 70 (68%) were repossession applications. This represents a 43% increase compared with 49 repossession applications received in 2001–02. In addition, we experienced a rise in the number of hardship applications made by debtors. For the first time for some years, the List also received a number of applications from the mortgagors of goods, claiming that the credit provider/mortgagee who repossessed the goods did not sell them promptly or for the best price reasonably obtainable.

How We Dealt with Cases

Since many people who applied to the Credit List were experiencing financial difficulty and hardship, we aimed to resolve these applications as quickly as possible. We adopted a new procedure for the less complex applications under which, as soon as the List received proof that the application had been served on the credit provider, we referred the application immediately to mediation. If mediation did not resolve the matter, we listed it for a hearing. This new procedure proved to be successful and 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. About 30% of cases were resolved in this way (56% in 2001–02), without the need for parties to provide extensive written material or to go to a hearing. We increased our use of mediation as an alternative form of dispute resolution, settling 70% of cases referred to mediation (62% in 2001–02).

Timeliness 2001–02 to 2002–03



Timeliness

In 2002–03, we resolved 63% of cases within six weeks of the application being received (62% in 2001–02) and 72% within eight weeks (69% in 2001–02). The majority of the cases were repossession applications, which were finalised, on average, within 14 days of proof that the application had been served by the applicant on the debtor.

We continued to monitor compliance with VCAT directions so that the List received documents in a timely way. In April 2003, the List adopted a procedure under which the VCAT Registry, rather than the applicants, serve applications on respondents. We expect that this will further reduce the time required to list cases for a mediation or hearing.

User Group Activities

The Credit List user group comprised 13 people (nine in 2001–02) representing consumers, credit providers, government and the legal profession. The Group met on two occasions to discuss major changes in List procedures and how those changes were working. The group considered that six-monthly meetings were sufficient for this discussion.

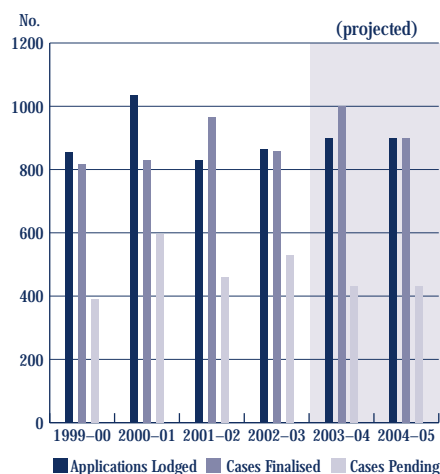
The Future

Our objectives for 2003–04 will be to:

- ensure that waiting times from application to resolution remain short;
- maintain the settlement rate at 70% of all cases; and
- monitor the effectiveness of new streamlined procedures and guidelines for List users.

Domestic Building List

Case Flow 1999–2005



Case Profile

The total number of applications received increased by 4% from 829 in 2001–02 to 866 in 2002–03. Cases finalised decreased by 11% from 965 in 2001–02 to 859 in 2002–03. Cases pending totalled 530, compared with 460 at the end of 2001–02, representing an increase of 15%.

Application Types

The types of applications lodged involved:

- 60% disputes between owners and builders (66% in 2001–02); and
- 40% appeals against decisions of insurance companies (34% in 2001–02).

Most cases dealt with by List members involved claims over work delays, defective workmanship and incomplete works.

How We Dealt with Cases

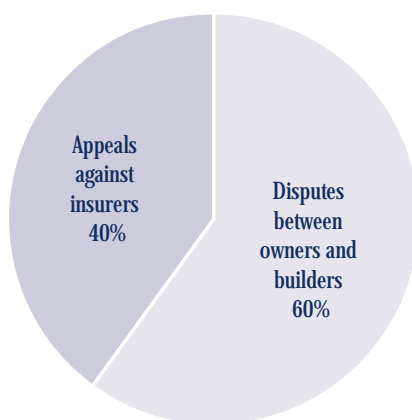
Most cases brought to the List were expensive and time consuming for the parties. Even those cases that started out as small proceedings became, over time, increasingly complex and difficult. List members were aware of such issues and adopted a policy of early intervention to resolve cases as quickly as possible. Initiatives open to members to resolve cases included:

- mediations conducted by expert mediators;
- compulsory conferences conducted by List members; and
- appropriate directions hearings, including directions appointing special referees.

Types of Cases

Cases dealt with by the List continued to be divided into small claims, and standard and complex cases.

Applications by Type 2002–03



Small Claims Cases

Small claims cases involved disputed amounts of less than \$10,000. Prior to 2002, we referred such cases to mediation and only to a hearing if they failed to settle. In 2002, we amended our procedures by sending small claims cases directly to a hearing. This enabled parties to avoid costs arising out of non-attendance at mediations. However, List members reserved the power at hearings to refer cases to mediation on the day of the hearing, if appropriate. We continued this practice throughout the year in review.

Standard Cases

Standard cases involved disputed amounts of more than \$10,000 and less than \$100,000. They formed the majority of the List's workload and often took nine months or more to resolve from the date the application was lodged.

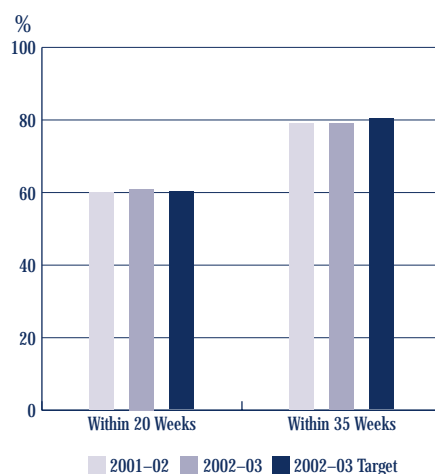
Complex Cases

Complex cases involved disputed amounts of more than \$100,000. Unless settled at mediation or compulsory conference, these cases took more than nine months to resolve. This is because they involved complex issues of fact and law and took longer to prepare and hear. Many of the complex cases in the List related to inner city apartments involving numerous parties. Many of these cases used to fall within the jurisdiction of the Supreme Court.

Timeliness

In 2002–03, 61% of cases were resolved within 20 weeks of application and 79% of cases within 35 weeks. This compares with 60% of cases being resolved within 20 weeks of application and 79% of cases within 35 weeks in 2001–02.

Timeliness 2001–02 to 2002–03



Consent Directions Adopted

We adopted consent directions and published them on the VCAT web site. A significant development for the List, they were used especially by mediators when mediations failed so that parties were not required to re-attend VCAT. Their use was encouraged generally among parties and legal practitioners as a practical way to avoid costs.

User Group Activities

The List's user group, which met on two occasions during 2002–03, comprised representatives from the Building Dispute Practitioners Society. This Society has a wide representative base and includes lawyers, builders and engineers and other building consultants. List members met with the user group to gain industry and practitioner views on aspects of directions and general issues of interest to List users. Questions that were discussed included the use of consent directions, witness statements, experts and costs.

The Future

Our objectives for 2003–04 include the following initiatives:

- further promote the use of consent directions;
- improve the settlement ratio;
- re-focus compulsory conference techniques;
- simplify pre-hearing procedures; and
- establish and maintain realistic performance benchmarks.

Guardianship List

Case Profile

The number of originating applications received totalled 2,580, compared with 2,419 in 2001–02, representing a 7% increase.

Reassessments initiated decreased by 3% from 6,324 in 2001–02 to 6,137 in 2002–03. Cases resolved decreased by 6% from 9,328 in 2001–02 to 8,762 in 2002–03. Cases pending increased by 19% from 610 on 30 June 2002 to 727 on 30 June 2003.

Application Types

The types of cases handled included:

- 14% guardianship orders (13% in 2001–02);
- 7% guardianship reassessments (7% in 2001–02);
- 24% administration orders (24% in 2001–02);
- 48% administration reassessments (43% in 2001–02);
- 1% advice to administrators (5% in 2001–02);
- 2% revocation of enduring powers of attorney (2% in 2001–02); and
- 4% other (6% in 2001–02).

How We Dealt with Cases

List members conducted hearings closest to where the represented people resided in Melbourne and at suburban and country venues throughout Victoria as follows:

- Melbourne 37.1% (44.6% in 2001–02);
- Suburban Melbourne 41.2% (33.5% in 2001–02); and
- Rural Victoria 21.7% (21.9% in 2001–02).

The Guardianship List is accessible 24 hours per day, seven days per week. For urgent matters, List members conducted hearings at hospitals, nursing homes or other suitable locations, or by telephone or video link.

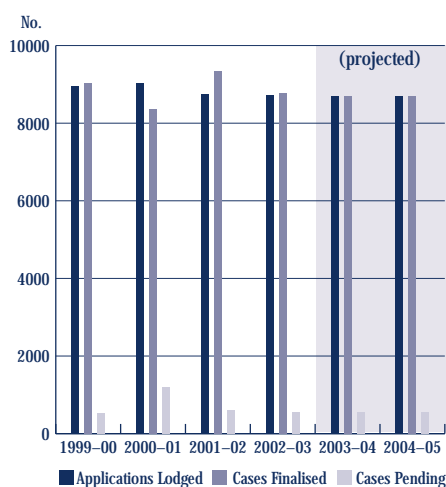
Timeliness

The List performed in a timely manner, resolving most cases within 29 days of application (26 days in 2001–02). For the third consecutive year, all outstanding cases for routine reassessment were reassessed within the specified time.

Order Entry System (OES)

List members use the OES in Melbourne and at Magistrates' Courts in Ringwood, Sunshine and Ballarat. By June 2003, 50% (7,699) of all orders made in the Guardianship List (15,300 orders) were produced by members of VCAT using OES (41% in 2001–02). This result was due to training provided to additional members and increased availability and performance of the OES.

Case Flow 1999–2005



Amendments to Legislation

On 1 January 2003, amendments to the *Guardianship and Administration Act 1986* (GA Act) came into effect. The amendments are designed to assist VCAT and others responsible for the welfare of persons with a disability to respond effectively, especially in urgent cases. In addition, the List provided comments to Government concerning proposed amendments affecting enduring powers of attorney under the *Instruments Act 1958*.

Changes to Procedures

We successfully implemented major changes to procedures brought about by amendments to the GA Act, including:

- revising standard forms and letters;
- simplifying application forms; and
- amending orders used in the OES.

Other changes included streamlining procedures regarding applications for consent to carrying out procedures for the purposes of medical research, especially in urgent cases. In addition, we established new case management techniques for standard applications for revoking enduring powers of attorney.

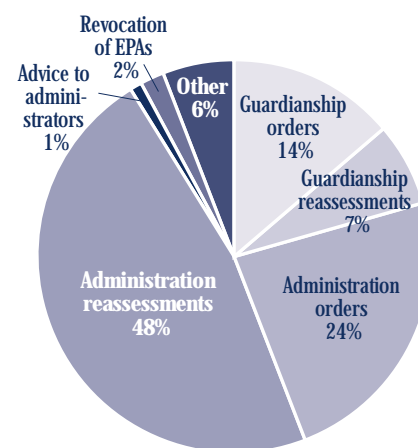
Accounting Refinements

We further refined accounting documentation used by administrators for their benefit and the benefit of examiners appointed by VCAT. In May 2003, we completed the steps necessary to implement 30 June accounting for administrators, saving time and expense for administrators and providing consequential benefits to represented persons.

Community Awareness

In May 2003, we hosted the bi-annual meeting of the Australian Guardianship and Administration Committee (AGAC). Approximately 30 representatives

Applications by Type 2002–03



of state and territory boards and tribunals, public advocates, and guardians and trustees attended. The event provided a forum to discuss issues of national best practice and legislative change.

List members participated in public information sessions conducted during Law Week in May 2003, providing general information about the List, and continued to inform the medical research community, in particular, about legislation and VCAT procedures.

With the assistance of the Office of the Public Advocate (OPA), we provided general information about the List on the VCAT web site in the following languages—Arabic, Chinese, Croatian, Greek, Macedonian, Polish, Serbian, Turkish and Vietnamese.

User Group Activities

The List's user group comprised representatives from OPA and legal aid and advice organisations, as well as professional administrators. The group met on one occasion during 2002–03. Items for discussion included a more comprehensive report on the List's operations and improved statistical reporting.

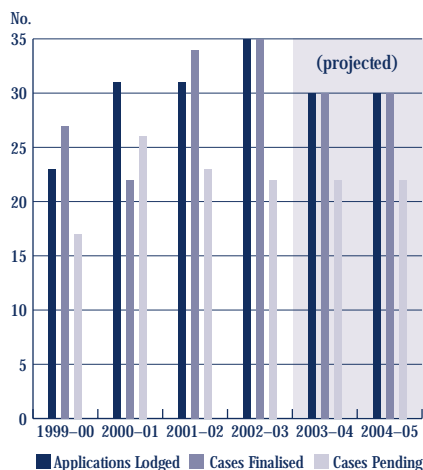
In addition, we continued our efforts to facilitate the electronic exchange of reports and other material with the Office of the OPA and other major users of the List, to achieve greater efficiencies.

The Future

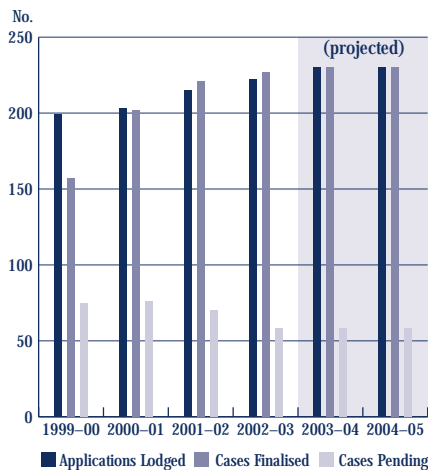
We will continue to promote the use of OES and implement new procedures in relation to reassessments in order to reduce waiting times and generally maximise List performance.

Real Property List and Retail Tenancies List

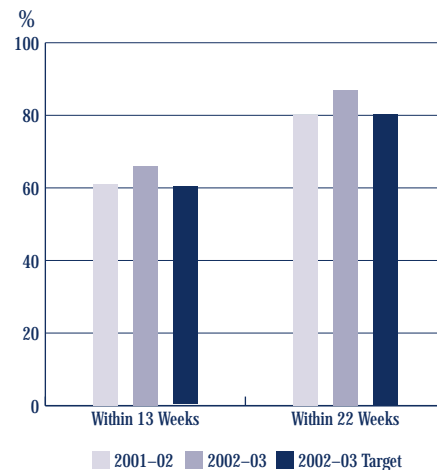
**Real Property Case Flow
1999–2005**



**Retail Tenancies Case Flow
1999–2005**



**Retail Tenancies Timeliness
2001–02 to 2002–03**



Case Profile

The Real Property List received 35 applications in 2002–03, compared with 31 in 2001–02. Cases resolved remained steady, totalling 35 in 2002–03, compared with 34 in 2001–02, as did cases pending, which totalled 22 on 30 June 2003, compared with 23 at the end of 2001–02.

Applications in the Retail Tenancies List rose by 3%, totalling 222 applications, compared with 215 in 2001–02. Cases resolved rose by 3%, totalling 227, compared with 221 in 2001–02. Cases pending fell by 17%, totalling 58, compared with 70 on 30 June 2002.

Application Types

During 2002–03, the majority of applications received in the Real Property List involved jurisdiction under Part 1 of the *Water Act 1989* and certain provisions of the *Water Industry Act 1994*. Water Act proceedings primarily related to urban or suburban flooding involving burst water mains, sewerage back-ups and blocked gutters. Other applications involved acquiring easements to facilitate subdivisions under the *Subdivision Act 1998* and disputes with planning authorities.

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 misrepresentations, validity of rent reviews and repair issues.

How We Dealt With Cases

In resolving real property cases, we undertook the full set of interlocutory steps. Then, the parties exchanged their expert reports and attended a

compulsory conference held by an engineering member. If the case remained unresolved, a legal and an engineering member conducted a hearing. We referred claims for modest sums under the Water Act directly to mediation, thereby resolving such matters quickly and cost effectively.

To streamline proceedings with respect to retail tenancies matters we referred claims:

- of \$15,000 or less to mediation or, if necessary, to a hearing on the same day;
- exceeding \$15,000, but less than \$100,000, to mediation or, if unresolved, applied the standard interlocutory steps and scheduled a hearing; and
- exceeding \$100,000 for a directions hearing.

Alternatively, List users were able to apply for urgent interim injunctive relief. We heard such applications immediately, often on the same day they were made.

Timeliness

In the Real Property List, we resolved 66% of cases within 13 weeks of application and 84% within 22 weeks. This compares with 65% of cases being resolved within 40 weeks of application and 76% of cases within 53 weeks in 2001–02. The caseload of the Real Property List is very small and a small number of lengthy cases can greatly effect the result.

In the Retail Tenancies List, we resolved 66% of cases within 13 weeks of application and 87% of applications within 22 weeks in 2002–03. This compares with 61% of cases within 13 weeks of application and 80% of applications within 22 weeks in 2001–02.

New Legislation

On 1 May 2003, the *Retail Leases Act 2003* (RL Act) became law, making extensive changes to the substantive law governing the relationship between landlords and tenants of retail premises. The changes included granting VCAT, for the first time, the same jurisdiction to grant relief against forfeiture as the Supreme Court. Nevertheless, the ordinary mode of bringing a dispute to the List was modified. The Small Business Commissioner must first attempt to resolve retail tenancies disputes by alternative dispute resolution (ADR). Disputes may be brought to VCAT only after the Small Business Commission has certified in writing that they were unable to resolve the dispute.

User Group Activities

The Retail Tenancies user group met on one occasion during 2002–03 to discuss the implementation of the then proposed Retail Leases Bill, paying particular regard to its provisions for alternative dispute resolution.

No user group exists for the Real Property List since the workload of the List is quite small.

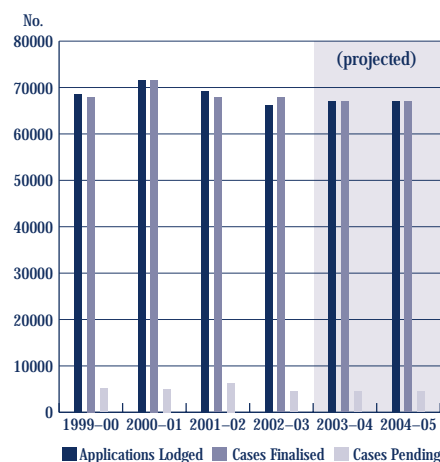
The Future

Our objectives for 2003–04 are to:

- maintain timeliness for retail tenancies cases;
- increase timeliness for real property cases;
- achieve a smooth introduction of the *Retail Leases Act 2003* in close liaison with the Small Business Commissioner and his office; and
- review the role of ADR in the Retail Tenancies List in light of the ADR program administered by the Small Business Commissioner.

Residential Tenancies List

Case Flow 1999–2005



Case Profile

The total number of applications received decreased by 4% in 2002–03, totalling 66,216, compared with 69,191 in 2001–02. Cases finalised remained steady, totalling 68,103, compared with 67,843 in 2001–02. Cases pending totalled 4,481 on 30 June 2003, compared with 6,368 on 30 June 2002, representing an decrease of 30%.

Application Types

The types of applications lodged comprised:

- 65% landlords represented by estate agents or property managers (64% in 2001–02);
- 23% the Director of Housing (24% in 2001–02);
- 6% private landlords (6% in 2001–02);
- 5% tenants or residents (5% in 2001–02); and
- 1% other parties (1% in 2001–02).

Of all applications received:

- 59% related to possession orders (57% in 2001–02);
- 23% payment of bond (23% in 2001–02);
- 8% compensation or compliance orders alleging breach of duty (10% in 2001–02); and
- 10% other (10% in 2001–02).

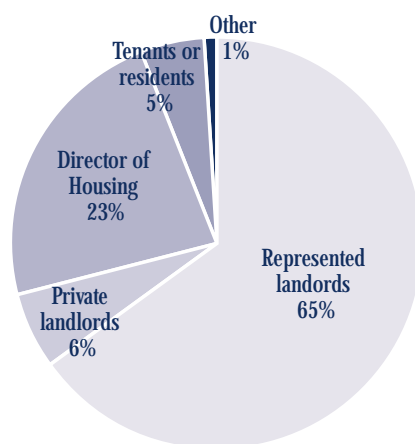
How We Dealt with Cases

List members resolved most applications by hearing. In some cases, they used default procedures to finalise cases, including an 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 decreased from 24 days in 2001–02 to 23 days in 2002–03. The complexity of the cases affected timeliness, which varied depending on such factors as:

Applications by Type 2002–03



- whether the proceedings were defended;
 - the number of parties; and
 - the number and nature of claims involved.
- Legal and factual controversy and conflicting evidence also contributed to the complexity of cases.

Order Entry System

The Order Entry System (OES) enables List members to produce orders using personal computers installed in hearing rooms. This allows orders to be produced, printed, signed and given to the parties immediately after hearings.

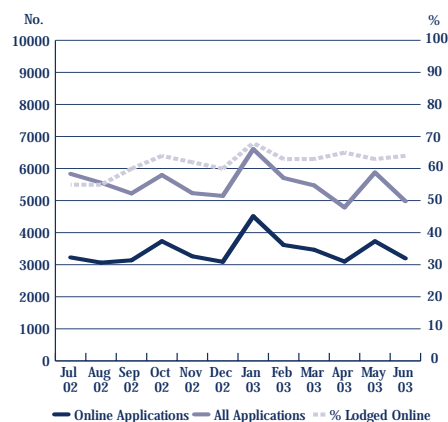
During 2002–03, use of OES increased substantially with 57% (38,842) of all orders made in the Residential Tenancies List (69,541 orders) being produced by members of VCAT using OES, exceeding our target of 50%. This increase compares with 2001–02 when 37% (approximately 27,000) of all orders made in the Residential Tenancies List (approximately 72,500 orders) were produced by VCAT members using OES.

Following the success of pilots at Sunshine and Ballarat, we expanded OES to Dandenong, Frankston, Heidelberg, Ringwood and Geelong. In addition, we incorporated improvements that made the system easier to use. We simplified the way orders are produced using OES with the installation of a 'tick the box' system, saving typing time and errors.

Success of 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 2002–03, 50,535 notices were created and 41,137 applications were lodged via VCAT Online. A total of 731 users were registered with VCAT Online as at

VCAT Online Use 2002–03—Residential Tenancies List



VCAT Online Use shows the number of applications and notices generated via VCAT Online since July 2002. We received a total of 41,137 applications via VCAT Online, representing 62% of all applications and exceeding our target of 60%.

30 June 2003. Refer to page 8 for more information about VCAT Online.

User Group Activities

The List's user group comprised representatives the Office of Housing, Real Estate Institute of Victoria, Tenants Union of Victoria and Rooming House Issues Group. The user group met on four occasions during 2002–03 (four in 2001–02) and provided an excellent forum for discussing issues of concern to List users.

The Future

On 1 September 2003, amendments to the *Residential Tenancies Act 1997* (RT Act) will commence. Major changes will include:

- variations in some time limits for notices and hearings;
- giving tenants rights to challenge the validity of some notices; and
- allowing landlords to seek payment of bond when applying for an order for possession (although payment will only be made by the Residential Tenancies Bond Authority when the premises are vacated).

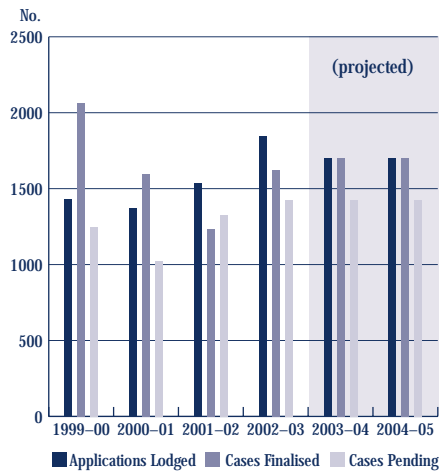
We expect the changes will have only a slight impact on the List's caseload.

Our objectives for 2003–04 include:

- further promoting the use of VCAT Online to increase use to 70%;
- producing at least 65% of orders using OES; and
- incorporating further improvements to OES and expanding OES to more users in suburban and country venues.

General List and Taxation List

Case Flow 1999–2005



Case Profile

In 2002–03, the number of applications received in the General List and Taxation List totalled 1,843, compared with 1,537 in 2001–02, representing a 20% increase. This result includes 1,509 transport accident cases, compared with 1,191 cases in 2001–02—a 27% rise. Cases finalised totalled 1,620, compared with 1,234 in 2001–02, representing a 31% increase. Cases pending increased by 7%, totalling 1,425, compared with 1,328 at the end of 2001–02.

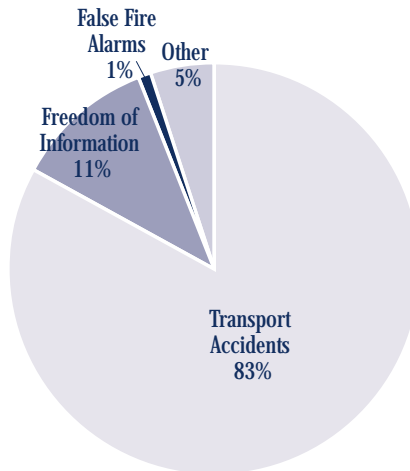
The increase in cases pending resulted from an amendment to the *Transport Accident Act 1986* introducing new procedures to be followed by the Transport Accident Commission when applying to VCAT. As a result, before a hearing can take place certain preliminary steps must be completed. Although we experienced a surge in demand in late 2002, by the end of 2002–03 it had eased and we do not expect the demand to recur.

Application Types

In the General List, transport accident cases constituted the majority of applications. In the Taxation List, applications related to State levies and taxes. Application types dealt with in both the General List and Taxation List comprised:

- 83% transport accidents (80% in 2001–02);
- 11% freedom of information (10% in 2001–02);
- 1% false fire alarm fees (2% in 2001–02); and
- 5% other, including mental health, superannuation, criminal injuries compensation and taxation (8% in 2001–02).

Applications by Type 2002–03



How We Dealt with Cases

In many cases, before a hearing took place, we conducted a compulsory conference at which we canvassed the issues with a view to resolution or partial resolution. This process often reduced the time required to hear matters and, in many cases, avoided the need for a hearing and reduced the number of applications to adjourn hearings.

During 2002–03, listing matters for mediation involving the *Health Records Act 2001* and the *Information Privacy Act 2002* became standard practice. Such matters have either resolved at mediation or prior to mediation.

Timeliness

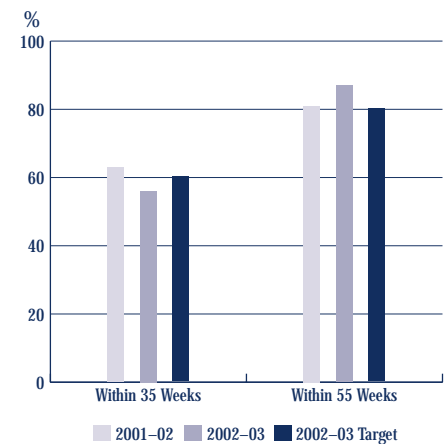
In the General List, we resolved 56% of transport accident cases within 35 weeks of application and 87% within 55 weeks. This compares with 62% of cases resolved within 35 weeks and 81% within 55 weeks in 2001–02. We resolved 71% of freedom of information cases within 22 weeks and 90% within 36 weeks. This compares with 59% within 22 weeks, 76% within 36 weeks and 83% within 44 weeks in 2001–02. We resolved 48% of mental health cases within 13 weeks (53% in 2001–02) and 62% within 18 weeks (80% in 2001–02).

In the Taxation List, we resolved 22% of cases within eight weeks of application and 83% within 13 weeks. In 2001–02, we resolved 25% of cases within eight weeks and 39% within 13 weeks.

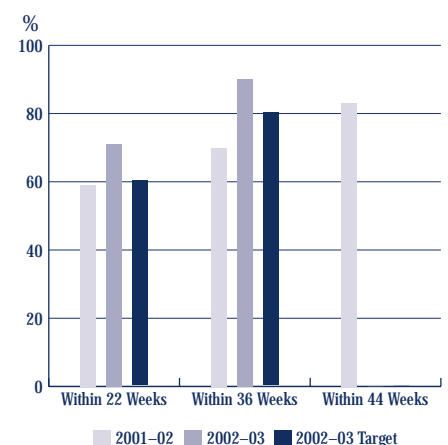
User Group Activities

The combined user group of the General List and Taxation List comprised representatives from the Victorian Bar, Office of the Victorian Government Solicitor, Transport Accident Commission and solicitor firms practising in

Timeliness 2001–02 to 2002–03—Transport Accident Cases



Timeliness 2001–02 to 2002–03—Freedom of Information Cases



relevant areas. The user group met on 10 December 2002 to discuss conducting telephone directions hearings, handling subpoenaed material and how the List might disseminate information.

On 25 June 2003, a user group meeting was held for transport accident matters only to canvass such issues as updating Practice Notes, conducting compulsory conferences, late requests for fee waiver, and encouraging orders and directions by consent.

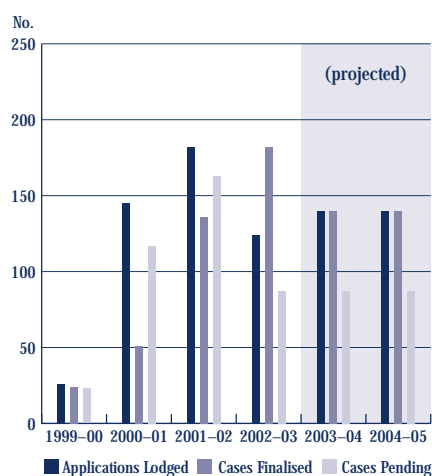
The Future

Issues having a future impact include:

- the need for preparing amended Practice Notes and information sheets;
- ongoing regard for applying alternative dispute resolution procedures;
- encouraging further development of standard directions by consent; and
- further streamlining our administrative procedures and exploring the possibility of providing orders and directions by email.

Land Valuation List

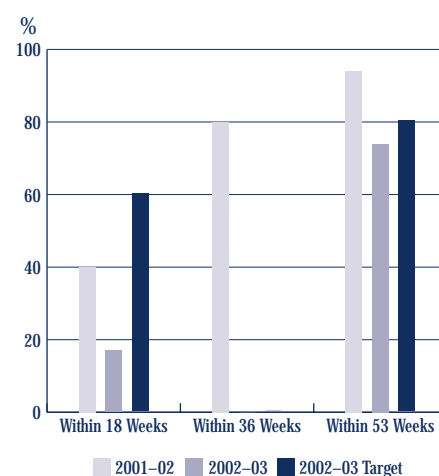
Case Flow 1999–2005



Applications by Type 2002–03



Timeliness 2001–02 to 2002–03



Case Profile

The number of applications received in the Land Valuation List totalled 124 in 2002–03, compared with 182 in 2001–02, representing a decrease of 32%. Cases finalised increased substantially by 38%, totalling 187 cases, compared with 136 in 2001–02. Cases pending fell by 47%, totalling 87 cases, compared with 163 at the end of 2001–02.

The majority of the List's work arose from municipal valuations of land for rating purposes. List members finalised more applications than the List received during the financial year, resulting in a notable decrease in cases pending. A significant factor in achieving this result was due to finalising two major issues, each involving a significant number of associated applications, which we were able to deal with simultaneously.

Application Types

In 2002–03, all applications lodged included the review of land valuations made for rating and taxation purposes (93% in 2001–02 with 7% 'other').

How We Dealt with Cases

Generally, cases brought to the List were settled rather than contested. To encourage early settlement without the need for a full hearing, List members offered parties the opportunity to resolve the matter by compulsory conference, a form of alternative dispute resolution, in the vast majority of cases. If settlement was not achieved, we scheduled the case for a hearing.

Timeliness

In 2002–03, 17% of cases were resolved within 18 weeks of application and 74% within 53 weeks. This compares with 40% of cases being resolved within 18 weeks of application, 80% within 36 weeks and 94% within 53 weeks in 2001–02.

The reduction in timeliness was partly due to an agreement by the parties to delay the hearing to resolve 56 older cases that fell into two sets of proceedings. These cases had been in the List for more than 36 weeks, with 26 cases being in the List for a period exceeding 84 weeks.

Continued Success of Compulsory Conferences

Once again, a key achievement for the year was the success of compulsory conferences. The List continued to receive a significant number of applications, a trend that began in the latter part of 2000–01 following the completion of the new general municipal valuations. Since then, List members have conducted an intensive program of compulsory conferences to manage the List's substantial workload.

The compulsory conference is a robust form of mediation. The process focuses on identifying the key issues and finding an outcome on which the parties can agree. If settlement is the measure of success, then the success rate achieved in compulsory conferences has continued to be significant.

Of the 20 cases under the *Valuation of Land Act 1960* listed for compulsory conference during the year in review (46 in 2001–02):

- eight settled at the conference (27 in 2001–02);
- five settled either prior to or after the conference (six in 2001–02); and
- seven proceeded to hearing (12 in 2001–02).

We also conducted compulsory conferences successfully in other types of cases within the List, including applications under the *Land Acquisition and Compensation Act 1986*. Of the nine compulsory conferences conducted in such proceedings:

- four settled at the conference;
- one settled after the conference; and
- four proceeded to a hearing.

A typical compulsory conference for these cases took less than half a day. If the matter did not settle, the List member was able to give immediate directions regarding further conduct of the matter.

The Future

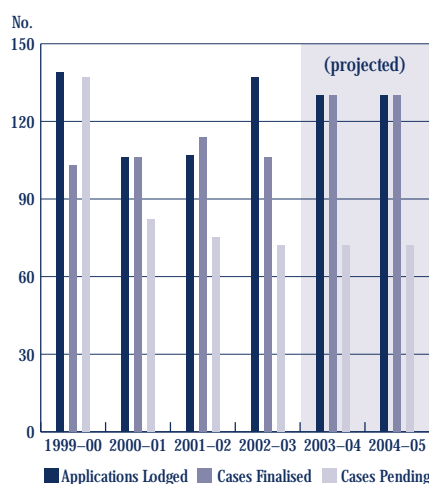
We anticipate that the caseload for 2003–04 will remain at the same level as the year in review due to the requirement that councils make biennial valuations.

Administering the caseload in a manner appropriate to the type of cases and the experience of the parties will be a continuing aim.

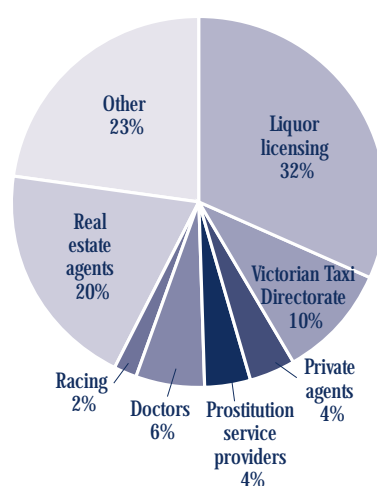
The List has a variety of specialised jurisdictions and, as in other Lists, the parties do not always choose to obtain professional representation. For this reason, we plan to continue our practice of giving guidance to unrepresented parties.

Occupational and Business Regulation List

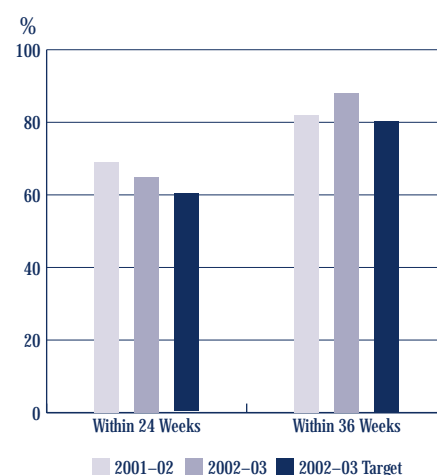
Case Flow 1999–2005



Applications by Type 2002–03



Timeliness 2001–02 to 2002–03



Case Profile

The number of applications received increased by 28% in 2002–03, totalling 137 compared with 107 in 2001–02. Cases finalised decreased by 6%, totalling 106, compared with 114 in 2001–02. The number of cases pending totalled 72, compared with 75 at the end of 2001–02. The rise in the number of applications received was partly due to the substantial increase in the number of applications received under the *Estate Agents Act 1980*.

Application Types

The types of applications comprised:

- 32% liquor licensing (27% in 2001–02);
- 20% real estate agents (5% in 2001–02);
- 10% Victorian Taxi Directorate (14% in 2001–02);
- 6% doctors (8% in 2001–02);
- 4% prostitution service providers (4% in 2001–02);
- 4% private agents (8% in 2001–02);
- 2% racing (7% in 2001–02); and
- 23% other (27% in 2001–02).

Most cases involved applications to review licensing decisions and disciplinary proceedings relating to a range of occupations and professions. For example, we reviewed decisions made by the Medical Practitioners Board and the Dental Practitioners Registration Board that revoked or refused to renew the registration of medical and dental practitioners. In addition, we reviewed decisions made by the Taxi Directorate involving its

refusal to issue metropolitan hire car licences, and decisions of the Business Licensing Authority refusing to issue or renew licences to private agents, estate agents, motor car traders and prostitution service providers.

How We Dealt with Cases

List members conducted directions hearings prior to listing cases for hearing. This enabled an 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 2002–03, we resolved 65% of cases within 24 weeks of application and 88% of cases within 36 weeks. In 2001–02, we resolved 69% of cases within 24 weeks of application and 82% of cases within 36 weeks. Although the List continued to perform in a timely manner, some cases required more time for the parties to exchange and file relevant documents, which influenced on the overall timeliness results.

New Jurisdiction

Section 52 of the *Victorian Institute of Teaching Act 2001* (VIT Act) came into operation on 1 July 2002, giving VCAT jurisdiction to review decisions of the Institute refusing to grant registration, cancelling or suspending registration, or imposing conditions on registration of teachers under the VIT Act. Although the List received no

appeals from the decisions of the Institute during 2002–03, we expect the new jurisdiction will add significantly to the List's workload during 2003–04.

User Group Activities

The List's user group met in June 2003, which was attended by barristers and representatives of a number of the stakeholders involved in the jurisdictions of the List, including the Director of Liquor Licensing, the Department of Consumer Affairs, and the Victorian Government Solicitor.

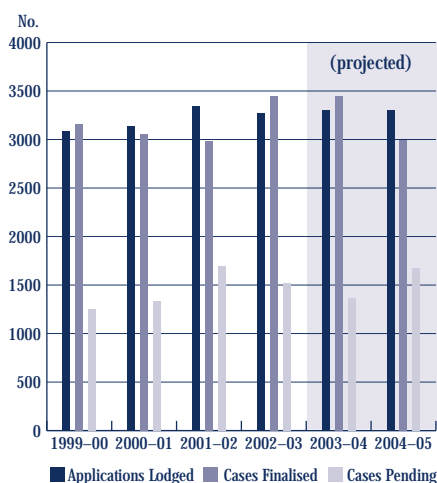
The meeting enabled discussions relating to the objective of improving VCAT service delivery within the List. In the liquor licensing jurisdiction, a number of measures that could assist the administration of the List were discussed. More generally, there were discussions about the implications of the various stay provisions contained in the VCAT Act, as well as the likely impact on the future workload of the List with regard to legislative amendments in section 38 of the *Liquor Control Reform Act 1998*, section 143 of the *Transport Act 1986* and section 52 of the *Victorian Institute of Teaching Act 2001*.

The Future

We anticipate that the new jurisdiction under the VIT Act will add significantly to the work of the List in the coming year. We plan to hold joint information sessions with relevant stakeholders in this new jurisdiction, who will be invited to join the List's user group.

Planning and Environment List

Case Flow 1999–2005



Case Profile

The number of applications received in 2002–03 totalled 3,271, compared with 3,349 in 2001–02, representing an decrease of 2%. Cases finalised totalled 3,448, compared with 2,988 in 2001–02, representing an increase of 15%. Cases pending fell by 10%, totalling 1,520, compared with 1,697 at the end of 2001–02. While we experienced only a slight decrease in the number of applications received, we finalised more cases than we received in 2002–03. This resulted in a subsequent decrease in cases pending. Extra funding received by the List from the Minister for Planning was a significant factor in achieving these results.

Application Types

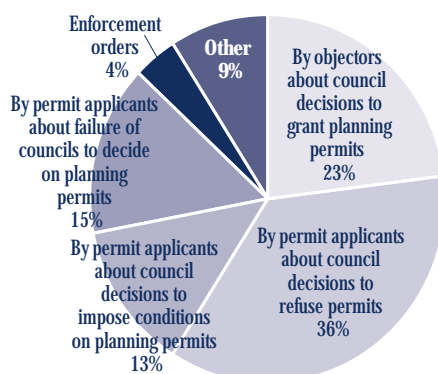
The types of applications lodged comprised:

- 23% by objectors to council decisions to grant planning permits (23% in 2001–02);
- 36% by permit applicants about council decisions to refuse permits (37% in 2001–02);
- 13% by permit applicants about council decisions to impose conditions on a planning permit application (12% in 2001–02);
- 15% by permit applicants about failure of councils to decide about a planning permit application (12% in 2001–02);
- 4% enforcement orders (5% in 2001–02); and
- 9% other (12% in 2001–02).

How We Dealt with Cases

Most cases dealt with in the List proceeded to a hearing without preliminary directions hearings. We held directions hearings at the request of parties

Applications by Type 2002–03



or ordered by VCAT due to the complexity of the matter or the number of parties involved, or to resolve procedural and technical problems and preliminary points, such as joining additional parties, adjournments or urgent hearings. Preliminary hearings assisted in resolving issues, such as whether an application to the List or granting a permit is prohibited by law or the planning scheme.

During 2002–03, we increased the use of mediation to resolve planning disputes. We referred 690 applications to mediation (418 in 2001–02), representing about 20% of all applications. The success rate for mediations during that period was 63% (67% in 2001–02). Depending on the resources available, we aim to further increase the use of mediation in the next financial year and increase the use of full-time members as mediators.

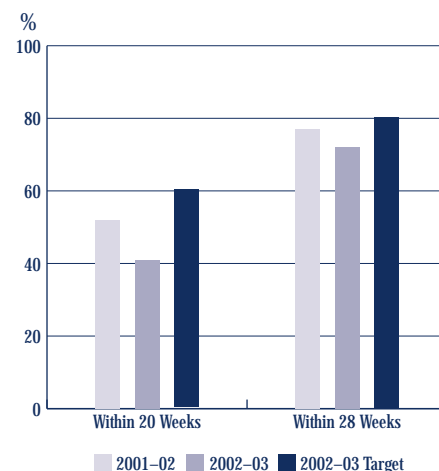
Timeliness

In 2002–03, we resolved 41% of cases within 20 weeks of application and 72% of applications within 28 weeks. This result compares with 52% of cases being resolved within 20 weeks of application and 77% within 28 weeks in 2001–02.

Timeliness is often affected by factors beyond VCAT's control, such as adjournments and other procedural delays. These outcomes are acceptable in the context of the increase in cases finalised and the decrease in cases pending, which do reflect our performance. However, we will continue to work to improve overall timeliness.

In 2003–04, we expect the List to improve its performance against these targets since the number of matters finalised in the year under review

Timeliness 2001–02 to 2002–03



increased by 15%. However, there was a fall in applications received of about 2% and in matters pending of about 10%. These trends will assist us in meeting our finalisation targets for the next financial year.

Change in Membership

The Government appointed one new full-time member to the List during the year, Mr N Hadjigeorgiou, a Town Planner with extensive experience in local government and private consulting practice. His appointment will assist the List in increasing the number of applications heard.

Improvements in Procedures

We reviewed Registry correspondence with regard to lodging an application across the full range of applications to achieve consistency and legal accuracy, include more information to help applicants prepare their cases, and draw attention to the web site and the availability of the List's guidelines. We revised the statements of grounds forms to emphasise the obligation to serve copies on other parties and simplified the statement of service form to avoid the necessity of attaching copies of all documents served.

Community Awareness

To raise community awareness of the List's activities, List members continued to participate in industry seminars and working groups and were members of industry professional associations.

List members participated in the PLANET program promoted by the Department of Infrastructure. The program helped to better inform the planning industry and, in particular,

council officers, and strengthen its public presence. Members presented topics such as *Preparing Your Submissions to VCAT* and *The Importance of Strategy in Preparing Submissions and Enforcement Order Applications*.

As part of Planning Week, List members conducted an open day on 13 November 2002, and participated in a mediation information day for the public.

User Group Activities

The List's user group comprised a variety of participants representing municipal, industry and professional groups. The user group met on two occasions during 2002–03, providing List members the opportunity to advise users of developments within the List and obtain constructive feedback on issues such as consistency of decision-making, proposed Practice Notes, procedures and mediation.

Training and Development

During 2002–03, we continued the List's in-house professional development program for List members. The program included presentations by outside professionals and promoted discussion on topics such as the Metropolitan Strategy 2030, Rescode, landslip overlays, local policy development and interpretation, and mediation.

Members attended a variety of industry and external conferences and seminars, including the Australian Institute of Judicial Administration Tribunals' Conference and the Australian Conference of Planning and Environmental Courts and Tribunals.

With the assistance of VCAT, four List members continued their participation in the Monash University Diploma in Law course *Decision Making for Tribunal Members*, which included online segments. A total of 17 List members attended a Bond University advanced mediation seminar.

Outcome Analysis

Information relating to applications made to the List in 2002–03 as shown opposite. The two tables show the total number of applications received in 2002–03 relating to the top 10 councils and suburbs where the planning site in question was located, out of a total of 77 councils and 617 suburbs appearing in VCAT's records.

The graph describes the outcome of applications to the Planning and Environment List. The 'plain English' classifications identify whether the person or persons making the application were successful, were not successful, whether a compromise was reached or whether the application was withdrawn.

Outcomes are shown only for the major application types and for those applications received in 2002–03 that have been resolved. While 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.

The Whitney Committee

List members continued their participation in the deliberations of the Whitney Committee established by the Minister of Planning to report on a number of issues affecting the operation of the planning system. During 2002–03, the committee issued reports on subjects such as local policy, amended plans and enforcement orders. Our participation helped to further enhance the public perception of VCAT and its role with regard to planning issues.

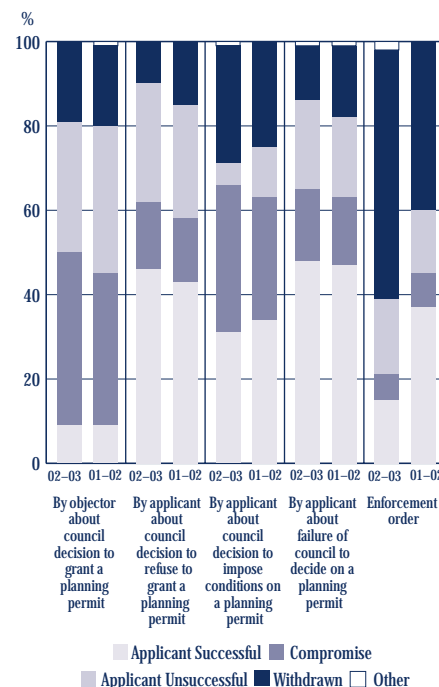
The Future

Mr Justice Morris, the newly appointed President of VCAT, who was formally a pre-eminent barrister in planning and environment law, has announced a review to achieve improvements in timeliness and throughput of applications and the effectiveness of mediation.

Other future objectives planned will include:

- maintaining the List's in-house professional development program and our participation in the PLANET program;
- continually reviewing and improving the List's practices and procedures and information available on the VCAT web site, and through public information documents, correspondence and forms; and
- continuing to conduct an open day during Planning Week.

Outcome Analysis of Applications to VCAT Finalised in 2001–02 and 2002–03



Top 10 Councils—2001–03

Municipality	Number of Applications	
	2002–03	2001–02
Yarra	216	215
Port Phillip	215	252
Stonnington	189	200
Boroondara	177	163
Bayside	162	122
Mornington Peninsula	160	151
Glen Eira	134	168
Moreland	110	127
Banyule	101	103
Monash	99	110

Top 10 Suburbs—2001–03

Municipality	Number of Applications	
	2002–03	2001–02
Brighton	59	58
Richmond	58	69
Elwood	51	39
South Yarra	46	48
Fitzroy	44	32
St Kilda	43	44
Williamstown	43	45
Melbourne	40	22
Kew	39	28
Hawthorn	37	35

Governance Policies

The Victorian Civil and Administrative Tribunal (VCAT) was created by the *Victorian Civil and Administrative Tribunal Act 1998* (the VCAT Act). This statement describes key details about VCAT’s 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. Judicial members are recommended for appointment by the Attorney-General 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

Deputy presidents, senior members and members of VCAT are appointed by the Governor in Council. 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.

The President is 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 legislation and Practice Notes readily accessible to VCAT users.

The 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;
- a current practitioner or interstate practitioner (within the meaning of the *Legal Practice Act 1996*), 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 152 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;
- regulating the availability and procedure for inspecting and obtaining copies of the register of proceedings and proceeding files;
- directing the training of VCAT members in relation to those rules of practice and procedure and Practice Notes;
- establishing the divisions of VCAT; and
- any other functions conferred on it by the President 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.

Ethical Standards

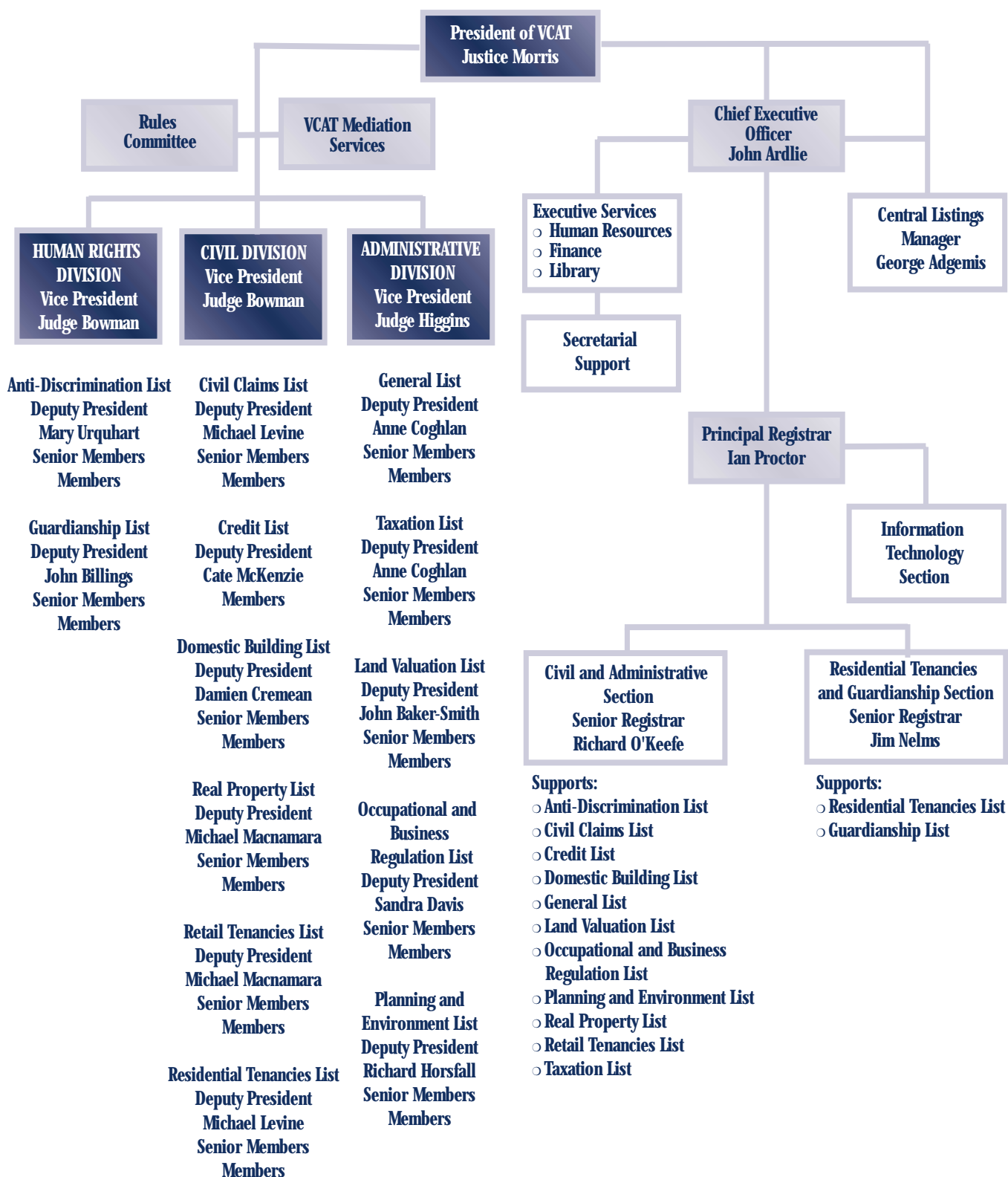
The Presidential members have taken steps to increase the knowledge and understanding of members and staff as to their ethical responsibilities. The VCAT Mediation Code of Conduct provides a guide for mediators and a way of informing parties of their rights at mediation. The Mediation Code of Conduct is detailed on page 38.

Rules Committee Meetings

Member	Held	Attended
Justice Kellam	2	2
Judge Davey*	2	1
Judge Holt	2	1
Judge Bowman	2	2
Judge Wood*	2	-
Judge Higgins	2	1
Judge Duggan*	2	-
Louise Jenkins	2	2
Jane Monk	2	2
Prof. Sallmann	2	1

*Judge Davey, Judge Wood and Judge Duggan are full-time Judges of the County Court who remain as Vice-Presidents of VCAT and are able to be called upon to sit if required.

Organisational Structure as at 30 June 2003



Rules Committee Report

Membership

The Rules Committee comprises VCAT's judicial members, a full-time member who is not a legal practitioner, a current legal practitioner and two persons nominated by the Attorney-General. On 24 June 2003, the Rules Committee membership was reconstituted to form a new Rules Committee. As at 30 June 2003, the Rules Committee members were as follows:

Justice Morris

BEC (Hons), LLB (Hons). Appointed President of VCAT on 10 June 2003. Signed the Roll of Counsel of the Victorian Bar in 1976. Appointed Queen's Counsel in 1991. Appointed Justice of the Supreme Court of Victoria on 8 April 2003.

Judge Duggan

LLB. Barrister at Law 1967 to 1984. Appointed Judge of the County Court in 1984. Appointed Vice-President of VCAT on 23 June 2001. Returned to full-time service as County Court Judge in March 2002.

Judge Strong

Appointed on 1 February 2001. Judge of the County Court. Admitted to legal practice in 1972. A solicitor until signing the roll of counsel in 1975. Prosecutor for the Queen from 1981 to 1984. Appointed Judge of the County Court in 1988. Appointed Deputy President of the Administrative Appeals Tribunal in 1990 and from 1994 to 1998.

Judge Davey

LLB (Hons), BComm. Appointed on 1 July 1998. Signed the Roll of Counsel of the Victorian Bar in 1963. Appointed Queen's Counsel in 1992. Appointed a Judge of the County Court of Victoria in 1994. Appointed Chairperson of the Domestic Building Tribunal of Victoria in 1996.

Judge Wood

LLB. Signed the Roll of Counsel of the Victorian Bar in August 1974. Appointed Queens Counsel in 1994 and a Judge of the County Court of Victoria in 1997. Appointed President of the Administrative Appeals Tribunal of Victoria in 1998.

Judge Higgins

LLB (Hons). Appointed on 24 June 2003. Appointed Vice-President of VCAT Administrative Division in 2002. Appointed Judge of the County

Court in 1988. Previously, member of the Administrative Appeals Tribunal of Victoria and Deputy President from 1988 to 1993. Appointed Judge of the Accident Compensation Tribunal in 1985. Former partner of Slater and Gordon, Solicitors, from 1971 to 1985. Practiced in Common Law.

Judge Bowman

LLB (Hons). Appointed Vice-President of VCAT, Civil Division and Human Rights Division, on 4 February 2002. Signed the Roll of Counsel of the Victorian Bar in 1968. Appointed Judge of the Accident Compensation Tribunal in 1987. Removed from office upon dissolution of the ACT in 1992. Appointed to the County Court in 2001.

Prof Peter Sallmann Crown Counsel

LLB, M Phil. Re-appointed on 24 June 2003. Crown Counsel for the State of Victoria. Admitted as a barrister and solicitor of the Supreme Court of Victoria in 1973. Previously, Commissioner of the Law Reform Commission of Victoria, inaugural Executive Director of the Australian Institute of Judicial Administration (AIJA), a member of the Victorian Premier's Drug Advisory Council, and Chairman of the Ethics Committee of the Victorian Institute of Forensic Medicine. Appointed Director of the Civil Justice Review Project in 1997. Professorial Associate of the Law Faculty at the University of Melbourne.

Louise Jenkins Solicitor

BA LLB. Re-appointed on 24 June 2003. Barrister and Solicitor of the Supreme Court of Victoria. Partner, Arthur Robinson, Hedderwicks. Member of the Legal Profession Tribunal since 1988. She practises extensively in the litigation area. Her clients include major Australian companies as well as a range of international insurers. She is a member of the Legal Profession Tribunal and a Trustee of Law Aid.

Sandra Davis

BA (Hons), M Sc (Econ), MA, LLB (Hons). Appointed on 24 June 2003. Deputy President of the Occupational and Business Regulation List of VCAT since September 2000. Previously appointed Deputy President of the Guardianship List in May 1999. Appointed Deputy President of the Administrative Appeals Tribunal in May 1998. Practised adminis-

trative law, human rights and equal opportunity law, and industrial and commercial law at the Victorian Bar.

Margaret Baird

BTRP (Hons). Appointed on 24 June 2003. Full-time member of the Planning and Environment List of VCAT since 12 July 1999. Sessional member, Planning Panels Victoria. Planning consultant to various local government municipalities, state government departments and private consulting companies since 1995. Member of the Planning Institute of Australia, Australian Institute of Judicial Administration, Victorian Planning and Environmental Law Association and the Australian Institute of Management.

Activities

The Rules Committee amends the rules of VCAT as changes in jurisdiction occur, and allocates new legislation to the Lists as appropriate.

During 2002–03, Rules Committee members were required to meet on only two occasions to discuss minor amendments to the VCAT rules with regard to the Residential Tenancies List. In addition, members discussed the issue of privacy and access to the VCAT Register.

The Future

The Rules Committee will continue to amend the rules of VCAT and produce consistent and easily understood Practice Notes and explanatory guides.

The main focus of the Rules Committee during 2003–04 will be to make substantial changes to the rules affecting the Planning and Environment List with the aim of improving operational efficiency, as well as allocate new legislation to the Lists as appropriate.

In addition, members will review appropriate procedures relating to accessibility to the VCAT Register in order to balance the desirability of open access with the protection of individual rights to privacy, particularly in the Human Rights Division.

Registry Management

The VCAT Registry provides an administrative system that serves the demands of VCAT's users effectively, while maintaining an efficient, streamlined approach to Registry management.

Registry Activities

Registry management and staff work with members to assist our users in making applications to VCAT, and to manage cases throughout each stage of the process from application to resolution. Some of these tasks include:

- providing advice to our users on the phone and at the counter;
- generating standard letters such as hearing notices and schedules;
- allocating members to deal with the extensive daily caseload; and
- recording actions taken and distributing orders made by members.

In 2002–03, we focused on improving services to our users by simplifying the steps they have to take in managing their cases at VCAT. For example, in a number of Lists, on the day the application is received we send copies of applications to other parties involved in disputes and advise them of the first (and maybe the only) mediation or hearing date scheduled. This change in procedure has helped parties reduce the time involved in hearing their cases. In addition, we introduced routine reviews of the ages of cases pending at VCAT. Each month, we review individual matters over a certain age to ensure that we are actively managing them, thereby providing the best service to our users.

Registry Management

The following senior managers made up Registry management as at 30 June 2003:

John Ardlie

Appointed Chief Executive Officer in July 1998. Formerly a career Clerk of Courts. Joined Courts Management Division of the former Attorney-General's Department in 1984. Held various management roles within the administration



From left, Registry Managers Justin McHenry and Sue Lalji, Principal Registrar Ian Proctor, Listings Manager George Adgemis, Registry Manager David Provan, Senior Registrars Jim Nelms and Richard O'Keefe, and Registry Manager Tony Jacobs.

of the State's justice system, including Deputy Director, Court Operations, and Manager of Courts and Tribunal Services.

Ian Proctor

BA, LLB (ANU). Appointed Principal Registrar in November 1998. Previously a solicitor and administrator for the Federal Government, community legal centres, the former Legal Aid Commission of Victoria and the Victorian Government. Project Manager of the VCAT Project responsible for coordinating the work that established VCAT.

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 (Deakin). Appointed Senior Registrar, Administrative Section of the Registry in April 1999. Previously a public servant with the Department of

Justice (the then Law Department) since 1973.

Qualified as a Clerk of Courts in 1975. Worked in a variety of suburban Magistrates' Courts over the past 25 years. Appointed to the Registry of the Administrative Appeals Tribunal in 1996.

George Adgemis

Appointed Listings Manager in July 1999. Previously held roles as the 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.



A Tribute to Helen Cotronis

After a courageous battle, our trusted friend and colleague Helen was overcome by illness and passed away 31 December 2002.

Helen is remembered by her colleagues for her kindness, her friendship and her valued contribution to the workplace.

Congratulations and Farewell to Jan Szuba

In September 2002, Jan Szuba left VCAT to take up his appointment as Executive Officer of the Mental Health Review Board. Jan joined the Residential Tenancies Tribunal in 1989. He played a central role in establishing the Retail Tenancies List in 1998 at the time VCAT was created.

We thank him for his contributions to the Lists of VCAT and wish him well in the future.



Committee Profile

Heads of Lists Committee

VCAT's committee structure is managed by the Heads of Lists Committee. As at 30 June 2003, committee members comprised President of VCAT Justice Morris, Vice-Presidents Judge Higgins and Judge Bowman, and the Deputy President of each List. The Heads of Lists Committee met on four occasions during 2002–03 to discuss key issues regarding the day-to-day work of List members, such as caseload, finance, training and changes in legislation impacting on VCAT.

Professional Development Coordinating Committee

The functions of the Professional Development Coordinating Committee (PDCC) are to review, guide and coordinate the activities of the following committees:

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

Prior to each meeting of the PDCC, members of the committees submit reports of their activities since their previous meeting. These reports are incorporated into the minutes of the PDCC. The work in progress of each committee is discussed.

The following information details the activities and achievements of these committees.

VCAT Mediation Committee

Members of the Mediation Committee actively promote the use of mediation at VCAT. The committee comprised eight members who met on seven occasions during 2002–03.

Committee members undertook a range of activities, including the following initiatives:

- arranged four occasions for guest speakers to give presentations on current mediation issues;
- produced two editions of the VCAT Mediation Newsletter to provide a forum for exchanging news and views between mediation practitioners and others working in the field;
- recommended that a floor at VCAT be designated the *VCAT Mediation Centre* to include a reception area, mediation rooms and break-out rooms, which would assist the practice of mediation at VCAT;

- expanded the VCAT web site to include past additions of the VCAT Mediation Newsletter and the 15 minute video *Working It Out Through Mediation* (refer to page 10 for more information);
- considered a voluntary model that will enable a mediator an opportunity to observe another mediator conducting a mediation (with the parties' consent) to enable interested mediators to modify their practice in the light of how other mediators conduct mediations.

Committee members supported the activities of Principal Mediator Dr Gregory Lyons, including:

- providing input to *A Vision for Justice in Victoria over the Next Decade* (a Department of Justice project);
- being a member of the reference group for the Department of Justice Online ADR project;
- sitting on the advisory committee for an Australian Institute of Judicial Administration research project considering how courts and tribunals match dispute resolution processes to disputes; and
- participating in a roundtable on research convened by the National Alternative Dispute Resolution Council (NADRAC).

Library

In association with VCAT's librarian, members of the Library Committee are responsible for ensuring that the VCAT library provides an efficient service to VCAT members.

Responsibilities include:

- assessing priorities with regard to acquiring books and electronic services;
- liaising with members to ascertain needs; and
- allocating the resources required to ensure the library is managed efficiently.

The committee comprised eight members who held two meetings during 2002–03. Members of the committee initiated and delivered several information and knowledge management projects during 2002–03, including:

- initiating a project to upload VCAT's library holdings to the Supreme Court library online catalogue;

- introducing email updates to VCAT members and staff with information such as the outcome of VCAT appeals heard in the Supreme Court of Victoria;
- publishing VCAT decisions to AustLII;
- producing and customising training sessions for members and Registry staff in the use of online legal resources; and
- delivering electronic copies of VCAT decisions to people outside of VCAT.

In April 2003, Librarian Clare O'Dwyer returned from secondment to replace Narelle Graefe who acted most capably in the role of VCAT Librarian during Claire's absence.

New Members and Seminars

Members of the New Members and Seminars Committee are responsible for arranging seminars on the conduct of hearings, decision writing, costs and damages, and developments in the area of administrative law.

The committee comprised seven members who held two meetings during 2002–03. Committee members conducted a survey to evaluate the success of the seminar program and to determine what seminars members would be interested in. The survey indicated that members were happy with the format and content of the previous program. Responses to the survey resulted in the Committee hosting seminars on:

- therapeutic jurisprudence;
- current and future mediation issues;
- tribunal powers;
- conduct of hearings; and
- the use of interpreters.

Committee members met with representatives of the Judicial College of Victoria with the aim to provide seminars in association with the college in the future.

Member Profile

The judicial members of VCAT comprise the President and six 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 2003, VCAT non-judicial membership totalled 39 full-time members (39 in 2001–02) and 148 sessional members (146 in 2001–02). 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

The fact that many members are qualified to sit in a number of jurisdictions that were previously managed by separate boards and tribunals, enables VCAT to function more efficiently. The flexibility that comes with cross-membership means that members can serve on a variety of Lists where needed, increasing VCAT's overall effectiveness. This enables members to acquire broader experience, as well as to accumulate knowledge from exposure to a variety of jurisdictions. In addition, this offers greater career flexibility and satisfaction.

Member Remuneration

Members are entitled to receive remuneration and allowances that are fixed by the Judicial Remuneration Tribunal. On 8 July 2002, member remuneration for all non-judicial members of VCAT increased, as the result of a review of member remuneration conducted during 2001–02. (Refer to page 3 for more information.) Remuneration and allowances in 2002–03 totalled \$8.53 million, compared with \$6.96 million in 2001–02.

Training and Development

VCAT members attended several training and development programs during 2002–03 as follows.



Brian Lightfoot, a sessional member based in East Gippsland (left) and Keith Richards, a sessional member from Mildura (right), meet with Deputy President of the Guardianship List John Billings to discuss scheduling hearings in their respective rural districts. List members aim to conduct hearings at locations closest to where the represented people reside.

AJIA Tribunals Conference

The Australian Institute of Judicial Administration (AIJA) is the foremost Australasian judicial administration body. The members of its council are composed of judges, magistrates and tribunal members of all jurisdictions, together with senior court administrators, academics and senior public servants. The AIJA conducts conferences on an annual basis, providing a forum for identifying common concerns of tribunals in Australia. A total of 10 VCAT members and staff attended the AIJA Tribunals Conference in Sydney in June 2003.

Judicial College of Victoria

Established under the *Judicial College of Victoria Act 2001*, the Judicial College of Victoria provides professional development and training for VCAT members. In conjunction with VCAT, the college conducted the program *Advanced Mediation for VCAT Members* in April 2003. The workshop attracted 48 participants and involved a series of role plays and interactive demonstrations.

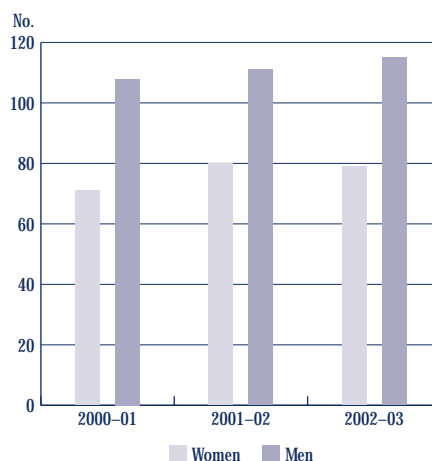
Monash University Pilot Program

Four VCAT members undertook a course specially designed for tribunal members called *Decision Making for Tribunal Members*. The course is available electronically throughout Australia and Asia via the Internet. It covers such topics as ethics, writing a decision, conducting a hearing, applying law and policy, and planning the decision-making process. Monash University offers a Graduate Diploma in tribunal procedures upon successful completion of the course.

List-Specific Training

Individual List-specific training for members was conducted by the Planning and Environment List, including an in-house professional development program and a variety of industry and external conferences and seminars. (Please refer to page 22 for more information.)

Members by Gender—2000–03



Type of Member	2002–03		2001–02		2000–01	
	Women	Men	Women	Men	Women	Men
Judicial Member	-	7	-	6	-	5
Deputy President	4	6	4	7	4	7
Senior Member	4	5	4	5	3	5
Sessional Senior Member	1	6	1	4	1	3
Full-Time Member	9	11	9	10	10	9
Sessional Member	61	80	62	79	53	79
Total	79	115	80	111	71	108

VCAT People

As at 30 June 2003, the number of employees increased from 160 in 2001–02 to 169 in 2002–03. This total comprised five senior managers, 31 managers and supervisors, and 133 administration staff. Staff numbers included staff on maternity leave, leave without pay, secondments and casual staff. Staff numbers included part-time staff and, although staff numbers increased from last financial year, the full-time staff equivalent figure dropped from 156.9 in 2001–02 to 153.4 as at 30 June 2003.

Wages and Superannuation

Wages for all staff totalled \$5.77 million in 2002–03, compared with \$5.81 million in 2001–02. All staff received a 0.5% lump sum payment in recognition of productivity improvements resulting from the introduction of new technology. Staff are eligible for superannuation benefits provided through various funds, including the Government Superannuation Office and VicSuper.

Employee Relations

Staff terms and conditions of employment are in accordance with the *Victorian Public Service (Non-Executive Staff—Victoria) Agreement 2001*, which expires on 1 November 2003. The agreement provides for a career structure and work organisation review. Negotiations between the Government and Community and Public Sector Union (CPSU) have made progress toward a new proposed structure.

Equal Employment Opportunity

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 updated staff on current issues and developments with regard to sexual harassment and broader harassment and discrimination issues within the workplace by conducting seminars, workshops and circulating relevant literature.



From left, sessional member and mediator Cathy Aird discusses a mediation with Kate Walker at the fifth floor counter.

Occupational Health and Safety

We aim to provide and maintain a working environment that is safe and without risk to the health and wellbeing of all staff, members and visitors to VCAT. We reviewed and tested emergency and evacuation procedures and building security on a regular basis. No new WorkCover claims were accepted by VCAT during 2002–03. A total of 13 work days were lost involving existing claims (28 in 2001–02). A total of 83 staff, members and judges took advantage of the flu vaccination program conducted at VCAT.

Training and Development

The Department of Justice (DOJ) provides a Corporate Training Program that is accessible to all VCAT employees. The program offers competency-based training, self management programs, cultural awareness programs, occupational health and safety programs and computer training. A total of 24 training courses were attended by 40 staff members, providing 73 days of training. These figures include a total of 21 staff who attended a pilot program for managing angry clients developed specifically for courts and tribunals staff to address the ongoing issue of court and tribunal security. The pilot was successfully completed and will be included for future training needs at VCAT.

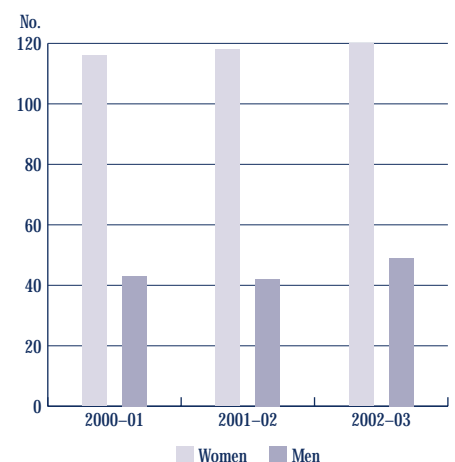
VCAT was an active participant in the Youth Employment Scheme, a joint venture between the

Victorian Government and employers, designed to provide real job opportunities for Victorians aged between 16–24. In addition to employing two new trainees during 2002–03, VCAT extended the employment of six of the eight trainees employed by VCAT in 2001–02 beyond the completion of their traineeship.

Staff Survey

We conducted a staff survey in November 2002 with the aim to determine staff satisfaction within the workplace and identify opportunities for improvement. Some of the areas rated highly by staff included access to departmental communication systems, an approachable and accessible management, fair consideration of flexible working arrangements and a workplace where discrimination and harassment are not tolerated. Areas requiring improvement included listening to staff views, providing on-the-job training and adequate feedback on work performance, and developing an open and trusting atmosphere. As part of our response to these issues as well as other matters raised in the survey, we formed a staff focus group to address such issues and concerns on an ongoing basis.

Staff Numbers by Gender



Staff Numbers by Gender includes staff on maternity leave, leave without pay, secondments and casual roles (24 as at 30 June 2003). This number fluctuates from time to time.

Staff Numbers and Composition by Victorian Public Service (VPS) Band

VPS Band	2002–03		2001–02		2000–01	
	Women	Men	Women	Men	Women	Men
VPS-5 (Senior Management)	-	5	-	5	-	6
VPS-4 (Management)	5	5	4	5	3	5
VPS-3 (Supervisors)	13	8	13	8	12	8
VPS-2 (Administration)	94	24	85	19	84	19
VPS-1 (Administration)	8	7	16	5	17	5
Total	120	49	118	42	116	43

Operating Statement and Financial Commentary

The following information summarises VCAT funding sources and expenditure for 2001–02 and 2002–03.

	2002–03	2001–02
Funding	(\$M)	(\$M)
VCAT funding sources:		
Appropriations (VCAT)	13.90	12.15
Residential Tenancies Trust Fund	6.63	6.66
Domestic Builders Fund	1.40	1.49
Guardianship and Administration Trust Fund	0.80	0.78
Total:	22.73	21.08
Expenditure		
VCAT operational expenditure:		
Salaries to staff	5.77	5.81
Salaries to full-time members	5.35	4.10
Sessional members	3.18	2.86
Salary related on-costs	2.63	2.40
Operating costs	5.80	5.91
Total:	22.73	21.08
VCAT Expenditure Allocated by List*:		
Residential Tenancies List	6.62	6.66
Planning and Environment List	5.54	4.49
Guardianship List	2.64	2.37
General List, Occupational and Business Regulation List, and Taxation List	2.65	2.38
Domestic Building List	1.40	1.49
Anti-Discrimination List	0.90	0.81
Civil Claims List	1.69	1.80
Real Property List and Retail Tenancies List	0.39	0.36
Land Valuation List	0.49	0.42
Credit List	0.42	0.30
Total:	22.73	21.08

*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.

Performance

In 2002–03, VCAT's recurrent expenditure of \$22.73 million divided among expenditure on salaries to full-time and sessional members (\$8.53 million), staff salaries (\$5.77 million), salary related on-costs (\$2.63 million) and operating expenses (\$5.80 million) was 8% higher than the \$21.08 million expended by VCAT in 2001–02.

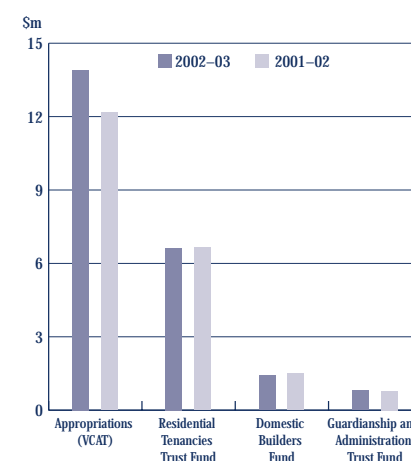
Salaries to full-time members increased by \$1.26 million. Salaries to sessional members increased by \$0.32 million. The increase followed a determination of the Judicial Remuneration Tribunal. Salary related on-costs increased by \$0.23 million. Staff salary payments and operating costs decreased by \$0.04 million and \$0.11 million, respectively. The decreases were due to efficiencies achieved as described elsewhere in this Annual Report.

VCAT Funding Sources

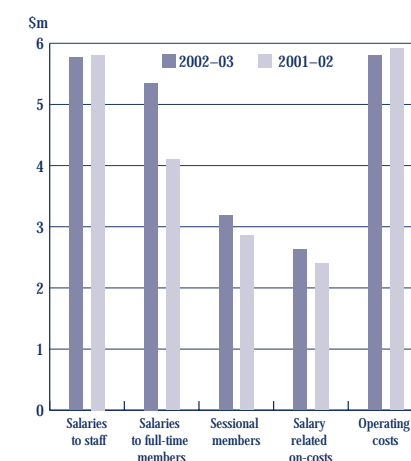
VCAT's funding in 2002–03 was provided by the following sources:

- Victorian Government appropriations (\$13.90 million) either directly from the Department of Justice or by way of other departments that make contributions to VCAT. These sources fund all but those Lists funded by trust funds as described below. This funding includes revenue of \$3.33 million generated by those Lists through the receipt of application fees.
- The Residential Tenancies Trust Fund established under the *Residential Tenancies Act 1997*, which wholly funds the Residential Tenancies List (\$6.63 million).

VCAT Funding Sources—2001–02 to 2002–03



VCAT Operational Expenditure—2001–02 to 2002–03



- The Domestic Builders Fund established under the *Domestic Building Contracts Act 1995*, which wholly funds the Domestic Building List (\$1.40 million).
- The Guardianship and Administration Trust Fund established under the *Guardianship and Administration Act 1986*, which partially funds the Guardianship List (\$0.80 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

The following legislation gives jurisdiction to VCAT as at 30 June 2003:

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);
- *Births, Deaths and Marriages Registration Act 1996*;
- *Children and Young Persons Act 1989*;
- *Community Services Act 1970*;
- *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 (Amendment) Act 1997*;
- *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);
- *Freedom of Information Act 1982*;
- *Gaming No. 2 Act 1997*;
- *Health Act 1958* section 125 (compensation for seizure of property);
- *Health Records Act 2001*;
- *Hospitals Superannuation Act 1988*;
- *Industrial and Provident Societies Act 1958*;
- *Infertility Treatment Act 1995*;
- *Information Privacy Act 2002*;
- *Livestock Disease Control Act 1994*;
- *Local Authorities Superannuation Act 1988*;
- *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 7 of Schedule 5 (decisions of returning officers concerning how-to-vote cards);

- *Lotteries Gaming and Betting Act 1966* section 7A (decisions of the Victorian Casino and Gaming Authority under Part 1);
- *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 1985*;
- *Parliamentary Salaries and Superannuation Act 1968*;
- *Road Transport (Dangerous Goods) Act 1995*;
- *State Employees Retirement Benefits Act 1979*;
- *State Superannuation Act 1988*;
- *Superannuation (Portability) Act 1989*;
- *Tertiary Education Act 1993*;
- *The Constitution Act Amendment Act 1958*;
- *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 1987*;
- *Victorian Plantations Corporation Act 1993*;
- *Vocational Education and Training Act 1990*.

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);
- *Gift Duty Act 1971* section 36(1) (a) (so much of the decision of the Commissioner as relates to the value of land);
- *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);
- *Probate Duty Act 1962* section 19A(1) (a) (so much of the decision of the Commissioner as relates to the value of land);
- *Stamps Act 1958* section 33B(1) (a) (so much of decision of the Commissioner as relates to the value of land);
- *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);
- *Agricultural and Veterinary Chemicals (Control of Use) Act 1992*;

Legislation Defining VCAT Jurisdiction

- *Architects Act 1991*; Sch. 1, Part 1 cl. 2(ha)
 - *Barley Marketing Act 1993*;
 - *Biological Control Act 1986*;
 - *Children's Services Act 1996*;
 - *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);
 - *Dairy Industry Act 1992*;
 - *Dangerous Goods Act 1985*;
 - *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);
 - *Farm Produce Wholesale Act 1990* section 20 (licensing of wholesalers);
 - *Finance Brokers Act 1969*;
 - *Firearms Act 1996* section 182 (decisions of the Firearms Appeals Committee);
 - *First Home Owner Grant Act 2000*;
 - *Health Services Act 1988* section 110 (decisions of the Minister or Chief General Manager under Part 4);
 - *Liquor Control Reform Act 1998*;
 - *Lotteries Gaming and Betting Act 1966* section 10D (licensing of amusement machine operators);
 - *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 1985* section 59(6) 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 optometrists);
 - *Physiotherapists Regulation Act 1998*;
 - *Podiatrists Registration Act 1997* section 56 (registration and discipline of optometrists);
 - *Prevention of Cruelty to Animals Act 1986* section 33 (licensing of scientific establishments and breeding establishments);
 - *Private Agents Act 1966*;
 - *Professional Boxing and Martial Arts Act 1985* (licences, permits and registration);
 - *Prostitution Control Act 1994*;
 - *Public Transport Competition Act 1995*;
 - *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);
 - *Veterinary Practice Act 1997* section 55 (registration and discipline);
 - *Victorian Institute of Teaching Act 2001*;
 - *Victoria State Emergency Service Act 1987* section 31(2)(d); Victoria State Emergency Service Regulations 1995 regulation 12 (discipline of members);
 - *Vocational Education and Training Act 1990* section 81 (registration of non-college providers);
 - *Wildlife Act 1975*.
- 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*;
 - *Litter Act 1987* section 8G (litter abatement notices);

- *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);
- *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 Acts;
- *Debits Tax Act 1990*;
- *Financial Institutions Duty Act 1982*;
- *Gift Duty Act 1971* with the exception of section 36(1)(a) to the extent that the decision of the Commissioner relates to the value of land;
- *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;
- *Pay-Roll Tax Act 1971*;

- *Probate Duty Act 1962* with the exception of section 19A(1)(a) to the extent that the decision of the Commissioner relates to the value of land;
- *Stamps Act 1958* with the exception of section 33B(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:

- *Fair Trading Act 1999*;
- *Motor Car Traders Act 1986* section 45 (rescission of agreement of sale of motor car);
- *Small Claims Act 1973*.

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) and 26 (compensation in relation to registrable goods);
- *Credit Act 1984*;
- *Credit (Administration) Act 1984*;
- *Consumer Credit (Victoria) Act 1995* except Part 4 and section 37I(1) (see Occupational and Business Regulation List).

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. 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*;
- *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).

5. Residential Tenancies List

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

- *Residential Tenancies Act 1997*.

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 Tenancies Reform Act 1998*.

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 Civil Division:

- *Equal Opportunity Act 1995*; and
- *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 Civil Division:

- *Guardianship and Administration Act 1986*;
- *Instruments Act 1958* section 118;
- *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 2003

<i>List(s) Assigned</i>	<i>List(s) Assigned</i>
Judicial Members	
President	
The Honourable Justice Stuart Morris	
Vice-Presidents	
His Honour Judge Jim Duggan	
His Honour Judge Michael Higgins, Administrative Division	
His Honour Judge Michael Strong	
His Honour Judge Fred Davey	
His Honour Judge Tim D Wood	
His Honour Judge John Bowman, Civil and Human Rights Divisions	
Total Judicial Members: 7	
Deputy Presidents (Primary List Highlighted in Bold)	
Baker-Smith, John	LV, OBR, DB, Res T, CC
Billings, John	G, Res T, CC
Coghlan, Anne	Gen. T, C, AD, OBR, Res T, CC, G
Cremean, Dr Damien	DB, CC, OBR, Ret T, Real P, G, Gen
Davis, Sandra	OBR, G, Gen, AD
Horsfall, Richard	P, LV, OBR, DB
Levine, Michael	Res T, CC, C, DB, OBR, Gen, G, Real P, LV, Ret T
Macnamara, Michael	Ret T, Real P, C, DB, OBR, Gen, P, AD, CC, LV
McKenzie, Cate	C, AD, Gen, G, CC
Urquhart, Mary	AD, P, OBR, Res T, G, Gen, CC
Total Deputy Presidents: 10	
Senior Members	
Byard, Russell	P, Real P
Lyons, Dr Gregory	AD, Gen, G
Megay, Noreen	Gen, G, OBR
Monk, Jane	P
Preuss, Jacqueline	Gen, AD, P, OBR, G
Scott, Robert	Res T, CC, Gen, G
Steele, Bernadette	Gen, Real P, Res T, CC, AD, G, OBR, DB
Walker, Rohan	Gen, Res T, CC, AD, P, DB, G, Ret T
Young, Roger	DB, Real P, Ret T, CC, Res T, P, LV
Total Senior Members: 9	
Senior Sessional Members	
Ball, Rowland	Gen, DB, CC, P
Barr, Max	P
Cooney, Lillian	Gen, AD
Galvin, John	Gen, OBR, T, G, Res T
Gould, Ron	P, Real P, DB, Ret T, OBR
Marsden, Ian	P
Sharkey, Gerard	P, Real P
Total Senior Sessional Members: 7	
Full-Time Members	
Baird, Margaret	P
Barker, Heather	Res T, CC
Bennett, John	P
Carruthers, Maureen	G, AD
Cimino, Sam	P, OBR
Davis, Robert	Gen, Ret T, Real P, DB, OBR, P, CC
Gibson, Helen	P
Hadjigeorgiou, Nicholas	P
Hewet, Laurie	P
Holloway, William	Res T, CC, P, DB, G, Gen
Kefford, Jacquelyn	Res T, CC, C
Komesaroff, Tonia	P
Lambrick, Heather	Res T, CC, G, OBR
Liston, Anthony	P
O'Dwyer, Daniel	Res T, CC, AD, DB, G, OBR, C
O'Leary, Peter	P, OBR
Rickards, Jeanette	P
Tilley, Annemarie	Res T, CC, AD, Gen, G
Vassie, Alan	Res T, CC, LV, Gen, Real P, Ret T, C
Wajcman, Jack	Res T, CC
Total Full Time Members: 20	
Sessional Members	
Adams, John	P, CC, Res T
Aird, Catherine	Res T, P, DB, CC, Ret T, G
Akehurst, Jeffrey	P
Alexander, Dr Renata	Res T, CC
Anagnostou, Chryssa	Gen, G, AD
Angell, Sally	CC, Res T, OBR, Real P, Ret T
Armitage, Roderic	OBR
*Auty, Dr Kathryn	CC, AD, Res T, DB, Gen, G
Avery, Peter	P
*Barrow, Brian	G, CC, Res T, Gen, OBR
Barton, Terence	G
Baxter, Pauline	OBR
Bodey, Roger	LV
*Bolster, John Douglas	G, CC, Res T, Gen, OBR
Borg, Susan	Res T, CC, AD, G
Bourke, Gavan	LV
Brown, Vicki	LV
Bryant, Tannetje	P
Burdon-Smith, Susan	Res T, CC, G
Burgess, Zena	AD, G
Callaghan, Edward (Kris)	LV
Caris, Sharon	G
Carleton, Glenn	AD, OBR
Carr, John	LV
Castran, John Howard	LV
Cleary, Peter	LV
Clothier, Bryan	Res T, CC
Colbran, QC Michael	G
Coldbeck, Peter	Gen, G, CC, OBR, Res T
Cremean, Bernadette	AD, CC, Res T
D'Arcy, James Alan	LV
Davies, Hugh	CC, Res T
Davies, Vicki	P
Davis, Dr Julian	G, OBR
Dawson, Dr Julie	AD, G
Dickman, Dr Sharron	OBR
Dillon, John	Gen, OBR, Res T, CC
Dudakov, Brian	LV
Dudycz, Dr Maria	AD, G, OBR

<i>List(s) Assigned</i>	<i>List(s) Assigned</i>
*Dugdale, John Phillip	G, CC, Res T, Gen, OBR
Duggan, Anne	AD, G
Dunlop, John	OBR
Eccles, Desmond (Assoc Prof)	P
Eggleston, Peter	Res T, CC
Ferres, Dr Beverley	AD, G, OBR
Fong, Christina	P
Forsyth, John	LV
Fox, Peter	Gen, C, OBR, Real P, Ret T
Gibson, Geoffrey	T
Gilfillan, Struan	P
Glover, Dr John	Gen, T
Good, June	Res T, CC, G
Gordon, Michelle	AD, CC, Gen, G, OBR
Gorman, Lois	G, OBR
Graves, Phillip	G
Gray, Malcolm	OBR
Greenberger, Graham	OBR
Hamilton, Dr Catherine	OBR, AD
Hancock, Elizabeth	LV
Harvey, Margaret	G, AD, CC, Res T
Hastings, Malcolm	Gen, CC, G, Real P, Ret T, Res T
Howe, Prof. Renata	P
Ireland, Damien	OBR
Jackson, Maureen	P
Kaufman, QC John	AD
Keaney, John	P
King, Janice	G, AD
Kirmos, Kay	Res T, CC
Klempfner, Yolanda	AD
Klingender, Jessica	CC, Res T
Kominos, Angela	Res T, CC, AD, G
Krstic, Peter	P
Kullen, Gwenda	P
*Lambden, Elizabeth Anne	G, CC, Res T, Gen, OBR
Langton, Robert	CC, Res T, DB
Lee, Christopher	LV
Leigh, John	LV
Liden, Susanne	Res T, CC, G, AD
Lightfoot, Brian	CC, Res T, Ret T, Real P, G
Lothian, Margaret	DB, Ret T, CC, Res T, G, P, Real P
Louden, David	OBR
Lulham, Ian	CC, DB, Res T
Lush, Jennifer	Gen, G, AD, OBR
Mainwaring, Dr Sylvia	P, AD, Real P
Marles, Victoria	G
McBride, Sue	Res T, CC
McCabe, Edmund	Res T, CC, G
MacDonald, Dr. David	OBR, G
*McDonald, Timothy John	G, CC, Res T, Gen, OBR
McFarlane, Timothy	G
McGregor, Irene	CC, G
McLeod, Fiona	G, AD
Millane, Frances	G
Mitchell, Kathryn	P
Moraitis, Stella	Res T, Gen, CC, G
Mulcahy, Peter	P, Real P
*Muling, Daniel John	G, CC, Res T, Gen, OBR
Naylor, Rachel	P
Nedovic, Peter	Gen
Norman, Kathryn	Res T, CC, G
Osborn, Jane	P
Ozanne-Smith, Eleanor (Prof)	OBR
Paton, Frank	Gen
Pelman, Ashley	P
Perlman, Janine	Res T, CC, AD
Phillips, Robert	CC, Res T
Pitt, Margaret	P
*Popovic, Jelena	G, CC, Res T, Gen, OBR
Preston, Diane	AD
Price, Roland	Res T, CC
Quirk, Anthony John	P, Real P
*Raleigh, Steven	G, CC, Res T, Gen, OBR
Ramsay, Peter	P
Read, Michael	P
Reilly, Daniel	OBR
Richards, Keith	Gen, CC, DB, G, Real P, Ret T, Res T
Robinson, Ian Carlisle	LV
Robinson, Ian Duncan	LV
Rowland, Linda	Gen, Res T, CC, G, AD
Russell, Suzanne	OBR
Rust, Ian	LV
Scholes, Dr Ronald	G, AD
Shnookal, Toby	DB, Ret T
Snow, Jocelyn	OBR
Soldani, Angela	Res T, CC, G
Sully, Michael	LV
Sutherland, Geoffrey	LV
Teasdale, Warwick	G, Gen, OBR
Teh, Gim	Res T, CC, AD
Terrill, Howard	P, Real P
Treseder, Bernard Murray	LV
*Von Einem, Ian Maxwell	G, CC, Res T, Gen, OBR
Walsh, Michael	DB, CC, Res T
Walter, Richard	P
Warren, Lindsay	CC, Res T, Ret T, G
Wentworth, Elisabeth	AD, CC, C, Gen
West, Lynda	Gen, CC, G, Res T, AD
Williams, Charles	Gen, OBR, AD, G
Withers, Meredith	P
Zala, Peter	LV
Zemljak, Francis	AD

Total Sessional Members: 141

Overall Total: 194 (115 Males, 79 Females)

List of Abbreviations

AD (Anti-Discrimination List) C (Credit List) CC (Civil Claims List) DB (Domestic Building List) G (Guardianship List) Gen (General List) LV (Land Valuation List) OBR (Occupational and Business Regulation List) P (Planning and Environment List) Real P (Real Property List) Res T (Residential Tenancies List) Ret T (Retail Tenancies List) T (Taxation List)

* (Magistrate)

Access to Files and Your Privacy at VCAT

We store information about people who are involved in cases at VCAT in our register and in individual case files. The register may include the names, addresses and telephone numbers of parties involved in cases. Generally, we keep the information for seven years.

Victorian Law governs what information in these files may be made available to the public. It balances the principle that justice should be administered in public with principles of privacy. The following answers some of the most commonly asked questions about who can obtain such information from VCAT.

Who Can Read VCAT Orders?

We keep permanent records of written orders of VCAT and make them available to the public, except in the Guardianship List where there are limitations. Usually, orders name the people concerned but do not record details such as addresses and telephone numbers. The decisions may summarise evidence given to VCAT.

Except in the Civil Claims List, Guardianship List and Residential Tenancies List, if a decision includes written reasons for the decision, we publish the decision on the Internet web site:

www.austlii.edu.au/au/cases/vic/VCAT/.

To find a decision, anyone can search the Internet using a person's name recorded in the decision.

In addition, we publish a small number of significant decisions from other Lists on the VCAT home page at **www.vcat.vic.gov.au**. Orders are available on request by contacting the individual Lists (refer to the telephone numbers listed on the back cover of this Annual Report).

What Files can be Inspected?

Most information held at VCAT is available to any person who identifies a particular case and asks to inspect the file. Generally, files are available with regard to matters involving anti-discrimination, civil claims, domestic building, land valuation, planning and environment, residential and retail tenancies, transport accidents and other cases. In most cases, files are restricted in matters relating to credit, freedom of information, guardianship and administration, occupational and business regulation, and taxation.

If you wish to see a VCAT file about a case you are involved in as a party, there is no fee. Otherwise, a fee of \$25 for the first file and \$4 for each additional file inspected in the same session is charged.

Will Information About Me Be Told to Others?

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

Which Files Are Not Available to the Public?

This is a summary of the VCAT Act and Rules restricting access to the VCAT register and VCAT files. The VCAT Rules are set out in full via the VCAT Internet home page **www.vcat.vic.gov.au**.

Anti-Discrimination List

While a person may only inspect and copy the file after the complaint to which the proceeding relates has been referred to VCAT, almost all Anti-Discrimination List files at VCAT are open for inspection because they are about referrals to VCAT.

Credit List

Files are usually open to other parties in a case with VCAT's permission, because parties may only inspect or copy a file if VCAT is satisfied that:

- the material relates directly to that party; and
- access to the material would involve reasonable disclosure of the personal affairs of a person.

Inspection of files by people who are not parties to the case is restricted because a person other than a party may inspect or copy a file only if VCAT is satisfied as stated in (b) above.

Freedom of Information Files

All files about proceedings under the *Freedom of Information Act 1982* are not open for inspection or copying by any person.

Guardianship List

Anyone may inspect and obtain a copy of the part of the register relating to a case limited to:

- the number identifying the case;
- the date of commencement;
- the names of the parties;
- a reference to the statutory provision conferring the relevant jurisdiction on VCAT; and
- particulars of any final determination or order of VCAT.

The proposed represented person or represented person may inspect or obtain a copy of the file relating to his or her case. However, VCAT may be satisfied that the proposed represented person or represented person should not be entitled to inspect or otherwise access all or any part of the file (including a part of a document in the file) because this would:

- cause serious harm to that person or to the health or safety of another person;
- involve the unreasonable disclosure of information relating to the personal affairs of any person; or

- c) breach a confidentiality provision imposed by a person who supplied information that is contained in that part of the file.

VCAT may permit a person who is representing the proposed represented person or represented person to inspect or obtain a copy of a file relating to the case, or have access to any document that is not available to the proposed represented person or represented person.

Before the hearing, any party other than the proposed represented person or represented person may inspect and obtain a copy of the application form, the report from the Public Advocate, the report from the administrator and all other documents that contain adverse criticism of him or her, but only if VCAT is satisfied that this would not:

- a) cause serious harm to the health or safety of another person;
- b) involve the unreasonable disclosure of information relating to the personal affairs of any person; or
- c) breach a confidentiality provision imposed by a person who supplied information that is contained in the documents or document.

After the hearing, any party other than the proposed represented person or represented person may inspect and obtain a copy of the file relating to the proceeding, limited to all documents that were relied on by VCAT in making the decision, unless VCAT is satisfied that such inspection or access by that party would:

- a) cause serious harm to the health or safety of another person;
- b) involve the unreasonable disclosure of information relating to the personal affairs of any person; or
- c) breach a confidentiality provision imposed by a person who supplied information that is contained in the documents.



For the first time, the full complement of 50 members of the Residential Tenancies List met on 27–28 February 2003 for a two-day conference held at the Judges’ Chambers in the County Court of Victoria to prepare for the introduction of the amendments to the Residential Tenancies Act 1997. They were addressed by various speakers and dealt with many issues affecting the practices and procedures of the List under the existing and amended legislation.

A person other than a party shall not be entitled to inspect and obtain a copy of any part of the file relating to the proceeding except to the extent (if any) that VCAT authorises the person to do so.

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 a proceeding.

Occupational and Business Regulation List

Inspection of files is restricted because no person may inspect a file relating to a case, except to the extent that VCAT authorises its inspection by the party or other person.

Taxation List

Inspection of files is restricted because no person may inspect a file relating to a case, except to the extent that its inspection has been authorised by VCAT or by the Commissioner of Taxation.

Mediation Code of Conduct

1. The mediator's role.

1.1 The mediator must attempt to assist the parties to resolve their dispute.

1.2 The mediator must give each party the opportunity to speak and, as far as possible, ensure that the other party (or parties) listen.

1.3 The mediator may meet with the parties together (joint sessions) or with one or more parties in the absence of others (private sessions).

1.4 The mediator may ask questions of the parties in joint or private sessions to assist them to gain a better understanding of their chances of success or failure if the matter were to go to a hearing, but should not insist on an answer.

1.5 The mediator may assist the parties to develop options and approaches for settling disputes and is not limited to the types of orders that would be made if the matter were to proceed to a hearing.

2. The mediator must be (and must be seen to be) impartial.

2.1 The mediator must withdraw from the mediation if he or she has a conflict of interest.

2.2 The mediator must inform the parties if he or she has any connection with the parties or the dispute, but falling short of a conflict of interest, and withdraw if requested to do so by a party.

2.3 The mediator must avoid conduct that gives any appearance of partiality or prejudice.

3. The mediator must not give advice.

3.1 If the parties require legal or other advice, they must obtain it themselves, even though the mediator might be an experienced professional.

4. The mediator must inform participants that there is no obligation to settle.

4.1 Although the parties might have been ordered to attend the mediation by VCAT, pursuant to section 88(2) of the *Victorian Civil and Administrative Tribunal Act 1998* (VCAT Act), any party or the mediator may terminate it at any time.

4.2 If the dispute fails to settle at mediation, the parties might be required to attend a hearing or a directions hearing shortly thereafter.

5. The mediation must be fair.

5.1 The mediator must do everything in his or her power to ensure that the mediation is conducted fairly.

5.2 If the mediator believes that a party is abusing the mediation process, or that there is a substantial power imbalance which will prevent a mutually acceptable resolution, the mediator may inform the parties of this.

5.3 Advocates, professional advisers and/or 'support people' may attend unless the mediator believes that their presence would make the mediation unfair. An unrepresented party will generally be considered to be acting reasonably in refusing to continue with a mediation where another party is represented, just as a represented party will generally be considered to be acting reasonably in refusing to continue with a mediation if another party is insisting that all parties should be unrepresented.

However, a party who does not give the mediator the opportunity to resolve the issue of representation is acting unfairly. It is noted that under section 62 of the VCAT Act, parties to a 'proceeding' (which term includes a mediation) generally do not have an automatic right to representation.

5.4 The mediator must ensure that parties have reasonable opportunities to consult their professional advisers if they wish to do so.

5.5 The mediator must avoid any conduct which could place a party under duress to reach a settlement.

6. A mediator must not hear and determine the matter (if the mediation is unsuccessful).

6.1 Section 88(6) of the VCAT Act provides that if a member of VCAT is a mediator in a proceeding, he or she cannot constitute VCAT for the purpose of hearing the proceeding.

7. Confidentiality.

7.1 Section 92 of the VCAT Act provides: "Evidence of anything said or done in the course of mediation is not admissible in any hearing or before VCAT in the proceeding, unless all parties agree to the giving of the evidence." (Section 92 does not apply in the equal opportunity jurisdiction; see Clause 26 of Schedule 1 to the VCAT Act.)

7.2 The mediator must not reveal to another party anything discussed in a private session unless he or she has the express permission of the party who was present in the private session.

7.3 In accordance with section 34(2) of the VCAT Act, a mediator must not directly disclose information about the affairs of a person acquired in the performance of functions under or in connection with the VCAT Act. (There are limited exceptions in sections 34(3) (b) and 34(4).)

7.4 At the end of the mediation, the mediator must notify VCAT if the parties have agreed to settle (section 90, VCAT Act) or if the mediation has been unsuccessful (section 91, VCAT Act).

8. Settlement.

8.1 The mediator should encourage parties to make a written record of any settlement that they reach and may make precedent agreements available to assist the parties in drafting their settlement terms.

8.2 In accordance with section 93 of the VCAT Act, VCAT members may make orders necessary to give effect to a settlement reached by the parties. If the mediator is a member of VCAT, the mediator may make the orders.

9. Immunity of mediators.

9.1 Under section 143(1) of the VCAT Act, a mediator has, in the performance of his or her functions as a mediator, the same protection and immunity as a member of VCAT. Under section 143(1), a VCAT member's immunity equates to that of a judge of the Supreme Court.

User Service Charter

This User Service Charter tells you about the Victorian Civil and Administrative Tribunal (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;
- Land use 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), members of VCAT and mediators who conduct mediations and hearings.

VCAT has a Registry (its office) at 55 King Street, Melbourne. The Registry has an information counter on the ground floor and also 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.
- 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 that 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 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.

Hearing Venues

Alexandra	Municipal Offices	Maryborough	Shire Town Hall, Maryborough and District Hospital, Maryborough Court House
Apollo Bay	Colac Otway Shire Meeting Room	Mildura	Mildura Base Hospital, Civic Building, Mildura Court House
Ararat	Ararat Court House	Moe	Moe Court House, Community Health Centre
Avoca	Shire Offices	Morwell	Latrobe City Offices, Morewell Court House
Bairnsdale	Bairnsdale Court House	Mount Eliza	Mount Eliza Aged Care and Rehabilitation Service
Ballarat	State Public Offices, Ballarat Court House, Ballarat Town Hall	Myrtleford	Myrtleford Court House, Alpine Shire Offices
Beechworth	Indigo Shire Offices	Numurkah	Moira Shire Offices
Benalla	Benalla Court House	Port Fairy	Council Chambers, Moyne Shire Offices
Bendigo	Anne Caudle Centre, Bendigo Court House	Portland	Glenelg Shire Municipal Offices, Portland District Hospital, Portland Court House
Castlemaine	Mt Alexander Hospital, Castlemaine Court House	Ringwood	Ringwood Court House
Cheltenham	Kingston Centre	Robinvale	Swan Hill Rural City Resource Centre
Cobram	Cobram Court House	Rosebud	Mornington Peninsula Shire Offices
Colac	Colanda Centre, Colac Court House, Colac Otway Shire Council	Rosedale	Shire Offices
Cowes	Bass Coast Shire, Heritage Centre	Rutherglen	Glenview Community Centre, Indigo Shire Offices
Cranbourne	Casey Shire Council Offices	Sale	Sale Court House
Dandenong	Community Services Building, Dandenong Court House	Seymour	Seymour Court House
Daylesford	Hepburn Shire Town Hall	Shepparton	Shepparton City Meeting Room, Shepparton Court House, Shire Offices
Dromana	Dromana Court House	St. Albans	Sunshine Hospital
Echuca	Campaspe Shire Council, Echuca Court House	St. Arnaud	St Arnaud Hospital
Euroa	Strathbogie Shire Offices	Stawell	Northern Grampians Shire, Stawell Court House
Frankston	Frankston Court Complex	Sunshine	Sunshine Court House
Geelong	Geelong Court Complex	Swan Hill	Swan Hill Hospital, Swan Hill Court House
Geelong North	Grace McKellar Centre	Torquay	Surf Coast Shire
Hamilton	Shire of Southern Grampians, Dundas Administration Centre, Hamilton Court House	Traralgon	Latrobe Shire
Hastings	Shire Offices	Traralgon West	Latrobe Regional Hospital
Horsham	Horsham Rural City Civic Centre, Horsham Court House	Wangaratta	Wangaratta Rural Shire Offices, Wangaratta Court House
Kerang	Kerang Court House, Kerang and District Hospital	Warracknabeal	Yarriambiack Shire Offices
Kew	St George's Health Service	Warragul	Shire Offices
Korumburra	Korumburra Court House	Warrnambool	Glenelg Centre, Bohan Place, Municipal Offices, Warrnambool Court House
Kyneton	Macedon Ranges Shire Council	Werribee	Werribee Court House
Lakes Entrance	East Gippsland Shire Council Chambers	Wodonga	City Offices, Wodonga Court House
Leongatha	South Gippsland Shire	Wonthaggi	Bass Coast Shire, Wonthaggi Hospital
Lilydale	Yarra Ranges Shire Offices	Yackandandah	Indigo Shire Offices
Mansfield	Council Chambers		

How to Apply, Map of Hearing Locations

How to Apply

Contact VCAT and ask for an application form. Alternatively, you can pick up an application form from VCAT at 55 King Street, Melbourne, Victoria.

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.

VCAT Web Site

You can find out everything you need to know about VCAT by visiting the VCAT web site at

www.vcat.vic.gov.au

This site features information about:

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

In addition, it 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 related web sites.

Main Office

Victorian Civil and Administrative Tribunal (VCAT)

55 King Street
Melbourne 3000

Email: vcat@vcat.vic.gov.au

Web Site: www.vcat.vic.gov.au

Refer to the back cover for contact numbers for individual Lists.

Hearing Locations

We conduct hearings at 55 King Street Melbourne as well as at Carlton, Caulfield, Cheltenham, Dandenong, Frankston, Heatherton, Kew, Macleod, 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.

Map of Hearing Locations



Visit our web site below or contact the individual Lists:

VCAT
Victorian Civil and
Administrative Tribunal
55 King Street
Melbourne 3000
Email: vcat@vcat.vic.gov.au
Web Site:
www.vcat.vic.gov.au

VCAT Administration:
Tel: 9628 9700 Fax: 9628 9891
TTY: 9628 9926

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

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 web site.

Retail Tenancies List
Tel: 9628 9960
Fax: 9628 9988

Taxation List
Tel: 9628 9770
Fax: 9628 9788



www.vcat.vic.gov.au



R e s i d e n t i a l T e n a n c i e s L i s t