



# Annual Report 2019–2020

VCAT, the Victorian  
Civil and Administrative  
Tribunal, resolves disputes  
and makes decisions.

**VCAT** | victorian civil &  
administrative  
tribunal







# VCAT Annual Report

## About VCAT

VCAT serves Victorians by giving the community access to a forum for resolving disputes and making decisions where required by law in its Administrative, Civil, Human Rights, Planning and Environment and Residential Tenancies Divisions.

Further information about what VCAT does can be found on page 6.

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

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

To support the independence of Victoria's courts and the tribunal, our administrative services and facilities are provided by a statutory body corporate: Court Services Victoria (CSV). See page 77.

## About this report

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

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

It provides an account of VCAT activities from 1 July 2019 to 30 June 2020 and progress against our *Strategic Plan: VCAT for the future 2018-22*.

This report includes summary financial information. VCAT's accounts are published as part of CSV's annual report, available at [courts.vic.gov.au](http://courts.vic.gov.au).

## Acknowledgement

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

## Feedback

To make enquiries and give feedback on this report, visit [vcat.vic.gov.au](http://vcat.vic.gov.au).

ISSN 2204-0048 (print)

ISSN 2209-7864 (online)

Front and back cover images:  
Hearing rooms in our new Oakleigh venue.

Dear Attorney-General,

In accordance with section 37 of the *Victorian Civil and Administrative Tribunal Act 1998*, we have pleasure in submitting the VCAT Annual Report for the year ending 30 June 2020, for you to present to the Houses of Parliament.

Yours sincerely,

Justice Michelle Quigley  
**President**

Mary Amiridis  
**Chief Executive Officer**





# Contents

<b>Our Organisation</b>	<b>06</b>
What we do, who we are, our governance	06
Our structure	09
Our evolution	10
<b>At a glance 2019–20</b>	<b>12</b>
Highlights, challenges, looking ahead	14
Services snapshot	16
Cases snapshot	17
Message from our President and Chief Executive Officer	18
<b>Delivering our strategy</b>	<b>20</b>
Strategic Priority 1: Contemporary and customer-centric services	23
Strategic Priority 2: Inclusive and accessible	31
Strategic Priority 3: Responsive and collaborative relationships	41
Strategic Priority 4: United leadership and culture	45
Strategic Priority 5: Skilled for the future	49
<b>Delivering our services</b>	<b>53</b>
Building and Property List	54
Civil Claims List	56
Guardianship List	58
Human Rights List	60
Legal Practice List	62
Owners Corporations List	64
Planning and Environment List	66
Residential Tenancies List	70
Review and Regulation List	72
<b>Leadership and governance</b>	<b>75</b>
Our leadership	76
Our governance	77
<b>Appendices</b>	<b>82</b>
Financial information	83
Allocation of functions	84
VCAT member directory	85
Appeals and complaints	86
Glossary	88
Index	90
Hearing locations	91
Contact details (back cover)	92



# Our Organisation

## What we do

VCAT is part of Victoria's justice system and serves the community by resolving disputes and making decisions.

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

Where possible, we help people reach agreement by talking through the issues at a mediation or compulsory conference with the other people involved. If the parties cannot agree, we decide the case at a hearing.

When hearing a case, we apply the relevant law – for example, the *Residential Tenancies Act 1997* for cases about renting a home.

We can only hear cases when a law gives us this authority. See page 84 for a list of the laws that give us authority to hear cases. Except for the right to seek leave to appeal to the Supreme Court of Victoria on a question of law, VCAT decisions are final and binding on the parties to the proceeding.

## Who we are

By law, our President is a judge of the Supreme Court of Victoria. Twelve judges from the County Court of Victoria serve as our Vice Presidents, with one or two assigned to work at VCAT at any one time.

For more details about our leadership, see page 76. Our members are appointed by the Governor in Council on the advice of the Attorney-General. They have specialist knowledge and qualifications, and most have a legal background. All our members must have:

- » a high level of integrity
- » sound judgment
- » legal or professional skills
- » excellent communication and interpersonal skills

- » the ability to conduct hearings
- » a capacity to make fair decisions quickly.

See a list of our members on page 85.

Our staff come from diverse backgrounds and provide services including:

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

## Our governance

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

Under this law, the VCAT President and Vice Presidents are responsible for the management and administration of the tribunal.

The Chief Executive Officer (CEO) has statutory responsibility for the management of VCAT's administrative support services. This includes providing support to the VCAT President (*Court Services Victoria Act 2014*).

A number of groups and committees oversee business functions and provide regular updates to our senior

leadership. For more about our leadership and governance, see page 75.

To support the independence of Victoria's courts and VCAT, our administrative services and facilities are provided by a statutory body corporate: Court Services Victoria (CSV). VCAT's financial accounts are audited and published as part of CSV's annual report. See a summary of our accounts on page 83.







## Our structure

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

Our CEO oversees the administration executive and operations functions that support the divisions (see p. 76).

### Administrative Division

Deputy President Heather Lambrick

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

### Civil Division

Deputy President Catherine Aird

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

### Human Rights Division

Deputy President Genevieve Nihill AM

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

### Residential Tenancies Division

Deputy President Ian Proctor

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

### Planning and Environment Division

Deputy President Teresa Bisucci

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

For more details about the divisions and their lists (areas of VCAT that deal with specific types of cases), see p. 53.



## Our evolution

### From mid-1900s

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

### 1982

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

### 1998

VCAT opens its doors on 1 July 1998 amalgamating 14 boards and tribunals, with a fifteenth added soon after. It begins with only two divisions – civil and administrative

### 2002

Human Rights Division established

### 2014

Residential Tenancies Division established. The Department of Justice ceases to provide administrative support for VCAT and this becomes part of Court Services Victoria's functions. Important changes to the VCAT Act enhance the tribunal's powers

### 2017

VCAT becomes more user-centric, introducing service reforms such as a single phone number

### 1968

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

### 1996

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

### 2000

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

### 2005

Legal Profession Tribunal incorporated into VCAT

### 2015

Powers of attorney jurisdiction expanded

### 2019

Planning and Environment Division established



# At a glance 2019-20



76,245  
Cases finalised



15,225  
Counter enquiries  
at our main hearing  
venue



60  
Venues used



916,743  
Visitors to our  
website



2,051  
Cases heard  
by mediation  
or compulsory  
conference



247,951  
Calls answered



222  
Members  
(head count)



254  
Staff (FTE)



80,423  
Cases lodged



278,600  
Incoming emails  
handled



437  
Videoconferences  
held



11,651  
Teleconferences  
held

## COVID-19 pandemic response



# Highlights 2019–20



# Challenges 2019–20

# Looking ahead

**01** Launched a groundbreaking online application for consumer disputes, which simplifies and speeds up the application process, improves application quality and creates efficiencies by removing manual processes  
[See page 26](#)

**02** Launched our Guardianship Hub to the public, a new online service for making or managing applications about guardianship, administration, medical treatment and powers of attorney in Victoria  
[See page 27](#)

**03** Commenced a \$5.2 million government-funded project, in response to the COVID-19 pandemic, to digitise the Planning and Environment Division, including digitising our paper case files, creating smart application forms and developing a digital platform for virtual hearings  
[See page 18](#)

**04** Implemented the *Guardianship and Administration Act 2019*, the first major overhaul of these laws since 1986, including plain language rewrites of application forms, notices of hearing and VCAT orders  
[See page 58](#)

**05** Recruited a Koori Engagement team, established VCAT's Koori Reference Group and held a stakeholder workshop to inform our approach to encouraging Koori participation at VCAT  
[See page 32](#)

**06** Expanded the Fast Track Mediation and Hearing service we deliver in partnership with the Dispute Settlement Centre of Victoria, to include eligible disputes in the Gippsland and Grampian regions  
[See page 38](#)

**07** Opened a standalone VCAT venue in Oakleigh, the first metropolitan venue designed specifically to meet our users' needs, which includes our first Koori hearing room and technology to support digital evidence presentation and videoconferencing  
[See page 39](#)

**08** Implemented new governance structures across VCAT, providing clearer lines of accountability for executive leadership and channels for advice to the President and CEO  
[See page 78](#)

**01** Responding to the significant challenges imposed by the COVID-19 pandemic, ceasing face-to-face hearings to protect our staff and users, while triaging all cases for urgency and immediately transitioning hearings to telephone or videoconference  
[See page 24](#)

**02** Adapting available technology and processes so staff and members could work remotely as a result of the pandemic, including finding ways to manage cases when the majority of our filing systems are paper based  
[See page 24](#)

**03** Managing other challenges that impacted our venues, such as the January bushfire crisis and water damage to William Cooper Justice Centre that required all Human Rights Division staff, members and hearings to move to our King Street venue at short notice  
[See pages 29 and 58](#)

**01** Launch our new user-focused website, making it easier and simpler for people representing themselves to get the right information at the right time, from enquiry to outcome  
[See page 26](#)

**02** Complete the digitisation of the Planning and Environment Division, ensuring we can continue to hear cases without delay  
[See page 18](#)

**03** Implement the *Residential Tenancies Amendment Act 2018*, the biggest change to renting laws since 1997  
[See page 70](#)



## Services snapshot

Our Services	2017-18	2018-19	2019-20
Cases lodged	85,191	85,850	80,423
Cases finalised	83,424	83,414	76,245
Cases heard by mediation or compulsory conference	2,533	2,516	2,051
Resolution rate for cases at mediation or compulsory conference	55%	56%	52%
Pages viewed online	5.3 million	4.1 million	4.2 million
Website use by mobile device	33%	35%	35%
Calls answered	235,691	210,416	247,951
Incoming emails handled	204,312	237,394	278,600
Counter enquiries answered at our main hearing venue, 55 King St	19,860	20,505	15,225
Hearing venues used across Victoria	59	59	60
<b>COVID-19 pandemic response: 18 March - 30 June</b>	<b>2017-18</b>	<b>2018-19</b>	<b>2019-20</b>
Teleconferences held	N/A	N/A	11,651
Videoconferences held	N/A	N/A	437
<b>Our people</b>	<b>2017-18</b>	<b>2018-19</b>	<b>2019-20</b>
Members (head count)	222	225	222
Staff (full-time equivalent, rounded)	224	238	254
<b>Our finances (millions)</b>	<b>2017-18</b>	<b>2018-19</b>	<b>2019-20</b>
How much Parliament appropriates for VCAT costs	\$24.5	\$27.5	\$34.7
Fees retained as appropriations	\$9.8	\$9.9	\$8.3
Funds from Consumer Affairs Victoria (in trust, for dispute services)	\$20.1	\$19.5	\$20.7

## Cases snapshot

The impact of the COVID-19 pandemic was felt across all lists. Application numbers were down six per cent overall, and finalisations were impacted by the cessation of face-to-face hearings from 18 March.

Having planned for business continuity in the event of a pandemic, we moved quickly to effective triaging, moving hearings to telephone, videoconference or by deciding them on the papers.

By 30 June, our finalisation numbers were down nine per cent overall, a modest decline given the circumstances.

Overview	2017-18	2018-19	2019-20	% change
Cases lodged	85,191	85,850	80,423	-6%
Cases finalised	83,424	83,414	76,245	-9%
Cases pending	8,855	9,653	14,656	52%
Clearance rate	98%	97%	95%	-2%
Hearing venues used	59	59	60	2%

Lists	Cases lodged per list				Timeliness (weeks) 80th percentile			
	2017-18	2018-19	2019-20	% change	2017-18	2018-19	2019-20	Variance
<b>Civil Division</b>								
Building and Property	1,739	2,298	2,295	0%	40	34	37	3
Civil Claims	8,764	9,488	8,756	-8%	18	16	15	-1
Owners Corporations	2,763	3,245	3,445	6%	11	13	12	-1
<b>Residential Tenancies Division</b>								
Residential Tenancies	53,212	52,412	49,022	-6%	6	7	9	2
<b>Administrative Division</b>								
Legal Practice	98	124	121	-2%	28	33	48	15
Review and Regulation	1,087	1,100	1,034	-6%	51	51	60	9
<b>Planning and Environment Division</b>								
Planning and Environment	2,816	2,652	2,259	-15%	34	34	34	0
<b>Human Rights Division</b>								
Guardianship	14,249	14,076	12,981	-8%	N/A	N/A	N/A	N/A
Human Rights	463	455	510	12%	20	30	29	-1
<b>Total</b>	<b>85,191</b>	<b>85,850</b>	<b>80,423</b>	<b>-6%</b>	<b>25</b>	<b>24</b>	<b>32</b>	<b>8</b>



## Message from our President and Chief Executive Officer



“As always, but particularly this year, we are enormously grateful and humbled by the extraordinary dedication and commitment of our members and staff.”

Without a doubt, this was no ordinary year. We were already deep into a year filled with activity and progress, when the summer bushfires hit, one of our main CBD venues flooded and then, COVID-19. We met every challenge and against a backdrop of disruption, we managed to launch new services, open new venues and prepare for the introduction of significant legislative change. We are immensely proud to reflect and report on what the tribunal has achieved this year.

These events have, however, highlighted the significant impediments of our legacy case management systems and paper-based processes in a crisis environment, and the undeniable critical need for contemporary digitally-enabled tools and systems.

The pandemic reinforced the importance of delivering our vision of human-centred, intuitive services, supported by contemporary technology and digital platforms that enable online dispute resolution. We continued to build our human-centred design practice, leveraging user experience research to deliver digital innovations to improve our users’ interactions with the Tribunal.

### COVID-19 pandemic response

The COVID-19 pandemic changed our organisation and service delivery model in ways none of us could have anticipated. To protect our staff, members and the community, we ceased face-to-face hearings from 18 March, moving immediately to telephone hearings for guardianship and residential tenancies matters. We adjourned other matters while we established alternative hearing channels and established a new listings approach that prioritised the most urgent and critical matters.

Adjourning all listed cases in a jurisdiction that hears more than 80,000 cases a year, even for a very short time, was a difficult decision and one not taken lightly. However, given the volume of people coming through our doors it was the only way to keep parties, the public, and our members and staff, safe. What followed is a credit to our people, who worked tirelessly to contact parties, enable digital and telephone hearings and establish new processes to keep the wheels turning in the COVID-19 environment (see p. 24).

We absorbed the *COVID-19 Omnibus (Emergency Measures) Act 2020*, which commenced on 25 April for six months. The Act’s accompanying regulations put a temporary ban on rental evictions and rent increases and introduced a new dispute resolution process for rent disputes involving money, among other changes.

From 18 March to 30 June, we held 11,651 teleconferences and 437 videoconferences across all lists. By 30 June, we had assessed all pending cases to determine those most urgent, had stood up the basic technology and support needed to enable telephone and videoconference hearings, and determined what cases we could decide ‘on the papers’, without a hearing.

Although we had prepared for the pandemic as part of our business continuity planning and training, nothing quite prepares you for the real thing. It has required enormous dedication and effort from our staff and members, who continue to adapt the way we provide services to the Victorian community in the face of the significant challenges of our paper-based systems. Thank you also to the parties for their understanding and overwhelming support of emerging platforms for resolving disputes.

### Digitisation of our Planning and Environment Division

Our response to the pandemic has been proactive, focusing on fast-tracking changes to enable us to continue to provide services to the Victorian community. Victorian Government funding of \$5.2 million enabled a fast-tracked major project to digitise our Planning and Environment Division.

The project deliverables include end-to-end digitisation of processes, enabling digital hearing platforms that

are capable of supporting complex matters with multiple parties and complex documents, and establishing the necessary hardware and software environments to support entirely digital hearings. Once the project is complete later in 2020, we will still hear cases in person as well as remotely. Our hearing rooms will have new digital functionality to enable faster and more efficient hearing of planning cases.

This is an important project for us, one which aligns with our broader service delivery aspirations. It will validate our ability to deliver scalable and replicable digital solutions across the entire tribunal and demonstrate the benefits to our users and the Victorian community. We’re aiming to launch this project with a minimum viable solution within a speedy 12 weeks.

### Launch of new services

Before the pandemic, we launched two major services – the online application for consumer disputes and a public version of our Guardianship Hub. Both services launched in July and were the result of intensive user testing and iterative design. The online application is a game changer for us. It steps users through the application process and supports them to make informed decisions about their application (see p. 26).

The public launch of the Guardianship Hub followed an 18-month trial in six Victorian hospitals. It enables people applying to VCAT about guardianship, administration, medical treatment and powers of attorney to submit, track and receive notifications about their case using a central portal. For the first time, all the information about their case is in the one place (see p. 27).

This year we also progressed work on a new user-centric website. Developed inhouse with a human-centred design approach, the new website launches in July 2020 (see p. 26).

### Expanded access to justice

Meanwhile, we continued to roll out the Fast Track Mediation and Hearing service in partnership with the Dispute Settlement Centre of Victoria. This year the service was made available in the Grampians and Gippsland regions, meaning it is now available across the state. The threshold amount also increased for disputes heard in other regions, giving more Victorians an innovative and low-cost way to access justice (see p. 38).

### New VCAT venues

A highlight of the year was opening a new VCAT venue in Oakleigh, our first standalone venue designed with input from stakeholders and using a human-centred design approach (see p. 39). It includes VCAT’s first Koori hearing room, technology to support digital hearings and remote witness facilities. Work is well underway to open additional venues in Frankston and Bundoora, ready for hearings to commence in 2020-21.

### Legislative changes

VCAT continued to respond to new and changing legislation. On 1 March, the *Guardianship and Administration Act 2019* came into effect, overhauling laws for how guardians and administrators are appointed, as well as their roles and responsibilities (see p. 58).

Other important changes were made under the *Access to Justice Amendment Act 2018 (A2J)*, which came into effect on 1 July. The Act implemented recommendations from the 2016 Access to Justice Review, part of broader reforms being introduced progressively to improve access to justice at VCAT.

We prepared for some Acts that were scheduled to commence on 1 July 2020 but were postponed due to the pandemic. These included major reforms to laws affecting residential tenancies and laws affecting environmental protection.

As always, but particularly this year, we are enormously grateful and humbled by the extraordinary dedication and commitment of our members and staff. They have risen to the challenges we faced in ways too numerous to mention.

We thank each and every one of them for their hard work, compassion and generous spirit during this difficult year.

Justice Michelle Quigley  
President

Mary Amiridis  
Chief Executive Officer



# Delivering our strategy

Our Strategic Plan: VCAT for the future 2018-22 guides our activities.

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

### Strategic Priority 01 Contemporary and customer-centric services

Embrace innovation and digital technologies to meet contemporary service expectations

### Strategic Priority 02 Inclusive and accessible

Make it easier for all Victorians to participate and access justice

### Strategic Priority 03 Responsive and collaborative relationships

Strengthen relationships with stakeholders and the community we serve

### Strategic Priority 04 United leadership and culture

Embed the leadership capability and culture needed to drive change

### Strategic Priority 05 Skilled for the future

Develop a modern and dynamic workforce for the future

## Our vision and values

### OUR VISION

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

### OUR VALUES

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

### OUR GOAL

To be a tribunal that meets the needs of all Victorians





**Strategic Priority 01** > Contemporary and customer-centric services



**Highlights**

- 01** Launched a groundbreaking online application for consumer disputes, which simplifies and speeds up the application process, improves application quality and creates efficiencies by removing manual processes
- 02** Launched our Guardianship Hub to the public, a new online service for anyone who needs to make or manage applications about guardianship, administration, medical treatment and powers of attorney in Victoria
- 03** Commenced a \$5.2 million government-funded project, in response to the COVID-19 pandemic, to digitise the Planning and Environment Division, including digitising our paper case files, creating smart application forms and developing a digital platform for virtual hearings
- 04** Completed in-depth research on how the Koori community experienced VCAT, which will help us address barriers to access, increase participation and help develop culturally-informed support services
- 05** Enabled public WiFi at our King Street and Oakleigh venues, and in design plans for new standalone VCAT venues
- 06** Won an international project management award for our pilot of online dispute resolution

**Challenges**

- 01** Responding to the significant challenges imposed by the COVID-19 pandemic, which saw us cease face-to-face hearings for the first time in our history, triage all cases for urgency and transition hearings to telephone or videoconference
- 02** Adapting available legacy technology systems and processes so staff and members could work remotely as a result of the pandemic, including finding ways to manage cases when the majority of our filing systems are paper based
- 03** Implementing emergency legislation, the *COVID-19 Omnibus (Emergency Measures) Act 2020*, and pausing work to implement other legislation now delayed as a result of the pandemic
- 04** Managing other challenges that impacted our venues, such as the January bushfire crisis and water damage to William Cooper Justice Centre, which required all Human Rights Division staff and hearings to move to our King Street venue at short notice

**Looking ahead**

- 01** Launch our new website, making it easier and simpler for people representing themselves to get the right information at the right time, from enquiry to outcome
- 02** Complete the digitisation of the Planning and Environment Division, to ensure we can continue to hear cases without delay
- 03** Vigorously pursue government funding and support for a digitised, multi-channel service delivery model



**Year in review:**

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



**Responding to the COVID-19 pandemic**

The COVID-19 pandemic had an enormous impact on our operations this year. We had to close all venues to the public and find new ways to deliver services. This included developing new online services, such as telephone and videoconferencing. Once lockdown was declared, we faced significant challenges in moving to working from home arrangements, as our processes are largely paper based and our legacy case management systems are limited.

**Ceasing face-to-face hearings**

On 18 March, we took the unprecedented step of ceasing face-to-face hearings and closing all our venues to the public, including our busy ground floor counter at 55 King Street. We activated our crisis plans, adjourned face-to-face hearings until further notice and moved to remote hearing arrangements.

**Triaging to determine urgent cases**

The closure sparked a huge effort by our registry staff to contact all affected parties. Our members triaged cases to determine the urgent matters that were required to proceed. This was a complex task as VCAT hears cases under about 140 pieces of legislation, each with their own special requirements.

We assessed which cases could continue by telephone or videoconference, which could be decided ‘on the papers’ (without a hearing, based on written submissions) and which needed to be adjourned to a later date. All parties were advised about how their matter would proceed.

**Enabling teleconferencing**

We enabled teleconferencing for urgent matters, achieved with only one day of downtime. Our initial focus was on urgent residential tenancies and guardianship matters, together with urgent matters in other lists, including injunctions, stay applications, and those involving:

- » compulsory mental health treatment
- » the rights of health practitioners to practice, and
- » eviction of retail tenants.

We called parties to advise them of the change, and adjourned all other matters. From 18 March to 30 June we held 11,651 teleconferences across all lists.

**Response to the COVID-19 pandemic 18 March to 30 June**

Teleconferences held	11,651
Videoconferences held	437

**Enabling videoconferencing**

Videoconferencing commenced in our Human Rights List, gradually rolling out to other lists. Our high-volume Residential Tenancies List and Guardianship List mainly continued with teleconferencing, except for the most complex matters. Between 30 March and 30 June, we held 437 proceedings by videoconference.

To support this significant change, we established an inhouse virtual hearings helpdesk, whose initial focus was on training members and staff in the technology and writing support materials. The training included webinars and individual training to meet specific needs.

**Emergency legislation**

The *COVID-19 Omnibus (Emergency Measures) Act 2020* commenced on 25 April, taking effect for six months. The Act put a temporary ban on rental evictions and rent increases and introduced a new dispute resolution process for rent disputes involving money.

The Act delayed a suite of reforms under the *Residential Tenancies Amendment Act 2018*, currently due to commence in 2021, and made other minor amendments affecting planning and environment matters. We worked quickly and closely with Government to support the operation of these provisions.

**Communicating with the public**

On 19 March, VCAT’s first Twitter account @VicTribunal was launched, for use exclusively during the pandemic as an additional source of information to the public. It enabled us to provide immediate updates on VCAT processes, upcoming hearings and our response to the pandemic. Combined with regular updates on LinkedIn, the Twitter account reiterated key messages about VCAT closures and where to go for more information. By late March, we had launched a frequently asked questions section on our website to triage concerns and keep the public up-to-date during the rapidly-changing circumstances.

**Providing advice to members and staff**

As early as February, we were providing guidance to our members and staff about the emerging pandemic. We shared links to video briefings from Victoria’s Chief Health Officer and advice from the Department of Health and Human Services. We provided daily updates via email, in person, via videoconferences and on a dedicated intranet page. Members and staff were encouraged to talk about their concerns, including using our Employee Assistance Program for additional support.

**Enabling our workforce to work remotely**

In the first instance, staff and members who could work from home, those who fell into a relevant risk category and those impacted by school closures moved to work-from-home arrangements. This presented a myriad of challenges for an operation that runs as paper based.

In order to support basic remote working requirements, it was necessary to secure fundamental hardware such as headsets and web cameras. We also established a virtual telephone solution so our frontline service delivery staff could respond to the influx of calls and emails remotely.

We worked towards giving members and staff remote access to our two case management systems and shared drives, and the tools to start using telephone conferencing for hearings. However, a full transition to work from home was significantly hampered by our paper-based manual systems and technology deficits, and there were many difficult issues to work through.

On 19 March, VCAT’s first Twitter account @VicTribunal was launched, for use exclusively during the pandemic as an additional source of information to the public.



### Explore online dispute resolution

Our vision for online dispute resolution (ODR) is a complete suite of service channels, which includes online tools. These range from self-directed alternative dispute resolution and

online mediation, through to virtual hearings. We see these tools as critical to our future service delivery.

The COVID-19 pandemic highlighted the importance of delivering our vision of human-centred, intuitive services, supported by contemporary technology and digital enablers, including ODR.

We continue to seek funding for this vision, which includes a critical step to replace VCAT's legacy case management systems and paper-based processes.

On 5 October, VCAT's 2018-19 pilot of ODR received the prestigious 2019 Asia-Pacific Project Excellence Award in Philadelphia, USA.

The international Project Management Institute award recognises excellence in project management practices, results and positive impact on society. The Victorian-first pilot proved that ODR is a fast, cost-effective and

convenient option that could improve access to justice for people involved in consumer disputes under \$10,000. It was funded by the Victorian Government, delivering on an Access to Justice Review recommendation.

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

In July, we launched an innovative new online application for consumer disputes, making it simpler and faster to apply, and providing a better user experience. Applicants are guided through the process and shown fees, timeframes and documents they need to provide. This helps inform their decision to apply and gain a better understanding of what's involved.

One year since launch, the application has proven it's a simpler, smarter way to apply. It has:

- » increased application completion rates from 10 to 50 per cent
- » halved the time to completing an application, down from 1.5 hours to 47 minutes
- » reduced calls about applications by 12 per cent
- » cut the time spent on manual handling of applications by five hours per day
- » improved the quality of applications, due to automated fields and clearer instructions
- » increased access to justice, by making it easier to apply for people representing themselves.

Designed and developed by an inhouse product team, using human-centred design principles, the application won a national Clear Communication Award in 2019 for best online form.

In November, we began work on a new website, due to launch in July 2020. Our vision is to make it easier for people representing themselves to engage with us and access justice. The new website will support users' decision-making, by providing information about cost, timeframes, options and support services at the right time in their journey. The website is being developed by an inhouse agile delivery team using user experience research and human-centred design.

Proportion of online lodgements	2017-18	2018-19	2019-20	Variance
Civil Claims List	67%	64%	<b>72%</b>	8%
Human Rights List	34%	38%	<b>40%</b>	2%
Owners Corporations List	76%	72%	<b>81%</b>	9%
Review and Regulation List	29%	25%	<b>35%</b>	10%
Residential Tenancies List	86%	79%	<b>70%</b>	-9%

### Launch of the Guardianship Hub

On 3 July, we launched a new online service for anyone needing to make or manage applications about guardianship, administration, medical treatment and powers of attorney in Victoria.



For the first time, applicants can access details about their case in one place throughout the VCAT process – from application through to final decision.

Using the Guardianship Hub, they can:

- » create, save and submit the application at a time that suits
- » upload documents, with their application and throughout the VCAT process
- » get automatic reminders and alerts, such as when a hearing is scheduled
- » download their VCAT order once it's available.

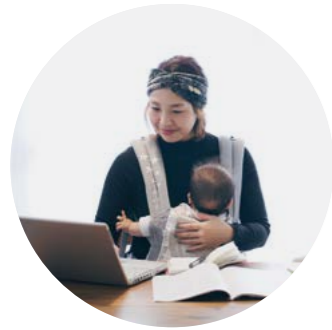
Some 1,826 applications were made through the Hub in 2019-20. As well as making it easier for people to apply and manage their application, the Hub reduced the time a patient spends in hospital and aged care facilities waiting for an order to arrive by post. Transitioning to online orders has

reduced this wait time, meaning patients can go home or into a supported environment that is less stressful than hospital.

In March, the Hub was updated to accommodate the new *Guardianship and Administration Act 2019*. We added new forms and made extensive changes to notice of hearing templates, to make them easier to understand. We supported the transition of the complex Account by Administrator form away from an obsolete online platform, and automated the process of sending notices of hearing and orders to parties by email.

The public-facing Hub was built on work done last year to trial the system in six Victorian hospitals, which were involved in its development. It was developed by an inhouse agile project management team, using human-centred design.





**Provide simpler, guided interactions across the customer journey**

The launch in July of our new online application for consumer disputes, and the Guardianship Hub, embodied the innovative, human-centred design approach we are taking to developing digital services. Both were developed by inhouse product teams striving to create radically simpler and more guided journeys for people using our services, especially those representing themselves. By simplifying and improving the digital experience, we also reduce call volumes and automate manual processes, allowing us to reallocate resources back to supporting users.

**Human-centred design**

Human-centred design is an approach that considers a problem from the perspective of the user. This year, we continued to develop our organisation's understanding and practice of human-centred design, developing tools, techniques and design expertise that help us iterate and continuously improve our services. Our work included qualitative research to better understand the experience of coming to the tribunal, so we could focus on the right things and design the right solutions.

We conducted in-depth research on how the Koori community experienced VCAT, resulting in an in-depth report with key insights. The research aimed to address barriers to access, increase participation and help develop culturally-informed support services. It led to targeted information and a dedicated Koori page being prepared for our new website, including videos and case studies.

**Education, collaboration and co-design**

To help scale the use of human-centred design at VCAT, and inform the development of our new website, we ran inhouse showcases and sessions on our research findings. This helped foster a shared understanding of user needs. It was also an opportunity to agree on the purpose of our service improvement activities. Co-designing solutions with members, registry and customer service staff ensured we addressed issues that the user, and VCAT, was experiencing.

**Website usage**

Year	Sessions	Users	Page views (millions)	Pages per session	Average session (min:sec)	Using mobile device (%)	Session numbers by device
2017-18	1,191,493	572,833	5.3	4.4	3:32	33 (phone 26, tablet 7)	Desktop: 798,659 Phone: 315,138 Tablet: 77,696
2018-19	1,337,696	824,434	4.1	3.1	3:50	35 (phone 29, tablet 6)	Desktop: 867,858 Phone: 378,485 Tablet: 81,454
2019-20	1,453,475	916,743	4.2	4.9	3:28	35 (phone 30, tablet 5)	Desktop: 947,633 Phone: 433,438 Tablet: 63,381

**Streamline and modernise our customer service operations**

We continued to look for new ways to streamline and modernise our services to users, some prompted by this year's unusual circumstances.

**Frontline service delivery response to COVID-19**

The COVID-19 pandemic restrictions required us to find a way for our contact centre staff to work from home. Working closely with Court Services Victoria (CSV) and our telephone service provider, we created a solution that enabled staff to answer calls and emails from home without any service disruption. The success of this solution prompted us to reflect on how these arrangements might continue. With CSV, we are exploring a transition to a cloud-based contact centre platform next year.

**Service Improvement Program**

Our ambitious four-year Service Improvement Program is now in its final year. In 2019-20, we implemented our Knowledge Management System (KMS). The cloud-based KMS gives staff a single source of truth for procedural information and user requirements, from making an application through to attending a hearing and receiving an order. This year we scoped the KMS work, designed its look and feel, built content and established governance arrangements.

We also began work to establish a quality assurance framework for our operations and frontline services. The quality assurance framework will enable us to measure the consistency of our service, through a suite of metrics focused on the user experience. In particular, we're aiming to resolve enquiries at the first point of contact.

**Response to the bushfire crisis**

The bushfire crisis in January meant some parties were struggling to meet the legal requirements in a VCAT case, for example to:

- » follow directions in a VCAT order
- » submit or respond to an application by a legal deadline
- » do what a summons required
- » give copies of their notice or documents to other parties
- » attend the venue listed for the hearing, if it was in a bushfire-impacted area.

In some cases, parties had not received a notice of hearing due to postal delays. We advised parties to contact us about their situation, even if a deadline had passed, so we could take their circumstances into account if we had the legal power to do so. We took numerous calls in response to the bushfire crisis and updated the advice on our website.

**Annual user survey**

Our annual user survey was suspended in 2020 as the COVID-19 pandemic emerged and our venues closed to the public. Usually held in June, the annual survey has shown steady growth in user satisfaction over the four years since it started. Despite not proceeding this year, we revised our approach to user surveying and will roll out an updated approach in 2021.

We continued to look for new ways to streamline and modernise our services to users, some prompted by this year's unusual circumstances.

**Enhance digital capability of our hearing rooms to support hearings**

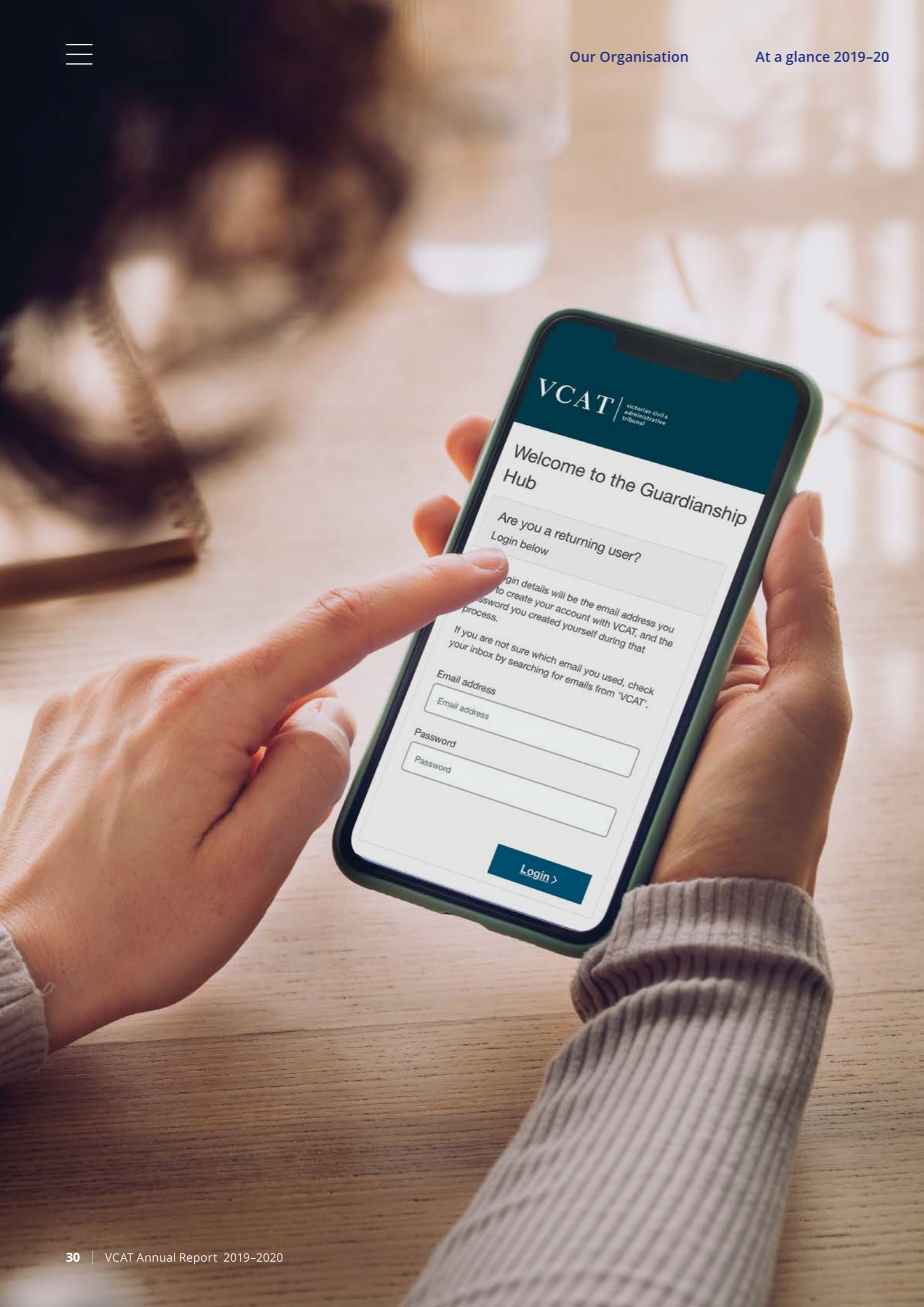
The impact of the COVID-19 pandemic highlighted the lack of digital capability. In the months following the start of lockdown in March, we began to equip our CBD hearing rooms with new technology so we could progress some hearings by telephone or videoconference.

Further work to enhance our digital capability was done as part of the Planning and Environment Division program of work. This work includes equipping members with new laptops so they can conduct online hearings in their chambers or VCAT's hearing rooms. It also includes installing large screens in another two hearing rooms at our King Street venue. This will enable parties to connect to the screen, using a range of adaptors, so they can present their documents and plans to all in the hearing.

Two hearing rooms will be equipped with interactive tables that enable members and parties to collaborate on documents. The interactive table is a height-adjustable horizontal touchscreen allowing multiple users to interact and annotate documents and plans in real time.

This year, we enabled public WiFi at our King Street venue and our new venue in Oakleigh. We included public WiFi in design plans for any new standalone VCAT venues.





## Strategic Priority 02 > Inclusive and accessible



### Highlights

- 01 Implemented the *Guardianship and Administration Act 2019*, the first major overhaul of these laws since 1986, including plain language rewrites of application forms, notices of hearing and VCAT orders
- 02 Recruited a Koori Engagement team, established VCAT's Koori Reference Group and held a stakeholder workshop to inform our approach to encouraging Koori participation at VCAT
- 03 Expanded the Fast Track Mediation and Hearing service we deliver in partnership with the Dispute Settlement Centre of Victoria, to include eligible disputes in the Gippsland and Grampian regions
- 04 Opened a standalone VCAT venue in Oakleigh, the first metropolitan venue designed specifically to meet our users' needs, which includes our first Koori hearing room and technology to support digital evidence presentation and videoconferencing
- 05 Designed and commenced refurbishing a new venue in Frankston and signed the lease and completed design for a Bundoora venue, in preparation for hearings to commence in 2020-21
- 06 Started a Twitter account @VicTribunal as an extra way to reach consumers during the pandemic and grew our LinkedIn account to more than 3,000 followers
- 07 Made adjustments to help about 150 users with disability gain better access to VCAT services

### Challenges

- 01 Cases listed for compulsory conference or mediation declined almost 20 per cent as a result of the COVID-19 pandemic, with fewer cases settled
- 02 Reduced numbers of matters listed for the Fast Track Mediation and Hearing service, as the impact of the pandemic forced us to refocus member time on urgent applications in other lists
- 03 Delayed implementation of legislation due to be introduced in 2019-20, now delayed until 2021 due to the pandemic, including major changes to renting laws

### Looking ahead

- 01 Implement the *Residential Tenancies Amendment Act 2018*, the biggest change to renting laws since 1997
- 02 Open new VCAT venues in Frankston and Bundoora
- 03 Complete our search for a new CBD venue to replace 55 King Street, following the demolition of the adjoining building and plans for redevelopment that include our King Street building



## Year in review:

# Make it easier for all Victorians to participate and access justice

### Strengthen our support services for people representing themselves

On 1 March, the *Guardianship and Administration Act 2019* came into effect, overhauling laws for how guardians and administrators are appointed, as well as their roles and responsibilities. To support the change, we rewrote our application forms, notices of hearing and VCAT orders into plain language. We also ran workshops, updated our website and sent email updates to anyone currently affected.

Other important changes were made under the *Access to Justice Amendment Act 2018 (A2J)*, enacted on 1 July. Parties in a case with a small civil claim (less than \$15,000) can now request written reasons for a VCAT decision within 14 days of verbal reasons. Previously, the request had to be made before or at the hearing, before verbal reasons were given. In another change, VCAT can now serve documents using an email address provided by the applicant or other party. The legislation also enables non-member mediators to conduct compulsory conferences. This frees up member time and has potential to speed up the progression of a case.

### Deliver services responsive to the community's diverse needs

Our Accessibility Action Plan details VCAT's strategy to improve access to the tribunal and provide a supportive and inclusive workplace for people with disability. It has led to our Disability Liaison Officer (DLO) program that provides support for people who need help to access our services and venues.

This year, our DLOs made adjustments to help about 150 users with disability gain better access to VCAT. The adjustments included notifying the member of any arrangements, setting up a rest room or listening device, or referring the user to appropriate services. DLOs can also provide support and advice to VCAT staff who are assisting a user with a disability.

In 2019-20, we recruited a Koori Engagement team, to support the Koori Engagement Manager who joined us last year. The team helped establish VCAT's Koori Reference Group and have been instrumental in building relationships with the Koori community. They have provided advice on a Koori support landing page on our new website and organised the cultural smoking of hearing rooms at VCAT's new Oakleigh venue, which includes our first Koori hearing room.

### Increase community awareness of VCAT's role and services

We continued to raise the community's awareness of VCAT and our services, including helping people understand new legislation and services. For example, the Guardianship Hub launch in July was supported with email updates, website updates and banners on relevant web pages. We posted on LinkedIn and gave updates at our regular user group forums.

The LinkedIn account we established in 2017-18 now has more than 3,000 followers. We regularly post about changes in legislation, new services, job openings and other matters of interest. This year, we gave regular updates on our response to COVID-19. We started a Twitter account @VicTribunal in March as an extra way to reach our users during the pandemic.

Our contribution to Law Week in May, an annual festival of learning about the legal profession, changed this year due to the pandemic. Instead of in-person forums, we created short videos. VCAT President Justice Quigley outlined our evolution, caseload and current operations. Our CEO Mary Amiridis talked about VCAT's response to the pandemic. Deputy President Genevieve Nihill discussed our Human Rights Division and how the delicate decisions made by the division are made and managed.

In June, Justice Quigley was interviewed for a webinar hosted by the Victorian Bar, explaining VCAT's role and response to the pandemic. It was one of a number of speaking engagements for our President and our CEO, who are regularly asked to speak at professional organisations, conferences and events.



## Suppression orders at VCAT

When necessary, we make a suppression (non-publication) order on a decision, which can have varying levels of restriction, including not allowing identification of anyone involved.

Suppression orders are made in 0.2 per cent of VCAT cases. We make these orders in the interests of justice, to prevent distress and to ensure fair treatment of victims, witnesses, children and other vulnerable people.

On 7 February, the *Open Courts Act 2013* was amended to introduce changes recommended in a 2018 review of suppression orders. The changes were to:

- » require judicial officers to give a statement of reasons for making a suppression order that covers the terms of the order, its duration, the grounds for it being made and its scope, and

- » establish a means for people, including victims of sexual offences or family violence offences, to apply to have an existing suppression order reviewed.

On 25 April, the Act was amended again in response to the COVID-19 pandemic. The changes did not impact directly on suppression orders, but focused on maintaining access to courts and tribunals.



### Suppression orders at VCAT

List	2017-18	2018-19	2019-20
Building and Property	1	0	0
Civil Claims	0	0	0
Guardianship	2	0	0
Human Rights	79	45	84
Legal Practice	0	0	0
Owners Corporations	0	0	0
Planning and Environment	0	0	0
Residential Tenancies	7	7	8
Review and Regulation	35	76	96
<b>Total</b>	<b>124</b>	<b>128</b>	<b>188</b>

### Provide easy-to-understand information and communication

The introduction of the new *Guardianship and Administration Act 2019* on 1 March dramatically changed how guardians and administrators are appointed and managed. Many people involved in these matters are vulnerable and stressed by the circumstances, so it was imperative that we developed information that stepped them through the changes and what they needed to do.

We started by rewriting more than 200 orders from legalese into plain language. We also rewrote the application form and different types of notices of hearing, so it was clearer and simpler for people to understand the process. In addition, we wrote plain language web content, posters and flyers and emailed anyone actively involved in a matter.

The development of our new website, launching in July 2020, prompted a new approach to content design based on principles of the right content at the right time, using natural language rather than legalese. This makes our information easier to understand and act upon, especially for people who represent themselves. We then tested our content on VCAT users.

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

We continue to use compulsory conferences and mediations to help parties settle disputes on their own terms, rather than proceed to a hearing where a decision is imposed. These types of alternative dispute resolution (ADR) are less formal than a hearing and often less stressful. Parties discuss their dispute in private, with a member or mediator facilitating the discussion.

The COVID-19 pandemic reduced the number of cases listed for ADR, down 18 per cent compared to last year. This was expected given in-person proceedings were adjourned from 18 March. Inevitably, fewer cases listed led to reduced settlement rates. Settlements were down 24 per cent overall. In particular, settlement rates declined in the Owners Corporations, Residential Tenancies, Legal Practice and Review and Regulation Lists.

The Guardianship List went against the trend, more than doubling the number of cases dealt with by ADR and recording a 250 per cent increase in cases settled. This is due to the small number of cases this list hears with ADR, so changes in numbers show as large statistical variations.

Of cases listed, on average about half were resolved during the compulsory conference or mediation. However, the data does not capture the cases that settle after a case has been listed, but before it is held, or between an apparently unsuccessful mediation or compulsory conference and the hearing date. In many cases, listing a case can prompt the parties to resolve their dispute. For example, getting a notice to attend VCAT to defend an outstanding debt matter can result in the debtor paying their bill.

### Total cases heard by compulsory conference or mediation

List	Compulsory conference			Mediation			Total			2019-20 % Variance
	2017-18	2018-19	2019-20	2017-18	2018-19	2019-20	2017-18	2018-19	2019-20	
<b>Civil Division</b>										
Building and Property	425	386	385	319	300	317	744	686	702	2%
Civil Claims	373	354	287	4	5	3	377	359	290	-19%
Owners Corporations	119	165	89	0	6	2	119	171	91	-47%
<b>Residential Tenancies Division</b>										
Residential Tenancies	56	107	49	0	0	0	56	107	49	-54%
<b>Administrative Division</b>										
Legal Practice	39	33	16	0	0	0	39	33	16	-52%
Review and Regulation	250	270	199	0	0	0	250	270	199	-26%
<b>Planning and Environment Division</b>										
Planning and Environment	756	714	551	0	0	0	756	714	551	-23%
<b>Human Rights Division</b>										
Guardianship	11	6	12	0	1	4	11	7	16	129%
Human Rights	92	119	78	89	50	59	181	169	137	-19%
<b>Total</b>	<b>2,121</b>	<b>2,154</b>	<b>1,666</b>	<b>412</b>	<b>362</b>	<b>385</b>	<b>2,533</b>	<b>2,516</b>	<b>2,051</b>	<b>-18%</b>





**Total cases resolved (settled) by compulsory conference or mediation**

List	Compulsory conference			Mediation			Total			2019-20 % Variance
	2017-18	2018-19	2019-20	2017-18	2018-19	2019-20	2017-18	2018-19	2019-20	
<b>Civil Division</b>										
Building and Property	199	174	151	203	186	209	402	360	360	0%
Civil Claims	243	241	171	4	4	2	247	245	173	-29%
Owners Corporations	65	98	50	0	1	2	65	99	50	-49%
<b>Residential Tenancies Division</b>										
Residential Tenancies	45	78	42	0	0	0	45	78	42	-46%
<b>Administrative Division</b>										
Legal Practice	26	21	12	0	0	0	26	21	12	-43%
Review and Regulation	99	118	67	0	0	0	99	118	67	-43%
<b>Planning and Environment Division</b>										
Planning and Environment	386	366	274	0	0	0	386	366	274	-25%
<b>Human Rights Division</b>										
Guardianship	5	2	6	1	0	1	5	2	7	250%
Human Rights	58	88	55	42	54	36	112	126	91	-28%
<b>Total</b>	<b>1,126</b>	<b>1,186</b>	<b>828</b>	<b>358</b>	<b>261</b>	<b>250</b>	<b>1,387</b>	<b>1,415</b>	<b>1,076</b>	<b>-24%</b>

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

List	Compulsory conference			Mediation			Total			2019-20 % Variance
	2017-18	2018-19	2019-20	2017-18	2018-19	2019-20	2017-18	2018-19	2019-20	
<b>Civil Division</b>										
Building and Property	47%	45%	39%	64%	62%	66%	54%	52%	51%	-1%
Civil Claims	65%	68%	60%	100%	80%	67%	66%	68%	60%	-9%
Owners Corporations	55%	59%	56%	0%	17%	100%	55%	58%	55%	-3%
<b>Residential Tenancies Division</b>										
Residential Tenancies	80%	73%	86%	0%	0%	0%	80%	73%	86%	13%
<b>Administrative Division</b>										
Legal Practice	67%	64%	75%	0%	0%	0%	67%	64%	75%	11%
Review and Regulation	40%	44%	34%	0%	0%	0%	40%	44%	34%	-10%
<b>Planning and Environment Division</b>										
Planning and Environment	51%	51%	50%	0%	0%	0%	51%	51%	50%	-2%
<b>Human Rights Division</b>										
Guardianship	45%	33%	50%	0%	0%	25%	45%	29%	44%	15%
Human Rights	63%	74%	71%	61%	76%	61%	62%	75%	66%	-8%
<b>Total</b>	<b>53%</b>	<b>55%</b>	<b>55%</b>	<b>63%</b>	<b>63%</b>	<b>65%</b>	<b>55%</b>	<b>56%</b>	<b>52%</b>	<b>-4%</b>



### Fast Track Mediation and Hearing

This year saw an expansion of the Fast Track Mediation and Hearing (FTMH) service, which we deliver in partnership with the Dispute Settlement Centre of Victoria (DSCV). The service involves mediators from both VCAT and DSCV helping people with goods and services disputes reach agreement through mediation. If they can't reach agreement, the matter goes to a hearing on the same day. At the hearing, a VCAT member makes a decision about the case. There are no hearing fees for this same-day service.

In October, the service expanded its reach to include eligible disputes in the Gippsland and Grampian regions.

Mediations were made available at the Morwell Justice Service Centre from 24 October, with hearings at LaTrobe Valley Magistrates' Court. From 30 October, both mediations and hearings were available at Ballarat Magistrates' Court.

FTMH is now a state-wide service, available in Melbourne, Geelong (Barwon South West region), Warrnambool (South West), Shepparton (Hume), Bendigo (Loddon Mallee), Morwell (Gippsland) and Ballarat (Grampians). It delivers on 2016 Access to Justice Review recommendations, to increase access to alternative dispute resolution for small civil claims.

The Victorian Government is supporting FTMH with \$6.26 million over four years to DSCV. Given the impact of the COVID-19 pandemic, the FTMH steering committee will review and consider plans to expand the service further in 2020-21.

“ I wish to express my appreciation for the professionalism, impartiality and approach to the mediation process conducted. As indicated at the conclusion of the process, there was no way I could have managed the process as they did.”

— Feedback from FTMH participant

#### Fast Track Mediation and Hearing program 2019-20

Assessments	Total
Number of cases assessed as suitable, including cases that may be scheduled for mediation and hearing in 2020–21	2,960
Mediations conducted and settled	Total
Mediations conducted	998
Mediations settled	599
Mediation settlement rate	60%
Settled before mediation	Total
Matters settled before mediation, including DSCV-assisted settlement	655
Settled before scheduled mediation	22%
Settled with assistance from DSCV after making initial contact with parties	188
DSCV-assisted settlement	6%
DSCV resolution rate – mediation and assisted settlements	66%

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

We worked this year to establish new VCAT venues, which will allow us to move out of Magistrates' Court of Victoria venues in Moorabbin, Frankston and Heidelberg. Ahead of our Oakleigh venue opening in February, we transformed two levels of an existing building at 20 Atherton Road, increasing our capacity to hear cases about renting, goods and services, guardianship, owners corporations, and planning and environment.

Hearings formerly held at the Moorabbin Justice Centre and Springvale Council Chambers are now held at Oakleigh.

We designed and commenced refurbishment of a new venue in Frankston and completed design for a Bundoora venue. These venues will be ready for hearings in 2020-21. The COVID-19 pandemic did not delay progress on these venues, however, the pandemic made us more aware of the need to accommodate digital ways of working.

At a minimum, we made sure that new venues were WiFi enabled and could accommodate hearings by phone or video.

As part of a CSV working group, we are participating in the design of the new Bendigo court. VCAT will have two purpose-built hearing rooms and a mediation room at the court, planned to be built by 2023.

### New fit-for-purpose Oakleigh venue

On 24 February, Victorian Attorney-General Jill Hennessy MP officially opened VCAT's Oakleigh venue – the first metropolitan venue specifically designed to meet the needs of people using our services.

It has a welcoming environment, featuring:

- » VCAT's first Koori hearing room
- » technology that supports digital evidence presentation and video conferencing
- » remote witness facilities to support vulnerable users, and
- » space for support services, including areas for private discussions.

A smoking ceremony was held at the venue ahead of its opening. Wurundjeri and Bunurong Elders gave Welcomes to Country and Jesse Gardiner, a Wurundjeri traditional owner, conducted the smoking ceremony on 7 February.

This was an important step in paying cultural respect and preparing for the start of proceedings. Oakleigh's Koori hearing room was designed to help us better meet the needs of Aboriginal and Torres Strait Islander people who come to VCAT. It features an oval wooden table, where the member has an opportunity to sit with the parties rather than at a bench. The table has a beautiful centrepiece of Aboriginal artwork by Graham Patterson, a Taungurung and Yorta Yorta artist from Healesville.



## Strategic Priority 03 > Responsive and collaborative relationships



VCAT is committed to nurturing responsive and collaborative relationships

Image above: Traditional smoking ceremony at the opening of our Oakleigh venue.

### Highlights

- 01 Hosted a roundtable discussion with representatives from key Aboriginal legal, housing and consumer groups, to discuss areas of Koori engagement with VCAT
- 02 With RMIT University, completed a new framework and tools to assess the way we manage cases under the *Medical Treatment Planning and Decisions Act 2016* (MTPDA), putting human needs at the centre of our approach
- 03 Implemented the *Access to Justice Amendment Act 2018*, giving parties more flexibility around requests for written reasons

### Challenges

- 01 Providing comprehensive feedback when legislation is developed at speed, such as the *COVID-19 Omnibus (Emergency Measures) Act 2020*

### Looking ahead

- 01 Implement RMIT University's recommendations for future service improvements, continuing our human-centred approach to MTPDA cases





### Year in review:

## Strengthen relationships with stakeholders and the community we serve

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

We work closely with other departments, agencies, local government and legal organisations to continually improve our services, as outlined in the Stakeholder Engagement Framework we launched last year. In 2019-20, this work included extensive consultation with stakeholders and the local community on the development and opening of our new Oakleigh venue.

We increased our engagement with Koori stakeholders this year, who share our commitment to improve

participation at VCAT by Aboriginal and Torres Strait Islanders. On 12 December, we hosted a roundtable discussion with representatives from Victorian Aboriginal Legal Service, Aboriginal Housing Victoria, Elizabeth Morgan House Aboriginal Women's Service, Victoria Legal Aid, Consumer Action Law Centre, knowmore legal service, Djirra, Tenants Victoria and the Department of Justice and Community Safety.

We regularly run forums where stakeholders can contribute to discussions about the operations of various parts of our work. For example, our Planning and Environment List holds regular user group forums where representatives from local councils and

key planning stakeholders can provide feedback on a range of reforms and new initiatives. Other lists run similar forums.

We engage with VCAT users as part of designing new digital platforms and services, through research and user testing. We also run an annual user satisfaction survey, though this did not proceed in 2019-20 due to COVID-19. We have also increased our reach and engagement with stakeholders through the social media platform LinkedIn. Regular posts, and regular emails and newsletters, keep our stakeholders up to date on VCAT news and initiatives.

### Provide insights to government to enable innovative service responses

In 2019-20, we reviewed numerous proposed reforms, including significant reforms affecting residential and commercial leases, and the *COVID-19 Omnibus (Emergency Measures) Act 2020* developed in response to the COVID-19 pandemic.

The Government's COVID-19 reforms package proposed changes to both legislation and regulations. These included changes to court and tribunal

processes and requirements for evidence. It also changed VCAT enabling enactments, in particular, laws for residential and commercial tenancies. The reforms package was developed at considerable speed, requiring intensive consultation with VCAT and other stakeholders. For example, we collaborated with Consumer Affairs Victoria on a new renting disputes service that would operate during the crisis.

Some provisions of the *Justice Legislation Amendment (Access to Justice) Act 2018* (A2J) came into effect on 1 July,

implementing recommendations from the 2016 Access to Justice Review. Several other major changes to the law occurred in 2019-20. The most significant, apart from A2J, was the introduction of the *Guardianship and Administration Act 2019* on 1 March. This Act, and other new legislation, was introduced following a comprehensive response from our Principal Registrar, relevant deputy presidents, members and registry teams to proposed laws drafted by the Department of Justice and Community Safety.

### Support strategic partnerships for service innovation across courts and tribunals

We continued to support strategic partnerships that help improve the way we offer our services. This year, that included expanding the Fast Track Mediation and Hearing service that we offer in partnership with the Dispute Settlement Centre of Victoria. It also included a program of work with RMIT University to co-create better ways to manage cases in our Guardianship List.

RMIT's support and expertise helped develop an evaluation framework and tools to assess the way we manage Guardianship List cases, including under the *Medical Treatment Planning and*

*Decisions Act 2016* (MTPDA). The aim was to move away from entrenched processes, technology and organisational structures and to put human needs first, using new methods to evaluate our approach to these cases. We aimed to:

- » improve user experience, service delivery, and access for people wanting to engage with VCAT on matters relating to medical treatment decision-making
- » improve VCAT's feedback and reporting mechanisms for decisions
- » expand capability to support human-centred decision-making
- » enhance case-flow processes for complex resolutions.

RMIT's report on the program of work included recommendations for future service improvements. We are steadily working through these and have made several positive changes as a result.

We engage with VCAT users as part of designing new digital platforms and services, through research and user testing.







Strategic Priority 04 > United leadership and culture



Highlights

- 01 Implemented new governance structures across VCAT, providing clearer lines of accountability for executive leadership and channels for advice to the President and CEO
- 02 Completed our series of Leader as Coach workshops, helping senior VPS staff build their coaching and leadership skills
- 03 Established a Management Group Forum to regularly engage and connect mid-level managers
- 04 Developed a Culture Action Plan aimed at creating transformative experiences for staff and leaders within the Administrative and Planning and Environment Divisions

Challenges

- 01 Covering operational needs while staff and members attend training
- 02 Finding ways to build leadership and culture after most of our workforce transitioned to working from home as a result of the COVID-19 pandemic

Looking ahead

- 01 Embed new governance structures and ways of working

< VCAT President Justice Michelle Quigley, Attorney-General Jill Hennessy MP and VCAT Chief Executive Officer Mary Amiridis at the opening of our new Oakleigh venue.



## Year in review:

### Embed the leadership capability and culture needed to drive change

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

This year, we completed our Leader as Coach program for VCAT leaders at VPS Grade 5 and above. Over a six-month series of workshops, the program supported VCAT leaders to improve their coaching skills and build leadership capability across the organisation.

In April, we established a Management Group Forum to regularly engage and connect mid-level managers. The purpose of the group was to:

- » set expectations for how to lead and manage people at VCAT
- » share and create common practice for effective ways to lead teams
- » discuss important VCAT information from the Leadership Group
- » create an open forum for discussion and feedback.

Our leadership teams also attended Tech for NonTech full-day workshops to deepen their understanding of web development and working with developers and other technical staff. This included building their knowledge of technical terms and improving their ability to make well-informed and sustainable technical decisions.

In addition, we hosted international leadership and coaching expert Dr Peter Shaw to run an Effective Leadership Workshop for senior members and executive leadership, focused on building resilient teams in times of change.

#### Build a united culture to deliver our priorities for the future

We continued to build a united culture at VCAT, recognising the strengths of having a diverse workforce and celebrating cultural activities and events. During NAIDOC Week, we celebrated with Koori cultural activities, including a Welcome to Country and dance performance attended by members and staff. For the first time, our Koori Cultural Awareness training was offered to VCAT members and staff at the Koori Heritage Trust, providing a more culturally-immersive experience.

We commissioned Taungurung artist Mick Harding to produce artwork that represents how VCAT provides civil justice to the Victorian community. The laser-burned timber artwork of a scarred tree is displayed at 55 King Street. The tree represents strength, resources, shelter and livelihood for families. The scar represents connection to country, history and ancestry, while the leaves each have their own special meaning.

In addition, we developed a Culture Action Plan for staff and leaders within the Administrative and Planning and Environment Divisions.

Launched in September after five staff-led workshops, the plan aims to:

- » develop and identify better ways of communicating
- » build a constructive culture style geared to accomplishing goals
- » practise and grow a learning culture
- » lift staff capability and multi-skilling
- » improve practices and explore reform opportunities.

We promoted International Day Against Homophobia, Bi-phobia, Inter-phobia and Transphobia (IDAHOBIT Day) through our internal channels. During Health and Safety Month, we ran a series of workshops to promote increased energy and nutrition, and organised heart health checks and resilience training.

We continued to develop ways to communicate more effectively with our workforce and encourage collaboration.

#### Strengthen opportunities for greater collaboration and communication across the organisation

We continued to develop ways to communicate more effectively with our workforce and encourage collaboration. For example, we increasingly hold internal showcases to immerse members and staff in a project, so they understand the thinking and

work behind our development of new systems and services. In May, we began showcasing our new website design, following previous sessions to workshop user and VCAT needs and pain points.

Our Environmental Committee worked to reduce the tribunal's environmental impact. Prior to the COVID-19 pandemic, 55 King Street was recycling two-thirds of its waste, well above the recycling rates of most city office buildings.

Once the COVID-19 pandemic forced many staff and members into working from home arrangements, we were quick to enable and train our workforce in videoconferencing software, so we could remain connected.

#### Enhance our governance structures for sustainability and success

In November, we implemented new governance structures for VCAT. These were informed by a strategic review of how VCAT projects and initiatives were governed, which concluded last year. The new framework provides clearer lines of accountability for executive leadership and channels for operational and strategic advice to the President and CEO.

The new Board of Management and Member Advisory Group are two high-level committees that replace our former senior governance group, the President's Advisory Committee.

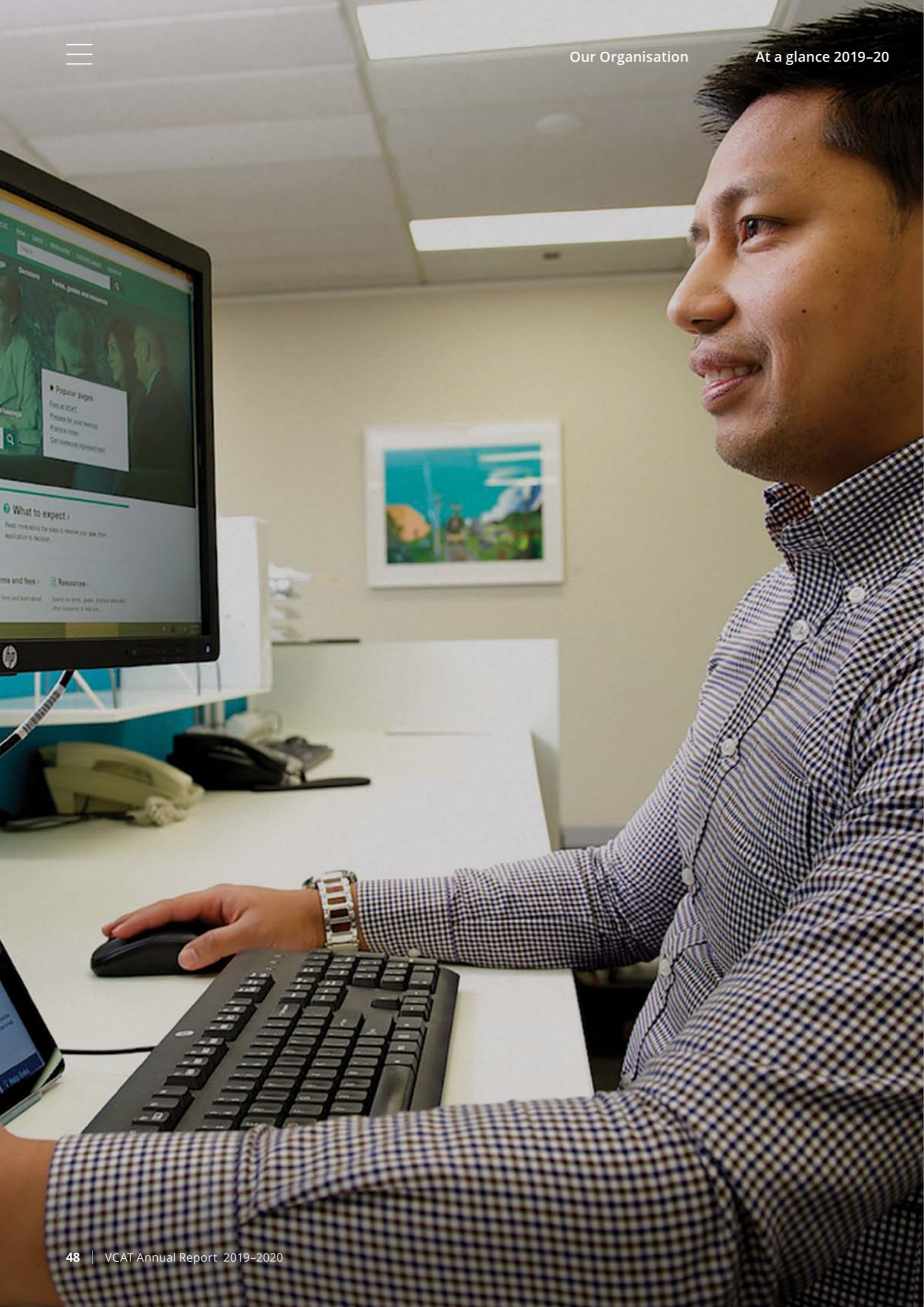
The **Board of Management** advises the CEO on key strategic and operational issues. The **Member Advisory Group** supports the President in her role as tribunal head by providing a structured forum for member input. The **Strategy Working Group** works on issues referred to it by the Member Advisory Group or the President.

**Standing committees** oversee our critical business functions. They include the:

- » Service Reform and Delivery Committee
- » Workplace and Culture Committee
- » Finance, Risk, Audit and Performance Committee.

For details on our new governance structure, see page 78.





Strategic Priority 05 > Skilled for the future



Highlights

- 01 Established a dedicated inhouse team to support members and staff with the transition to virtual hearings, including developing guides, providing training and in-hearing technical support
- 02 Completed our two-year Empowering You program, equipping staff with the skills to build relationships, improve their communication and learn new techniques to build trust and influence
- 03 Hosted a tailored training workshop to prepare for new guardianship and administration laws, to help staff successfully interact with people who have communication disabilities
- 04 Welcomed our first female Indigenous member, who joined our Human Rights Division and became our second Koori VCAT member
- 05 Used data daily to optimise how we use our limited resources, including during the COVID-19 pandemic when data helped us identify cases where an urgent hearing was necessary

Challenges

- 01 Delivering training to a workforce that was largely working from home due to the pandemic

Looking ahead

- 01 Explore and offer online training programs to replace in-person training until pandemic restrictions lift
- 02 Develop new initiatives to enhance staff skills now that we've completed the Empowering You program



## Year in review:

### Develop a modern dynamic workforce for the future

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

In May, we established a small but dedicated inhouse team to support members and staff with the commencement of transition to some limited virtual hearings. This included developing materials and training members and staff to use the technology. All matters conducted by videoconference were supported and commenced online by staff trained as virtual bench clerks. Their role was to conduct technical checks with the member or mediator and all parties, assigning hosting rights to the member or mediator once the hearing was ready to start.

We created a comprehensive calendar of training options with the Judicial College of Victoria (JCV). This led to more members participating in professional development, especially in the areas of leadership and management. We completed our two-year Empowering You program, aimed at building coaching and communication skills. More than 100 staff took part, with 92 per cent saying the workshops 'met' or 'exceeded' their expectations.

Mental health and wellbeing continued to be a focus of training. This included vicarious trauma training to support frontline staff, with specific support for staff in a Family Violence Support role.

In February, we hosted a tailored training workshop to prepare for new guardianship and administration laws.

The workshop helped frontline staff understand how to successfully interact with people who have communication disabilities. Under the new Act, we need to support people who are the subject of a guardianship or administration order to attend their hearing and make decisions about matters that affect them.

We embedded staff from our People and Culture team within project teams implementing the *Guardianship and Administration Act 2019* and preparing for the *Residential Tenancies Amendment Act 2018* to be introduced. As part of this role, they facilitated a workshop to upskill training champions in effective training delivery and on-the-job learning.

From March, we postponed scheduled training and development as a result of the COVID-19 pandemic. Our teams are exploring how this training might recommence online in 2020-21.

#### Strengthen recognition and rewards, and enhance performance management

Our staff continued to take part in the annual Performance Development Plan process. We offered one-on-one coaching sessions to help staff create meaningful and measurable goals for the year ahead.

The process is a chance to reflect on how they would like their career at VCAT to progress, what training they need and how they are performing against their previous goal plans. We continued to monitor and promote this process to staff as a way of taking control of their professional development.

We also promoted the opportunities provided by expressions of interest in performing higher duties, at VCAT, CSV and other Victorian jurisdictions.

#### Strengthen workforce diversity to reflect the Victorian community

In June, we welcomed our first female Indigenous member, Michelle Gardner, who joined our Human Rights Division. She is our second Koori VCAT member – Member Syd Fry joined VCAT in 2008 and is co-chair of our Koori Reference Group. In January, we recruited a Koori Engagement team, who join more than

50 Koori staff in CSV's Koori Staff Network. Their role includes support for cases known to involve a Koori party, such as:

- » helping members with Koori cultural considerations
- » providing cultural support to staff who are managing cases and queries
- » early contact with Koori parties to inform and support their VCAT process and to improve hearing attendances.

We appointed five new trainees this year as part of the Youth Employment Scheme (YES), which offers young people paid work experience while working towards a qualification. We appointed trainees within our Bench Clerk team and have appointed a number of previous YES trainees as Victorian Public Sector (VPS) employees.

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

We continued to refine and develop our workforce structure, adapting as conditions changed. This year, that included adapting to the impact of the COVID-19 pandemic. In April, we established a new team to support telephone and videoconference hearings.

The team trained members and staff in new processes and technology, including with written guides, webinars and one-to-one training sessions to meet specific needs.

Our internal governance went through a major restructure, establishing new groups and committees to oversee critical business functions. These included the Service Reform and Delivery Committee, which now oversees delivery of our core services to the community.

It drives service reform that aligns with our strategic plan.

In addition, the Planning and Environment Division established a new management group this year, comprising the Head of Division and other senior leaders. Its aim was to provide and promote clear, purposeful and integrated leadership within the division.

#### Use data to optimise and predict resourcing needs

We use data daily to help optimise how we use our limited resources. During the COVID-19 pandemic, data helped us identify cases where an urgent hearing was necessary, so we could prioritise them for relisting as a telephone or videoconference hearing. We monitored operational data daily, for the number and types of applications, so we could

quickly respond to users' needs. Call types and volumes were also monitored daily, to help identify areas that needed extra resources or information. In addition, since the early stages of the pandemic, we have been conducting a comprehensive impact analysis to determine the current and future impacts of the pandemic across all divisions.

Currently, our data is available in real-time performance dashboards for Residential Tenancies List matters, as well as compulsory conferences and mediations across all lists. This makes it easier to analyse and predict patterns. It also makes data easier to understand for members and staff who need to interact with it.



# Delivering our services

To efficiently deliver our services, the tribunal is organised into five divisions, supported by the administration executive (including our registry functions).

**Each division is led by a deputy president (DP).**

In this section of the report, we provide detailed information about the type and number of cases we handled in 2019-20, how quickly we resolved matters, and key factors that affected our services this year.

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

<p>Divisions &gt;</p>	<p>Administrative Division</p> <hr/> <p><b>Head of Division</b> DP Heather Lambrick</p> <p><b>Lists</b> Legal Practice Review and Regulation</p>	<p>Civil Division</p> <hr/> <p><b>Head of Division</b> DP Catherine Aird</p> <p><b>Lists</b> Building and Property Civil Claims Owners Corporations</p>
<p>Human Rights Division</p> <hr/> <p><b>Head of Division</b> DP Genevieve Nihill AM</p> <p><b>Lists</b> Guardianship Human Rights</p>	<p>Planning and Environment Division</p> <hr/> <p><b>Head of Division</b> DP Teresa Bisucci</p> <p><b>Lists</b> Planning and Environment</p>	<p>Residential Tenancies Division</p> <hr/> <p><b>Head of Division</b> DP Ian Proctor</p> <p><b>Lists</b> Residential Tenancies</p>



## Delivering our services

### Building and Property List

#### Key points

- » Increase in finalisations, despite delays caused by COVID-19 pandemic restrictions
- » Introduction of telephone and videoconference hearings and compulsory conferences
- » New 'emergency' laws enacted for retail tenancies

#### What we do

The Building and Property List hears and determines:

- » domestic building disputes
- » retail tenancies disputes
- » disputes about commercial building works and commercial leases
- » claims arising from the unreasonable flow of water from one property to another
- » sale or division of co-owned land or goods

- » reviews of certain decisions made by Domestic Building Dispute Resolution Victoria (DBDRV)
- » reviews of decisions by warranty insurers in relation to domestic building work
- » applications for an exemption from the owner-builder requirement to have warranty insurance when selling their home
- » reviews of certain decisions made by the Victorian Building Authority.

#### Year in review

The impact of the COVID-19 pandemic was felt across all lists this year, including the Building and Property List. Applications to the list remained steady, indicating that without the pandemic they would have been higher than last year. Adjourning all matters from 18 March affected our pending numbers, which increased 34 per cent overall.

By mid-May, we had begun to conduct hearings, directions hearings and compulsory conferences by telephone or videoconference. All compulsory conferences, and most hearings, were conducted by videoconference. Teleconferencing was mainly used for directions hearings and some small claims.

There was a four per cent increase in applications under the *Domestic Building Contracts Act 1995*, and a 25 per cent rise in disputes about the unreasonable flow of water between properties.

Applications under the *Property Law Act 1958*, about co-owned land and goods, decreased 14 per cent.

Retail tenancy matters were up seven per cent. These were mostly injunction applications. On 1 May, Parliament passed the *COVID-19 Omnibus (Emergency Measures) Act 2020*, establishing a rent relief scheme to ease financial hardship faced by retail tenants who met the eligibility criteria. If a retail tenant and landlord could not reach agreement about rent relief, VCAT could hear and

decide their dispute, but only if the matter had already been before the Small Business Commission (SBC).

To apply to VCAT, parties needed a certificate from the SBC stating that mediation had failed or the dispute was unlikely to be resolved. This was not required for urgent injunction applications.

Overall, we finalised a similar number of cases to last year, a considerable achievement given the circumstances.

Caseflow	2017–18	2018–19	2019–20	Variance
Initiations	1,739	2,298	2,295	0%
Finalisations	1,651	1,801	1,827	1%
Pending	946	1,408	1,880	34%
Clearance rate	95%	78%	80%	

Timeliness of finalised cases (weeks)	2017–18	2018–19	2019–20
Median	16	16	20
80th percentile	40	34	37

Initiations	2017–18	2018–19	2019–20	Variance
Building	1,195	1,753	1,729	-1%
Real Property	244	239	239	0%
Retail Tenancies	300	306	327	7%
<b>Total</b>	<b>1,739</b>	<b>2,298</b>	<b>2,295</b>	<b>0%</b>

Finalisations	2017–18	2018–19	2019–20	Variance
Building	1,173	1,294	1,337	3%
Real Property	211	203	218	7%
Retail Tenancies	267	304	272	-11%
<b>Total</b>	<b>1,651</b>	<b>1,801</b>	<b>1,827</b>	<b>1%</b>

Pending	2017–18	2018–19	2019–20	Variance
Building	655	1,089	1,497	37%
Real Property	148	177	192	8%
Retail Tenancies	143	142	191	35%
<b>Total</b>	<b>946</b>	<b>1,408</b>	<b>1,880</b>	<b>34%</b>

Applications by enabling enactment	2017–18	2018–19	2019–20	Variance
<i>Domestic Building Contracts Act 1995</i>	873	1,267	1,324	4%
<i>Property Law Act 1958</i>	146	146	125	-14%
<i>Retail Leases Act 2003</i>	300	306	327	7%
<i>Water Act 1989</i>	98	91	114	25%
<i>Australian Consumer Law and Fair Trading Act 2012</i>	320	486	395	-19%
Others	2	2	10	400%
<b>Total</b>	<b>1,739</b>	<b>2,298</b>	<b>2,295</b>	<b>0%</b>

Applications by claim amount	2017–18	2018–19	2019–20	Variance
Small claims: <\$15,000*	517	728	636	-13%
Standard claims: \$15,000–\$100,000	387	560	591	6%
Complex claims: \$100,000+	207	329	328	0%
No value	628	681	740	9%
<b>Total</b>	<b>1,739</b>	<b>2,298</b>	<b>2,295</b>	<b>0%</b>

\* On 7 December 2018, part of the *Justice Legislation Amendment (Access to Justice) Act 2018* came into effect, increasing the small claims range to under \$15,000 for applications made under the Australian Consumer Law and Fair Trading Act.



## Delivering our services

### Civil Claims List

#### Key points

- » Applications decreased by eight per cent, after four years of steady growth in applications and clearance rates
- » Finalisations and pending cases increased, as we managed service disruption due to the COVID-19 pandemic
- » Launched a new application for consumer disputes, enabling a better user experience

#### What we do

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

- » disputes about the sale of businesses, including representations of profitability
- » professional negligence claims against accountants and other service providers
- » complex disputes about cars, where multiple parties are involved
- » disputes under contracts for software and application development, and for internet marketing

- » disputes under contracts for the manufacture of expensive items such as caravans
- » disputes under insurance policies
- » disputes between franchisors and franchisees
- » disputes in which claims for contribution or indemnity are made against third parties.

We also hear cases based on the laws that prohibit misleading or deceptive conduct, false representation, unconscionable conduct, and the use of unfair terms in some contracts. People can make applications under some of these laws even where they have not bought goods or services from the respondent. Claims can be issued by suppliers and consumers – for example, tradespeople frequently make applications about unpaid debts.

#### Year in review

We saw an eight per cent decrease in applications this year, following four years of steady growth in applications and clearance rates.

This could be attributed to the impact of the COVID-19 pandemic on consumers and traders, including reduced transactions. Applications about larger claim amounts, which are generally more complex cases, did not drop as much as applications for smaller claims. This followed the trend in recent years of the list attracting more complex cases to resolve.

From 18 March, due to the pandemic, we triaged cases and moved as many as possible to telephone or videoconference hearings, after initially adjourning 800 cases until further notice. We developed processes to efficiently deal with pending cases, prioritising relisting of matters we'd adjourned. By 30 June, our finalisations were down 21 per cent and our pending cases were up 45 per cent. We achieved an 85 per cent clearance rate overall and exceeded our timeliness targets for finalising cases.

About 85 per cent of disputes had a claim value under \$15,000. All applications with claims of between \$500 and \$10,000 were assessed for suitability for mediation. Of these, about 40 per cent were suitable for the Fast Track Mediation and Hearing service, which we offer in partnership with the Dispute Settlement

Centre of Victoria. The service starts with a mediation, followed by a hearing on the same day if the parties do not reach agreement at the mediation. The impact of the pandemic required the hearing, if needed, to be held on a different day. This increased the time it took to finalise cases.

We launched an innovative new online application for consumer disputes in July, making it simpler and faster to apply, and providing a better user experience. This has increased application completion rates and improved the quality of applications, among other benefits.

Caseflow	2017-18	2018-19	2019-20	Variance
Initiations	8,764	9,488	8,756	-8%
Finalisations	8,533	9,381	7,421	-21%
Pending	2,611	2,475	3,579	45%
Clearance rate	97%	99%	85%	

Timeliness of finalised cases (weeks)	2017-18	2018-19	2019-20
Median	12	10	10
80th percentile	18	16	15

Applications by enabling enactment	2017-18	2018-19	2019-20	Variance
<i>Australian Consumer Law and Fair Trading Act 2012</i>	8,684	9,474	8,660	-9%
<i>Domestic Building Contracts Act 1995</i>	71	3	5	67%
Others	9	11	91	727%
<b>Total</b>	<b>8,764</b>	<b>9,488</b>	<b>8,756</b>	<b>-8%</b>

Applications by claim amount	2017-18	2018-19	2019-20	Variance
Small claims: <\$15,000	7,274	8,106*	7,463	-8%
Standard claims: \$15,000–\$100,000	1,177	1,052	1,036	-2%
Complex claims: \$100,000 +	117	131	135	3%
No value	196	199	122	-39%
<b>Total</b>	<b>8,764</b>	<b>9,488</b>	<b>8,756</b>	<b>-8%</b>

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



## Delivering our services

### Guardianship List

#### Key points

- » Implemented significant changes under the new *Guardianship and Administration Act 2019*, including new procedures and plain language application forms, notices of hearing and orders
- » Continued to refine our case management model, to provide a tailored and effective service for our most vulnerable users
- » Launched the online Guardianship Hub to the public, providing a flexible, user-friendly way to make and manage applications about guardianship, administration, powers of attorney and medical treatment

#### What we do

The Guardianship List makes protective orders under the *Guardianship and Administration Act 2019* and other legislation. The most common orders – guardianship and administration orders – involve appointing substitute decision-makers for adults who are unable to make decisions for themselves. The list also makes orders about enduring powers of attorney, medical treatment decisions and advance care directives.

#### Year in review

New laws came into effect on 1 March, changing how VCAT considers and appoints a guardian or administrator.

In the first major overhaul of these laws since 1986, the *Guardianship and Administration Act 2019* enables VCAT to:

- » appoint a supportive guardian for personal matters or supportive administrator for financial matters, recognising that the person may be able to make some types of decisions themselves with the right support
- » continue to appoint a guardian or administrator, if there is no less restrictive option.

The *Guardianship and Administration Act 2019* shifts the emphasis from making decisions on behalf of a person with a disability and in their best interests, to supporting them to make decisions about themselves, express their will and preferences and develop their decision-making capacity. Because of this, it became even more critical to establish an effective case management model so we can contact the represented person, provide an opportunity for them to express their will and preferences and attend their hearing with appropriate support.

We expanded and developed our online platform, the Guardianship Hub, and launched it to the public in July. The Hub provides a faster and more responsive service and integrates directly into our case management system. It is a first step towards a long-term plan to transition from paper files to a digital case management system.

In February, all hearings and counter services at William Cooper Justice Centre moved at short notice to our main venue at 55 King Street, following water damage caused by a burst pipe. The Office of the Public Advocate and State Trustees Ltd moved with us, so they could continue supporting clients. The move to King Street, including all our case files, disrupted services and caused backlogs. By 30 June, we were still at King Street while repairs continued.

The impact of the COVID-19 pandemic required us to rapidly adapt our processes, systems and service. Staff who were not at risk attended the office, but some staff needed to work from home due to risk factors. Productivity was impacted as client information could not be accessed remotely. Hearings were not adjourned but were transitioned to telephone and videoconferences. This involved significant adaptation and flexibility to processes and the work environment.

We analysed all matters to prioritise those with most critical risk. Following this analysis, some matters were paused until early 2020-21. They are not represented in this year's data.

While initiations appear to be reduced, this reflects the inability to upload cases that were not urgent, rather than a genuine drop in figures. This was due to reduced staff in the office due to the pandemic, staff at home not having access to paper-based files, and a focus on prioritising critical work. A further 1,359 initiations were due to be listed but were not uploaded by year-end. These were determined to be cases of minimal risk if delayed, for example, where a professional guardian or administrator had already been appointed, there had not been any complaints or concerns received about them and the matter was due to be reassessed. The actual initiation figure of 14,340 is similar to last year.

Overall, the list had a significant rise in complex and urgent cases. These required a robust risk management approach to ensure those that required urgent orders about accommodation and physical safety for a vulnerable person were managed appropriately, despite the impacts of the pandemic.

There was an increase in certain types of requests that could be clearly attributed to COVID-19, such as requests for Advice to Administrator, which were predominantly requests for approval of loans or gifts from the represented person to family members who were in financial difficulties due to the pandemic. Requests for a rehearing halved, to only 40 requests, reflecting overall satisfaction with the outcome of hearings. This figure is very low considering the number of hearings we conduct.

We received almost 60 per cent fewer applications for power to enforce a guardianship order. This is positive, demonstrating that even more than before, guardians are finding less formal and less restrictive ways to deal with a situation. While there has always been a strong focus on less restrictive options, the *Guardianship and Administration Act 2019* requires that the will and preferences of the represented person must be emphasised, which this reduction demonstrates.

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

Caseflow	2017-18	2018-19	2019-20	Variance
Initiations	14,249	14,076	12,981	-8%
Finalisations	12,807	12,971	12,920	0%
Clearance rate	90%	92%	100%	

Applications by lodgement type	2017-18	2018-19	2019-20	Variance
Guardianship Hub (online)	72	536	1,826	241%
Registry (manual)	14,177	13,540	11,155	-18%
<b>Total</b>	<b>14,249</b>	<b>14,076</b>	<b>12,981</b>	<b>-8%</b>

Major applications/activities by Act and sections	2017-18	2018-19	2019-20	Variance
Guardianship and/or administration orders	6,035	6,609	6,064	-8%
Reassessment orders	7,195	6,833	6,058	-11%
Powers of attorney	670	734	623	-15%
Others*	3,911	3,772	4,147	10%
<b>Total</b>	<b>17,811</b>	<b>17,948</b>	<b>16,892</b>	<b>-6%</b>

* Breakdown of other applications/activities by Act and sections	2017-18	2018-19	2019-20	Variance
Advice to administrator	3,004	2,793	3,108	11%
Directions	567	615	759	23%
Rehearing	81	80	40	-50%
Power to enforce guardianship order	50	46	19	-59%
Temporary guardianship order	41	28	16	-43%
Orders about appointed medical treatment decision makers and support persons	82	86	78	-9%
Additional activities	86	124	127	2%
<b>Total</b>	<b>3,911</b>	<b>3,772</b>	<b>4,147</b>	<b>10%</b>



## Delivering our services

### Human Rights List

#### Key points

- » Rise in complex applications, including almost 50 per cent more applications under the Health Records Act
- » Refined and developed our case management model, including training and development of case managers
- » Smoothly implemented the *Voluntary Assisted Dying Act 2017* in the first full year since its introduction

#### What we do

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

We also hear applications for exemption, for example, when a school wants to preferentially

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

#### Year in review

Applications to the list increased 12 per cent compared to last year, including a higher percentage of complex and protracted matters.

For example, we received almost 50 per cent more applications under the *Health Records Act 2001* and 38 per cent more under the *Mental Health Act 2014*.

Applications under the *Privacy and Data Protection Act 2014* more than tripled, from eight last year to 29 this year. It is not clear why these increases occurred. By 30 June, we had finalised six per cent fewer cases compared to last year – a positive result given the increase in initiations. Our pending rate rose significantly however, to 46 per cent.

In March, we paused all cases in response to the COVID-19 pandemic. This step was taken for various reasons, including a decrease in staff resources and the need to adapt our processes and systems to accommodate remote working and hearings. We assessed all cases and prioritised them based on the risk to the health and wellbeing of parties, as well as the numbers of parties. By April, we had enabled videoconference hearings.

We continued to refine and develop our case management approach to the Human Rights List. We assigned a case manager to each case, to manage and monitor the case from beginning to end. This provided a personalised, efficient service and ensured all milestones were progressed in a timely manner.

The case management model has achieved significant benefits for all users, especially the high proportion of applicants who represent themselves without help from a lawyer or legal advocate.

This was our first full year of administering the *Voluntary Assisted Dying Act 2017*, which came into effect on 19 June 2019. We benefited from an extensive program of work last year to develop new application forms, website content, documentation, training materials and other initiatives to smoothly accommodate the new law. In 2019-20, we received two applications for review under the Act.

Caseflow	2017-18	2018-19	2019-20	Variance
Initiations	463	455	510	12%
Finalisations	370	439	412	-6%
Pending	198	201	293	46%
Clearance rate	80%	96%	81%	

Timeliness of finalised cases (weeks)	2017-18	2018-19	2019-20
Median	12	16	17
80th percentile	20	30	29

Applications by enabling enactment	2017-18	2018-19	2019-20	Variance
<i>Disability Act 2006</i>	40	41	44	7%
<i>Equal Opportunity Act 2010</i>	310	316	322	2%
<i>Health Records Act 2001</i>	31	30	44	47%
<i>Mental Health Act 2014</i>	47	32	44	38%
<i>Assisted Reproductive Treatment Act 2008</i>	1	3	2	-33%
<i>Voluntary Assisted Dying Act 2017</i>	N/A	0	2	0%
<i>Racial and Religious Tolerance Act 2001</i>	4	8	10	25%
<i>Privacy and Data Protection Act 2014</i>	6	8	29	263%
Others	24	17	13	-24%
<b>Total</b>	<b>463</b>	<b>455</b>	<b>510</b>	<b>12%</b>



## Delivering our services

### Legal Practice List

#### Key points

- » Small specialist list (VCAT's smallest by volume) that hears both civil and administrative matters
- » Significant decrease in the number of pending cases, despite impact of COVID-19 pandemic
- » Higher percentage of disputes about family law cases, estates and wills, conveyancing and commercial transactions

#### What we do

The Legal Practice List mainly hears and determines cases about lawyers' conduct, and disputes between lawyers and clients about legal services and costs. We decide professional disciplinary cases brought by the Victorian Legal Services Commissioner (VLSC). We also review decisions made by the Legal Services Board that affect lawyers' permission to practise or be paid in connection with practising the law or managing a legal practice.

The Legal Practice List hears and determines:

- » applications by the VLSC for orders about the professional conduct of legal practitioners
- » claims by clients for losses they allege their lawyer has caused them to suffer or about the costs charged
- » claims by lawyers for non-payment of legal fees

- » reviews of decisions made by the Legal Services Board about lawyers' practising certificates
- » applications by the Legal Services Board to have non-lawyers disqualified from being employed or paid in connection with practising the law or being involved in the management of a legal practice.

We hear cases under laws that apply only to the legal profession:

- » Legal Profession Uniform Law (Victoria) - Schedule 1: *Legal Profession Uniform Law Application Act 2014*
- » *Legal Profession Act 2004*.

We also hear cases under laws that apply to services generally, in particular the *Australian Consumer Law and Fair Trading Act 2012*.

#### Year in review

Applications remained steady this year. However, our finalisation rates dropped as a result of the COVID-19 pandemic, in particular, the need to pause all cases from March while we arranged for remote hearings and alternative dispute resolution. Pending cases decreased, reflecting our targeted reviews of cases in the list.

Some disciplinary cases were put on hold until amending legislation passed in September 2019. The legislation clarified and validated the ability of the VLSC to bring cases where the Legal Services Commissioner started a complaint or investigation before the *Legal Profession Uniform Law* commenced on 1 July 2015.

Civil disputes were about issues such as costs, delays, communication failures, poor case handling or settlement outcomes. They encompassed almost all areas of legal practice, with a higher percentage of disputes about family law cases, estates and wills, conveyancing and commercial transactions.

We also saw an increase in the number of lawyers who are, advisedly, involving their professional indemnity insurer, the Legal Practitioners' Liability Committee, when civil cases are filed against them. We continued to use alternative dispute resolution to resolve disputes, including at an early stage when the case is first filed.

The small number of applications in this list means that a relatively small change in volume shows as a large statistical variation.

Caseflow	2017-18	2018-19	2019-20	Variance
Initiations	98	124	121	-2%
Finalisations	76	115	87	-24%
Pending	58	63	43	-32%
Clearance rate	78%	93%	72%	

Timeliness of finalised cases (weeks)	2017-18	2018-19	2019-20
Median	17	17	19
80th percentile	28	33	48

Applications by enabling enactment	2017-18	2018-19	2019-20	Variance
<i>Australian Consumer Law and Fair Trading Act 2012</i>	55	86	80	-7%
<i>Legal Profession Act 2004</i>	12	8	3	-63%
<i>Legal Profession Uniform Law Application Act 2014</i>	31	28	38	36%
<i>Victorian Civil and Administrative Tribunal Act 1998</i>	0	2	0	-100%
<b>Total</b>	<b>98</b>	<b>124</b>	<b>121</b>	<b>-2%</b>

## Delivering our services

### Owners Corporations List

#### Key points

- » Six per cent increase in applications overall, with a nine per cent rise in small claims
- » More than 85 per cent of applications were about unpaid owners corporation fees below \$15,000
- » Impact of the COVID-19 pandemic resulted in about 50 per cent of cases pending at year-end

#### What we do

The Owners Corporations List deals with disputes about the management and use of common property and areas within subdivided land, such as apartments or units. The disputes between owners corporations and lot owners are often about:

- » unpaid owners corporation fees
- » owners corporation financial management and record keeping
- » owners corporation management fees, performance and management contracts
- » repairs and maintenance of lots and common property.

The list also deals with neighbourhood disputes affecting service companies, company title corporations or unit owners. Almost all cases are disputes under the *Owners Corporations Act 2006*. However, the list also determines applications made under the *Subdivision Act 1988* that relate to owners corporations.

#### Year in review

Applications to the Owners Corporations List increased six per cent this year, below expected numbers.

We ended the year with about 50 per cent of cases pending, about 60 per cent more than last year. This reflected our limited capacity to hear matters from 18 March, after all proceedings were temporarily adjourned due to the pandemic. We achieved a clearance rate of 84 per cent, only slightly down on last year (89 per cent) despite the circumstances.

In response to the pandemic, we triaged pending cases and prioritised on a case-by-case basis. As much as possible, we scheduled telephone or videoconference hearings to progress

matters that had been adjourned. We also assessed which matters could be determined on the papers, and developed processes to prepare for the higher number of pending cases carrying into 2020-21.

We saw a nine per cent increase in lower threshold claim amounts. Some 87 per cent of matters arose from claims for unpaid owners corporation fees below \$15,000. The remaining 13 per cent comprised complex claims about the management of owners corporations and disputes with, and between, lot owners. These claims are more resource intensive and take significantly longer to finalise.

In October, we introduced processes to improve the efficiency of hearings about unpaid owners corporations fees. These included a new procedure to give parties a copy of the order at the end of their hearing, instead of by post.

In February 2019, VCAT was given powers to resolve short-stay accommodation disputes under the *Owners Corporations Amendment (Short-stay Accommodation) Act 2018*. The Act prohibits people from making excessive noise, creating a hazard, interfering with others' use of common property and causing damage to a lot or common property. By 30 June 2020, we had received five applications under this power. One case was resolved by agreement between the parties at a compulsory conference. The remaining cases were withdrawn prior to a hearing.

Caseflow	2017-18	2018-19	2019-20	Variance
Initiations	2,763	3,245	3,445	6%
Finalisations	2,685	2,885	2,911	1%
Pending	662	976	1,469	51%
Clearance rate	97%	89%	84%	

Timeliness of finalised cases (weeks)	2017-18	2018-19	2019-20
Median	8	9	17
80th percentile	11	13	12

Applications by enabling enactment	2017-18	2018-19	2019-20	Variance
<i>Australian Consumer Law and Fair Trading Act 2012</i>	12	9	10	11%
<i>Owners Corporations Act 2006</i>	2,712	3,193	3,401	7%
Others	39	43	34	-21%
<b>Total</b>	<b>2,763</b>	<b>3,245</b>	<b>3,445</b>	<b>6%</b>

Applications by claim amount	2017-18	2018-19	2019-20	Variance
Small claims: <\$15,000	2,300	2,740*	2,988	9%
Standard claims: \$15,000–\$100,000	153	162	115	-29%
Complex claims: \$100,000+	17	21	16	-24%
No value	293	322	326	1%
<b>Total</b>	<b>2,763</b>	<b>3,245</b>	<b>3,445</b>	<b>6%</b>

\* On 7 December 2018, part of the *Justice Legislation Amendment (Access to Justice) Act 2018* came into effect, increasing the small claims range to under \$15,000 (previously under \$10,000) for applications made under the Australian Consumer Law and Fair Trading Act.



Delivering our services

Planning and Environment List

Key points

- » Applications dropped 15 per cent overall, with a 19 per cent decline in major cases applications
- » Sharp rise in applications about land valuations, up about 100 per cent
- » Began a \$5.2 million government-funded project to digitise the list, including case files and hearings

What we do

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

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

Year in review

Applications decreased by about 15 per cent overall this year, including a 19 per cent decrease in major case applications.

There was a significant decrease in applications from March onwards, due to the COVID-19 pandemic and lack of certainty about the determination of disputes. The total project value of applications was also lower, at \$6.2 billion, down from \$7.75 billion last year.

Land valuation applications, in contrast, rose by 100 per cent. This was mainly due to a legislative change that introduced a revaluation cycle every year, instead of every two years. There was also an increase in applicants seeking to review objections to land tax assessments.

After pausing face-to-face hearings in March, we established new processes that included triaging and case managing files ready for hearing by telephone or videoconference. Many parties in adjourned matters were invited to have their case decided 'on the papers'. We provided guidance to users who accepted this offer.

As part of our pandemic response, Major Cases List matters were no longer automatically listed for a practice day hearing. Objector applications were listed for a compulsory conference by telephone or videoconference. Social distancing measures for administrative staff, and our mostly paper-based system, initially created a backlog of initiating orders waiting to be sent. We worked through this hurdle and by May were back on track with our administration. Applications adjourned due to the pandemic were prioritised for re-listing.

Despite our efforts to recommence matters as quickly as possible, finalisations dropped 16 per cent overall compared to last year. However, we finished the year with only a four per cent rise in pending cases.

In May, we began an intensive 12-week project to develop a digital document management system for the Planning and Environment Division, part of a \$5.2 million government-funded response to COVID-19. This will replace our paper-based file system.

It will enable applications to be made using a smart form, which integrates with the digital system and allows some hearings to be conducted on a new digital platform. The initial phase of the system will go live in July 2020. Further iterations, and additional features, will be rolled out later in 2020.

We also launched a revamped Short Cases List, established to decide less complex cases within three hours. Two hours are allocated for the presentation of submissions and evidence. An additional hour allows members to prepare and deliver a decision. The Short Cases List is suited to cases with a small number of parties, a limited number of issues in contention and less complex issues to resolve. Parties are required to give VCAT and each other their submissions before the hearing and are encouraged to use our template.

In July, we established a new leadership group for the Planning and Environment Division, comprising Head of Division Deputy President (DP) Bisucci, DP Dwyer, and Deputy Heads of List Senior Member (SM) Baird, SM Sibonis and SM Daicic.

Its purpose was to provide and promote clear, purposeful and integrated leadership within the division.

We also began a significant program of work to reform processes. We invited people in our user forums to a series of information sharing evenings in late 2019, to hear their views and collate information.

Following these forums, and consultation with our staff, we narrowed our focus to work on:

- » new application forms that are user-friendly in format and written in plain language
- » creating fact sheets, including for amendments or cancellation of permits, enforcement orders and environment and resources cases

- » new initiating orders designed to be streamlined and easy to understand, and
- » a new sub-list – the Environment and Resources List – which deals with applications under specific legislation including the *Environment Protection Act 1970*. The creation of the list also responds to the introduction of the *Environment Protection Act 2017*, now delayed until 2021 due to the pandemic.

Caseflow	2017-18	2018-19	2019-20	Variance
Initiations	2,816	2,652	2,259	-15%
Finalisations	3,023	2,613	2,197	-16%
Pending	1,392	1,417	1,469	4%
Clearance rate	107%	99%	98%	

Timeliness of finalised cases (weeks)	2017-18	2018-19	2019-20
Median	26	26	26
80th percentile	34	34	34

Initiations	2017-18	2018-19	2019-20	Variance
Planning and Environment	2,711	2,556	2,066	-19%
Land Valuation	105	96	193	101%
<b>Total</b>	<b>2,816</b>	<b>2,652</b>	<b>2,259</b>	<b>-15%</b>

Finalisations	2017-18	2018-19	2019-20	Variance
Planning and Environment	2,928	2,525	2,067	-18%
Land Valuation	95	88	130	48%
<b>Total</b>	<b>3,023</b>	<b>2,613</b>	<b>2,197</b>	<b>-16%</b>

Pending	2017-18	2018-19	2019-20	Variance
Planning and Environment	1,347	1,365	1,353	-1%
Land Valuation	45	52	116	123%
<b>Total</b>	<b>1,392</b>	<b>1,417</b>	<b>1,469</b>	<b>4%</b>



Applications by enabling enactment	2017-18	2018-19	2019-20	Variance
Environment Protection Act 1970	14	9	14	56%
Planning and Environment Act 1987	2,666	2,525	2,032	-20%
Valuation of Land Act 1960	100	81	167	106%
Others	36	37	46	24%
<b>Total</b>	<b>2,816</b>	<b>2,652</b>	<b>2,259</b>	<b>-15%</b>

Applications by type	2017-18	2018-19	2019-20	Variance
Major cases	615	565	460	-19%
Standard claims	2,096	1,991	1,606	-19%
Land Valuation	105	96	193	101%
<b>Total</b>	<b>2,816</b>	<b>2,652</b>	<b>2,259</b>	<b>-15%</b>

Applications by claim amount	2017-18	2018-19	2019-20	Variance
Small claims: <\$10,000	219	245	103	-58%
Standard claims: \$10,000–\$100,000	98	90	72	-20%
Complex claims: \$100,000–\$1million	920	784	427	-46%
Complex claims: \$1million–\$5million	527	452	315	-30%
Complex claims: \$5million–\$20million	188	175	149	-15%
Complex claims: \$20million+	101	96	87	-9%
No value	763	810	1,106	37%
Total	2,816	2,652	2,259	-15%
<b>Approximate total value (\$billion)</b>	<b>\$11.38</b>	<b>\$7.75</b>	<b>\$6.20</b>	<b>-20%</b>

Top 20 number of applications by council during 2019-20 (by alphabetical order)	2017-18	2018-19	2019-20	Variance
Banyule City Council	67	80	53	-34%
Bayside City Council	138	120	81	-33%
Boroondara City Council	118	133	121	-9%
Darebin City Council	121	100	83	-17%
Greater Dandenong City Council	54	49	51	4%
Greater Geelong City Council	54	49	58	18%
Kingston City Council	55	53	47	-11%
Manningham City Council	85	70	62	-11%
Maribyrnong City Council	32	40	46	15%
Maroondah City Council	58	67	55	-18%
Melbourne City Council	141	140	93	-34%
Monash City Council	186	123	109	-11%
Moonee Valley City Council	65	43	46	7%
Moreland City Council	139	102	63	-38%
Mornington Peninsula Shire Council	146	242	130	-46%
Port Phillip City Council	137	97	92	-5%
Stonnington City Council	129	101	101	0%
Whitehorse City Council	78	54	45	-17%
Whittlesea City Council	36	45	68	51%
Yarra City Council	131	121	124	2%

Top 20 number of applications by suburb during 2019-20 (by alphabetical order)	2017-18	2018-19	2019-20	Variance
Brighton	40	35	31	-11%
Clayton	45	21	27	29%
Doncaster	18	10	24	140%
Elwood	16	13	17	31%
Fitzroy	12	13	20	54%
Glen Waverley	41	25	17	-32%
Hawthorn	24	23	24	4%
Hawthorn East	9	9	18	100%
Kew	20	24	19	-21%
Melbourne	83	117	47	-60%
Mount Waverley	29	25	21	-16%
North Melbourne	17	9	18	100%
Preston	39	20	31	55%
Reservoir	28	25	17	-32%
Richmond	40	36	34	-6%
Ringwood	40	36	20	-44%
South Melbourne	34	24	18	-25%
South Yarra	35	18	18	0%
Toorak	18	21	17	-19%
Wollert	3	3	24	700%



## Delivering our services

### Residential Tenancies List

#### Key points

- » Managed the impact of the COVID-19 pandemic, including emergency legislation passed by the Victorian Government after the National Cabinet announced an eviction moratorium
- » Prepared for the introduction of the *Residential Tenancies Amendment Act 2018 (RTAA)*, which includes 130 reforms that improve protections for tenants and enable landlords to effectively manage their properties
- » Implemented pets in rental properties legislation, part of the new RTAA

#### What we do

The Residential Tenancies List is a high-volume, efficient throughput list. Before the pandemic, matters were often finalised within four weeks of the original application, earlier if urgent. The list promotes non-adversarial dispute resolution so parties can maintain rental relationships.

The list mainly handles disputes between:

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

#### Year in review

We began the year focused on service delivery and service improvement. This included reviewing internal process efficiency, improved notifications to tenants by text, increased telephone hearings, publishing residential tenancies decision summaries and researching case outcomes.

The list worked with VCAT's Koori Engagement team, improved relations with stakeholders representing tenants, landlords and government, and provided training opportunities for landlords and tenants.

We were also preparing for major tenancy reforms under the RTAA. The Act includes more than 130 reforms designed to increase protections for renters while ensuring those who provide rental housing can still effectively manage their properties.

On 2 March, part of the new legislation was introduced, providing a way for tenants to keep a pet at a rental property. Landlords have 14 days to apply to VCAT for permission to refuse. Under the new legislation, the landlord can apply to VCAT:

- » seeking permission to refuse consent for a tenant to keep a pet
- » to make a tenant remove a pet that is on the premises without permission.

The remaining amendments under the RTAA were due to start on 1 July 2020 but were delayed to 2021 due to the pandemic. When VCAT made the decision to pause all in-person hearings from 18 March, we quickly moved to telephone hearings that included parties, advocates, interpreters and witnesses. Documentary evidence arrived by email. We drafted and electronically signed orders, then emailed them to parties.

Landlords and tenants were pragmatic about the situation and understanding of the new hearing method. By 30 June, telephone hearings were continuing with improved equipment and processes.

We introduced videoconferencing for longer, more complex hearings. Emails to the list increased during the pandemic by about 5,000 a month, with 11,200 received in June alone.

On 25 April, the *COVID-19 Omnibus (Emergency Measures) Act 2020* took effect, retrospective to 29 March 2020. Accompanying regulations commenced on 13 May. The new law limits rental evictions, provides other protections to tenants during the health emergency and balances the rights and duties between landlords and tenants in various ways.

In this unusual year, applications were down six per cent, and finalisations dropped nine per cent. By year-end, our pending rates had increased significantly, up by more than 100 per cent. There was an exponential rise in applications categorised as 'other'. Most of these were possession/termination applications commenced between 29 March and 30 June under the COVID-19 emergency legislation.

Caseflow	2017-18	2018-19	2019-20	Variance
Initiations	53,212	52,412	49,022	-6%
Finalisations	53,309	52,171	47,650	-9%
Pending	2,430	2,467	5,199	111%
Clearance rate	100%	100%	97%	

Timeliness of finalised cases (weeks)	2017-18	2018-19	2019-20
Median	3	3	4
80th percentile	6	7	9

Applications by enabling enactment	2017-18	2018-19	2019-20	Variance
<i>Residential Tenancies Act 1997</i>	50,567	49,857	42,175	-15%
<i>Victorian Civil and Administrative Tribunal Act 1998</i>	2,496	2,397	2,043	-15%
<i>Australian Consumer Law and Fair Trading Act 2012</i>	140	138	124	-10%
Others	9	20	4,680*	23300%
<b>Total</b>	<b>53,212</b>	<b>52,412</b>	<b>49,022</b>	<b>-6%</b>

Highest number of applications by case type	2017-18	2018-19	2019-20	Variance
Possession and rent	14,107	14,443	8,176	-43%
Bond – unpaid rent and loss or damage or both (landlord)	9,091	8,834	7,933	-10%
Bond and compensation (landlord)	5,783	5,589	4,862	-13%
Renewals	4,927	4,374	3,725	-15%
Possession, rent and bond	5,671	5,351	3,610	-33%

\*Most of these were possession/termination applications commenced between 29 March and 30 June 2020 under the COVID-19 emergency provisions.

Delivering our services

Review and Regulation List

Key points

- » More than 40 per cent rise in *Transport Accident Act 1986* reviews
- » Finalisations decreased 21 per cent overall due to impact of COVID-19 pandemic
- » Changes to legislation affected our jurisdiction and prompted updates to forms, information, our case management system and data reporting

What we do

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

In this list, we also conduct inquiries into the professional conduct of various professionals, including a broad range of health professionals, as part of our 'original' jurisdiction. Original jurisdiction means VCAT is the first instance decision-maker.

The wide variety of matters we commonly deal with include:

- » health practitioners disciplinary and registration matters
- » estate agent, private security agent, commercial passenger vehicle owners and drivers matters
- » racing disciplinary matters
- » Freedom of Information reviews

- » reviews of Working with Children Check decisions
- » reviews of Victims of Crime Assistance Tribunal decisions
- » reviews of child welfare case plan decisions
- » state taxation matters
- » domestic animal cases, including dangerous or menacing dogs
- » reviews of Transport Accident Commission matters.

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

Year in review

On 18 March, we suspended all in-person hearings due to the COVID-19 pandemic. This meant that overall, we held fewer hearings. As a result, our finalisations were down 21 per cent compared to last year.

The number of compulsory conferences we completed in 2019-20 was also lower than in previous years, down 26 per cent. By April, hearings and compulsory conferences had begun to resume by telephone or videoconference, but in lower numbers.

Some matters that had been partly heard, and some that had been listed for hearing, were paused and were unable to be reconvened by 30 June. Many parties were unable to immediately proceed with hearings or compulsory conferences as they needed to focus on enabling working from home arrangements for their own staff.

Other matters were delayed due to the nature of how their type of case is normally resolved. For example, health practitioner disputes were delayed due to the two-stage process they are normally required to follow – a compulsory conference followed by a hearing before a tribunal panel. Although some compulsory conferences may have been completed before the pandemic restrictions, there was a delay in completing the final panel step. This delay was reflected in our finalisation rates.

During the period when proceedings were paused, we overhauled our processes to create a more streamlined experience for parties. For example, we reduced the number of touchpoints the parties needed to make with the tribunal and made directive orders explaining our processes and the steps parties needed to take to have their matters listed for compulsory conference or final hearing.

Several changes to laws impacted the list this year. The *Local Government Act 2020* took effect in April, repealing and re-enacting certain provisions of the *Local Government Act 1989*. It included new powers for VCAT to decide the validity of a council election and to review a decision to impose a surcharge on a councillor.

The *Working with Children Act 2005* was amended in December. The changes reduced the circumstances in which we can grant an assessment notice on a Category A application. These and other amendments required updates to our application forms, website information, our case management system and data reporting.

Caseflow	2017-18	2018-19	2019-20	Variance
Initiations	1,087	1,100	1,034	-6%
Finalisations	970	1,038	820	-21%
Pending	558	646	724	12%
Clearance rate	89%	94%	79%	

Timeliness of finalised cases (weeks)	2017-18	2018-19	2019-20
Median	21	21	27
80th percentile	51	51	60

Initiations (details)	2017-18	2018-19	2019-20	Variance
<i>Freedom of Information Act 1982</i>	188	159	151	-5%
<i>Transport Accident Act 1986</i>	217	187	263	41%
Others	682	754	620	-18%
<b>Total</b>	<b>1,087</b>	<b>1,100</b>	<b>1,034</b>	<b>-6%</b>

Finalisations (details)	2017-18	2018-19	2019-20	Variance
<i>Freedom of Information Act 1982</i>	160	157	105	-33%
<i>Transport Accident Act 1986</i>	240	223	165	-26%
Others	570	658	550	-16%
<b>Total</b>	<b>970</b>	<b>1,038</b>	<b>820</b>	<b>-21%</b>



Pending (details)	2017-18	2018-19	2019-20	Variance
<i>Freedom of Information Act 1982</i>	90	79	145	84%
<i>Transport Accident Act 1986</i>	101	137	489	257%
Others	367	430	90	-79%
<b>Total</b>	<b>558</b>	<b>646</b>	<b>724</b>	<b>12%</b>

2019-20 Initiations by enabling enactment	Total
<i>Transport Accident Act 1986</i>	263
<i>Freedom of Information Act 1982</i>	151
<i>Taxation Administration Act 1997</i>	130
<i>Health Practitioner Regulation National Law (Victoria) Act 2009</i>	117
<i>Victorian Civil and Administrative Tribunal Act 1998</i>	66
<i>Working with Children Act 2005</i>	44
<i>Private Security Act 2004</i>	23
<i>Building Act 1993</i>	23
<i>Racing Act 1958</i>	22
<i>Land Tax Act 2005</i>	22
<i>Domestic Animals Act 1994</i>	21
<i>Children, Youth and Families Act 2005</i>	20
<i>Duties Act 2000</i>	14
<i>Victims of Crime Assistance Act 1996</i>	11
<i>Transport (Compliance &amp; Miscellaneous) Act 1983</i>	7
<i>Occupational Health and Safety Act 2004</i>	7
<i>Firearms Act 1996</i>	7
<i>Estate Agents Act 1980</i>	7
<i>Births, Deaths and Marriages Registration Act 1996</i>	6
<i>Motor Car Traders Act 1986</i>	4
<i>Education and Training Reform Act 2006</i>	4
<i>Payroll Tax Act 2007</i>	3
<i>Accident Compensation Act 1985</i>	3
<i>Wildlife Act 1975</i>	2
<i>The Workplace Injury Rehabilitation and Compensation Act 2013</i>	2
<i>Local Government Act 1989</i>	2
<i>Health Complaints Act 2016</i>	2
<i>First Home Owner Grant Act 2000</i>	2
<i>Education and Care Services National Law Act 2010</i>	2
<i>Veterinary Practice Act 1997</i>	1
<i>Sex Work Act 1994</i>	1
<i>Second-Hand Dealers and Pawnbrokers Act 1989</i>	1
<i>Road Safety (Vehicles) Regulations 2009</i>	1
<i>Road Management Act 2004</i>	1
<i>Health Records Act 2001</i>	1
<i>Emergency Services Superannuation Act 1986</i>	1
<i>Disability Act 2006</i>	1
Others or unspecified	39
<b>Total</b>	<b>1,034</b>

# Leadership and governance





## Our leadership

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

### Administrative Division ▾

#### Head of Division

Deputy President Heather Lambrick

#### Legal Practice List

##### Head of List

Senior Member Gerry Butcher RFD

##### Deputy Head of List

Senior Member Elisabeth Wentworth

#### Review and Regulation List

##### Head of List

Deputy President Heather Lambrick

##### Deputy Heads of List

Senior Member Anna Dea

Senior Member Jonathan Smithers

### Civil Division ▾

#### Head of Division

Deputy President Catherine Aird

#### Civil Claims List

##### Head of List

Deputy President Ian Lulham

##### Deputy Heads of List

Senior Member Stella Moraitis

Senior Member Silvana Wilson

#### Building and Property List

##### Head of List

Deputy President Catherine Aird

##### Deputy Heads of List

Deputy President Eric Riegler

Senior Member Mark Farrelly

Senior Member Suzanne Kirton

#### Owners Corporations List

##### Head of List

Senior Member Lindsay Warren

##### Deputy Heads of List

Senior Member Charlene Price

Senior Member Silvana Wilson

(from 30 Oct)

### Human Rights Division ▾

#### Head of Division

Deputy President Genevieve Nihill AM

#### Guardianship List

##### Head of List

Deputy President Genevieve Nihill AM

##### Deputy Heads of List

Senior Member Bernadette Steele

Senior Member Brendan Hoysted

#### Human Rights List

##### Head of List

Deputy President Genevieve Nihill AM

##### Deputy Head of List

Senior Member Bernadette Steele

### Planning and Environment Division ▾

#### Head of Division

Deputy President Teresa Bisucci

#### Planning and Environment List

##### Head of List

Deputy President Teresa Bisucci

##### Deputy Heads of List

Senior Member Margaret Baird

Senior Member Carol Daicic

Senior Member Bill Sibonis

### Residential Tenancies Division ▾

#### Head of Division

Deputy President Ian Proctor

#### Residential Tenancies List

##### Head of List

Deputy President Ian Proctor

##### Deputy Heads of List

Member Kylea Campana

Member Andrea Treble (from 15 Aug)

### President ▾

Justice Michelle Quigley

### Vice Presidents ▾

Twelve County Court Judges serve as Vice Presidents (see p. 85)

### Alternative Dispute Resolution

#### Director, Alternative Dispute Resolution

Deputy President Ian Lulham

#### Deputy Director, Alternative Dispute Resolution

Senior Member Charlene Price

### Administration Executive and Operations ▾

#### Chief Executive Officer

Mary Amiridis

#### Director, Finance and Data Insights

Catherine Sim (from 15 Jul)

#### Director, Information Technology

Michael Van Der Arend

#### Director, Operations

Melissa Biram

#### Director, People and Culture

Julie Drummond (15 Jul-16 Jun)

Cheryl Woollard (from 29 Jun)

#### Director, Strategic Communications

Elisa Berg (30 Jun-3 Nov) (from 4 Nov allocated to website project)

Mahala Summers (Acting) (from 10 Feb)

#### Director, Strategic Planning and Governance

Barbara Oleczek

#### Executive Director and Registrar, Services and Legal

Warwick Mitchell (from 17 Jun)

#### Principal Registrar

Anthony Jacobs (Acting) (1-26 Jul, 16 Dec-31 Jan)

Kim Woronczak (Acting) (29 Jul-18 Sep)

Carolyn McSporrán (19 Sep-15 Dec)

Warwick Mitchell (5 Feb-16 Jun)

Mary Amiridis (from 17 Jun)

#### Senior Strategic Adviser

Stuart Moran

## Our governance

### External governance

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

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

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

### Supreme Court of Victoria

Appeals of VCAT decisions on questions of law are heard by the Supreme Court of Victoria's Trial Division and Court

of Appeal. Other courts have roles in enforcing VCAT orders.

### Judicial Commission of Victoria

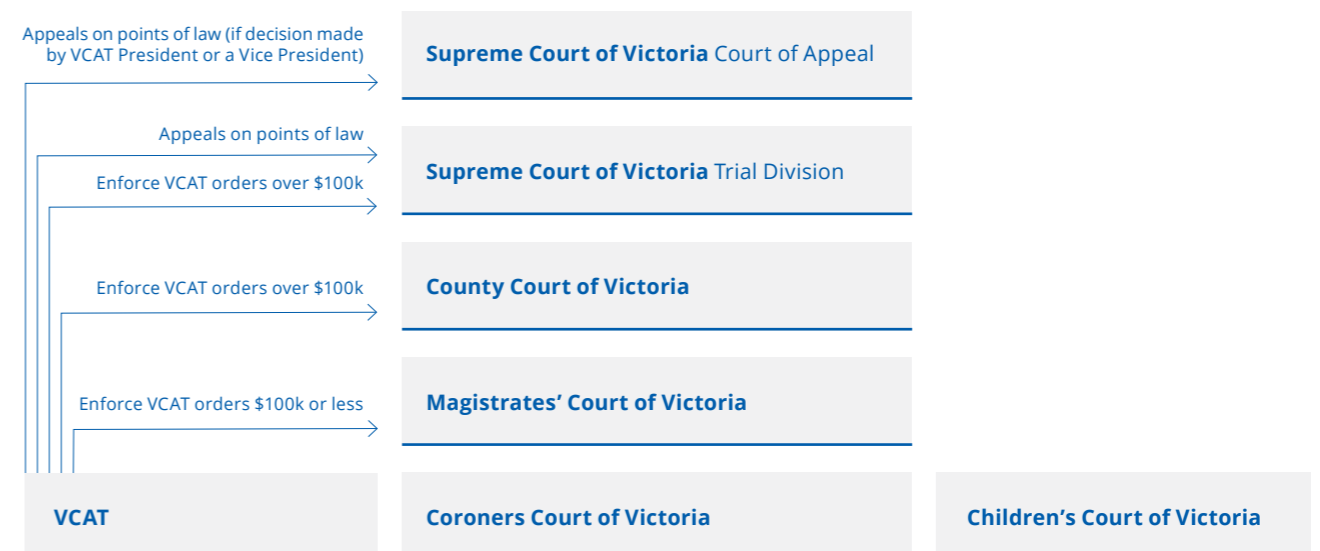
The Judicial Commission of Victoria can investigate complaints about the conduct or capacity of judicial officers and VCAT members. It cannot investigate complaints about the correctness of a VCAT decision.

### Court Services Victoria accountability structure, including VCAT



For more information about CSV and to view its annual reports, visit [courts.vic.gov.au](https://courts.vic.gov.au)

### Appeals and enforcement of VCAT orders





# Internal governance

Under the law that establishes VCAT and governs our activities, the President and Vice Presidents are responsible for the management and administration of the tribunal.

In 2019-20, we introduced a new governance framework to support the delivery of our *Strategic Plan: VCAT for the future 2018-22*. The new framework provides clearer lines of accountability for executive leadership, and channels for operational and strategic advice to the President and CEO.

The new framework consists of the:

- » Board of Management and Member Advisory Group (replacing the President's Advisory Committee)
- » Finance, Risk, Audit and Performance Committee
- » Service Reform and Delivery Committee
- » Workplace and Culture Committee.

## Board of Management

The Board of Management advises the CEO on key strategic and operational issues including:

- » progress against our strategic and business plans, and progress of strategic projects
- » our financial position and performance, and our compliance with relevant legislation and policy
- » governance responsibilities and obligations specified in legislation

- » compliance with occupational health and safety, workforce and wellbeing obligations
- » significant risks or opportunities related to our operations.

The Board of Management meets monthly. Its membership includes the chairs of the three standing committees as well as additional member and executive representatives.

## Member Advisory Group

The Member Advisory Group supports the President by providing a structured forum for member input on issues including:

- » our strategic direction, and assessment and monitoring of the Strategic Plan
- » significant initiatives or risks impacting the tribunal
- » organisational wellbeing
- » engagement with key external stakeholders

- » communications with members.

The Member Advisory Group meets four times a year. Its membership includes the CEO and Heads of List as well as additional members selected by the President following an expression of interest process.

## Finance, Risk, Audit and Performance Committee

The Finance, Risk, Audit and Performance Committee provides oversight in relation to:

- » financial management, performance and reporting
- » risk management
- » internal controls and compliance with applicable legislation and policies
- » internal and external audit activities

- » tribunal performance against targets or measures set by its strategic or other business plans or for government reporting purposes.

The Committee meets monthly and reports to the Board of Management. It has an independent external chair as well as member and staff representatives.

## Service Reform and Delivery Committee

The Service Reform and Delivery Committee oversees delivery of our core services to the community. It drives service reform aligned with our strategic plan, including in relation to:

- » project management and delivery of projects within budget and agreed timeframes
- » infrastructure and services planning
- » development and management of CBD, metro and regional accommodation requirements

- » support of Koori justice and monitoring progress against the Self Determination Action Plan.

The Committee meets bi-monthly and reports to the Board of Management. Its membership is drawn from members and staff.

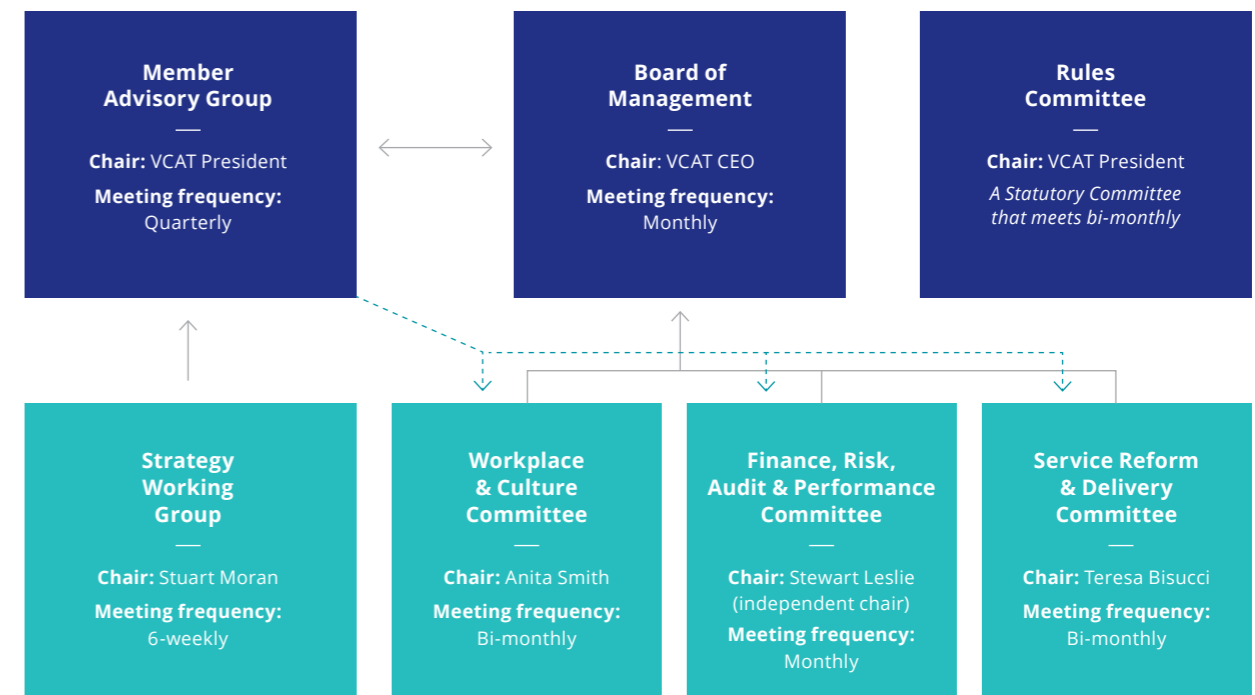
## Workplace and Culture Committee

The Workplace and Culture Committee provides oversight of matters including:

- » workplace culture and wellbeing
- » staff engagement and governance
- » compliance with occupational health and safety requirements
- » diversity and inclusion
- » environmental sustainability.

The Committee meets bi-monthly and reports to the Board of Management. Its membership is drawn from members and staff.

### VCAT Governance Committee Framework



# Rules Committee

The Rules Committee is established under the VCAT Act. It is responsible for developing rules of practice and procedure for the tribunal. It is also responsible for developing guides to VCAT processes, known as practice notes.

The Committee ensures that VCAT members are educated in relation to rules and practice notes and that they are up-to-date and consistent with any changes in the law, for example, changes to VCAT's jurisdiction or its fee structure.

The VCAT President and all 12 Vice Presidents are members of the Rules Committee. The Vice Presidents allocated to VCAT usually attend the committee meetings. A Deputy President, two VCAT members and an independent, non-tribunal member also sit on the Rules Committee.

In 2019-20, the Rules Committee met five times. This included its 18 March meeting held 'on the papers' (without a meeting) due to the COVID-19 pandemic. Its activities were recorded by circular resolution – a mechanism that enables decisions to be made without committee members being present.



## Changes to rules

On 12 December, the Rules Committee made the *Victorian Civil and Administrative Tribunal Amendment (Electronic Service and Other Matters) Rules 2019*. Among other minor amendments, the Committee changed the *Victorian Civil and Administrative Tribunal Rules 2018* (the Principal Rules) to:

- » enable an applicant to give an electronic address for service of another party in certain circumstances, to be consistent with changes that the *Justice Legislation Amendment (Access to Justice) Act 2018* made to the *Victorian Civil and Administrative Tribunal Act 1998*

- » make a minor amendment to the conditions for inspection of the register of proceedings by a person who is not a party to the proceeding, and
- » make amendments as a result of the enactment of the *Disability Service Safeguards Act 2018*.

On 30 April, the Committee made the *Victorian Civil and Administrative Tribunal Miscellaneous Amendments Rules 2020*. These made minor amendments to the Principal Rules in relation to the service of a witness summons. They also amended the functions of the Review and Regulation List, Building and Property List, Guardianship List, Human Rights List and the Planning and Environment List.

## Changes to practice notes

### VCAT-wide

- » PNVCAT1 – Common Procedures

Updated to reflect changes to electronic service provisions.

- » PNVAT3 – Fair Hearing Obligation

Updated to reflect developments regarding procedural fairness and self-represented litigants.

- » PNVCAT6 – Hearing Fees.

Minor amendments to reflect establishment of the Planning and Environment Division.

### Guardianship List

- » PNG1 – Guardianship List General Procedures

Revised to align with the introduction of the *Guardianship and Administration Act 2019*.

### Owners Corporations List

- » Introduction of PNOG1 – Owners Corporations List (fee recovery disputes) General Procedures (effective 1 July 2020)

The Practice Note provides guidance to parties starting applications for fee recovery, including how VCAT will process and list the case for hearing and what documents the parties need.

### Civil Claims List

- » PNCCL1 – Civil Claims List General Procedures

Updated to reflect changes to electronic service provisions.

### Planning and Environment List

As part of the major process reforms to the Planning and Environment Division, the Committee approved the following changes to the Planning and Environment List's practice notes, effective 1 July 2020:

- » PNPE2 – Information from Decision Makers and Authorities

Amended to reflect and streamline changes in the Short Cases List and Environment and Resources List.

- » PNPE9 – Amendment of Planning Permit Applications and Plans

Updated to reflect List reforms, clarify timelines and clarify the operation of the practice note in certain types of proceedings or circumstances.

- » Repeal of the following practice notes, as this information will be on the VCAT website from July 2020 as part of the Planning and Environment Division digitalisation project:

- › PNPE1 – Common Procedures
- › PNPE3 – Cancellation or Amendment of Permits
- › PNPE4 – Enforcement of Orders and Interim Enforcement Orders
- › PNPE6 – Practice Day
- › PNPE7 – Short Cases List, and
- › PNPE8 – Major Cases List.

## Allocation of jurisdictions

An enabling enactment is the legislation that confers jurisdiction on the tribunal. In 2019-20, the following enabling enactments were allocated or expanded:

### Review and Regulation List

- » *Essential Services Commission Act 2001*
- » *Heavy Vehicle National Law Application Act 2013*
- » *Professional Engineers Registration Act 2019*
- » *Transport (Safety Schemes Compliance and Enforcement) Act 2014*

### Guardianship List

- » *Guardianship and Administration Act 2019*

### Human Rights List

- » Amendment to clause 8(1) of Schedule 1 of the Principal Rules to expand VCAT's functions regarding the *Disability Act 2006*, following amendments made operative on 1 July 2019.

### Building and Property List

- » Amendment to clause 5(1) of Schedule 1 of the Principal Rules to expand VCAT's functions regarding the *Sale of Land Act 1962*, following amendments made operative on 1 March 2020.

### Planning and Environment List

- » Amendment to clause 10(1) of Schedule 1 of the Principal Rules to expand VCAT's functions regarding the *Flora and Fauna Guarantee Amendment Act 1988*, following amendments made operative on 1 June 2020.



# Appendices

## Financial information

VCAT's 2019-20 accounts are audited as part of Court Services Victoria (CSV) accounts. The CSV financial information is audited by the Victorian Auditor-General's Office, is fully compliant with the reporting guidelines set by the Department of Treasury and Finance for Victorian Government agencies and is compliant with the Australian Accounting Standards.

Due to delays caused by the COVID-19 pandemic, VCAT's financial information will be reported as part of the final consolidated and audited CSV Annual Report 2019-20.

To view the CSV annual report, visit [courts.vic.gov.au](https://courts.vic.gov.au).

### Funding

VCAT received Victorian Government appropriation revenue of \$42.95 million in 2019-20, up \$5.37 million or 14.2 per cent compared to last year.

Appropriation revenue includes Special Appropriation revenue provided by the Victorian Government under warrant to cover VCAT member costs. Utilised warrant funding increased by \$2.03 million or 10.4 per cent compared to last year, following approval of an increased warrant from the Attorney-General.

Appropriation revenue includes \$3.81 million received for project funding initiatives, such as the Aboriginal Justice Agreement (AJA4), specialist family

violence and a sustainable integrated delivery model for VCAT.

Tribunal fees are returned under s.29 of the *Financial Management Act 1994* through appropriation revenue. This year, due to the impact of COVID-19, tribunal fees reduced to \$8.34 million, down \$1.60 million or 16.1 per cent compared to 2018-19.

The Attorney-General announced COVID-19 response funding in April 2020, for the digitisation of the Planning and Environment Division. Of the \$5.2 million total funding package, \$3.95 million was received in 2019-20, across numerous funding sources, including capital funding.

Additional capital funding of \$3.89 million was received for the ongoing enhancement of the Guardianship Hub, the website redevelopment and other initiatives.

The Resource Management Framework for Victorian Government requires agencies to apply a Capital Assets Charge (CAC) levy of eight per cent on the written-down value of controlled non-current physical assets. The levy is funded by the Government, and CSV coordinates allocation of this funding to its jurisdictions. Funding for the CAC levy of \$1.212 million is recognised in full, with no net impact.

### Special Appropriation funding

The Special Appropriation warrant amount was \$22.50 million for this financial year. Due to the impact of the pandemic, \$21.48 million (95 per cent) was used in 2019-20.

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

- » Residential Tenancies List, funded by the Residential Tenancies Trust Fund, established under the *Residential Tenancies Act 1997*
- » Domestic Building (part of Building and Property List), funded by the Domestic Building Fund, established under the *Domestic Building Contracts Act 1995*

- » Owners Corporations List, funded by the Victorian Property Fund, established under the *Owners Corporations Act 2006*
- » Legal Practice List, funded by the Victorian Legal Services Board, established under the *Legal Profession Act 2004*.

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

- » Guardianship List recovers costs from the Guardianship and Administration Fund, established under the *Guardianship and Administration Act 2019*.
- » Review and Regulation List recovers costs from the Australian Health Practitioner Regulation Agency and

Victoria's racing regulation agencies (Harness Racing, Greyhound Racing and Racing Victoria).

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

Any reference to financial information is general in nature due to the financial information yet to be cleared by external audit and is subject to change.

# Allocation of functions

## Enabling enactments as at 30 June 2020

Aboriginal Heritage Act 2006  
 Accident Compensation Act 1985  
 Accident Towing Services Act 2007  
 Accident Towing Services Regulations 2019  
 Adoption Act 1984  
 Agricultural and Veterinary Chemicals (Control of Use) Act 1992  
 Architects Act 1991  
 Assisted Reproductive Treatment Act 2008  
 Associations Incorporation Reform Act 2012  
 Australian Consumer Law and Fair Trading Act 2012  
 Back to Work Act 2015  
 Biological Control Act 1986  
 Births, Deaths and Marriages Registration Act 1996  
 Building Act 1993  
 Bus Safety Act 2009  
 Business Franchise (Petroleum Products) Act 1979  
 Business Licensing Authority Act 1998  
 Catchment and Land Protection Act 1994  
 Cemeteries and Crematoria Act 2003  
 Children, Youth and Families Act 2005  
 Children's Services Act 1996  
 Child Wellbeing and Safety Act 2005  
 Climate Change Act 2017  
 Commercial Passenger Vehicle Industry Act 2017  
 Company Titles (Home Units) Act 2013  
 Congestion Levy Act 2005  
 Conservation, Forests and Lands Act 1987  
 Conveyancers Act 2006  
 Co-operatives National Law Application Act 2013  
 Country Fire Authority Act 1958  
 Credit Act 1984  
 Dairy Act 2000  
 Dangerous Goods Act 1985  
 Development Victoria Act 2003  
 Disability Act 2006  
 Domestic Animals Act 1994  
 Domestic Building Contracts Act 1995  
 Drugs, Poisons and Controlled Substances Act 1981  
 Duties Act 2000  
 Education and Care Services National Law Act 2010  
 Education and Training Reform Act 2006  
 Electoral Act 2002  
 Electricity Safety Act 1998  
 Emergency Management Act 1986  
 Emergency Services Superannuation Act 1986  
 Environment Protection Act 1970  
 Equal Opportunity Act 2010  
 Equipment (Public Safety) Act 1994  
 Essential Services Commission Act 2001  
 Estate Agents Act 1980  
 Firearms Act 1996  
 First Home Owner Grant Act 2000  
 Fisheries Act 1995  
 Flora and Fauna Guarantee Act 1988  
 Freedom of Information Act 1982  
 Fundraising Act 1998  
 Gambling Regulation Act 2003  
 Gas Safety Act 1997  
 Guardianship and Administration Act 2019  
 Health Complaints Act 2016  
 Health Practitioner Regulation National Law  
 Health Records Act 2001  
 Health Services Act 1988  
 Heavy Vehicle National Law Application Act 2013  
 Heritage Act 2017  
 Housing Act 1983  
 Labour Hire Licensing Act 2018  
 Land Acquisition and Compensation Act 1986  
 Land Tax Act 2005  
 Legal Profession Uniform Law Application Act 2014  
 Livestock Disease Control Act 1994  
 Local Government Act 1989  
 Local Government Act 2020  
 Long Service Benefits Portability Act 2018  
 Major Events Act 2009  
 Major Transport Projects Facilitation Act 2009  
 Meat Industry Act 1993  
 Medical Treatment Planning and Decisions Act 2016  
 Mental Health Act 2014  
 Metropolitan Fire Brigades Act 1958  
 Mineral Resources (Sustainable Development) Act 1990  
 Motor Car Traders Act 1986  
 Occupational Health and Safety Act 2004  
 Occupational Health and Safety Regulations 2017  
 Owner Drivers and Forestry Contractors Act 2005  
 Owners Corporations Act 2006  
 Parliamentary Salaries and Superannuation Act 1968  
 Payroll Tax Act 2007  
 Petroleum Act 1998  
 Pharmacy Regulation Act 2010  
 Pipelines Act 2005  
 Planning and Environment Act 1987  
 Plant Biosecurity Act 2010  
 Powers of Attorney Act 2014  
 Prevention of Cruelty to Animals Act 1986  
 Privacy and Data Protection Act 2014  
 Private Security Act 2004  
 Professional Boxing and Combat Sports Act 1985  
 Property Law Act 1958  
 Public Health and Wellbeing Act 2008

Racial and Religious Tolerance Act 2001  
 Racing Act 1958  
 Rail Safety National Law Application Act 2013  
 Relationships Act 2008  
 Residential Tenancies Act 1997  
 Retail Leases Act 2003  
 Retirement Villages Act 1986  
 Retirement Villages (Contractual Obligations) Regulations 2017  
 Road Management (General) Regulations 2016  
 Road Management Act 2004  
 Road Safety (Vehicles) Regulations 2009  
 Road Safety Act 1986  
 Rooming House Operators Act 2016  
 Sale of Land Act 1962  
 Seafood Safety Act 2003  
 Second-Hand Dealers and Pawnbrokers Act 1989  
 Sentencing Act 1991  
 Service Victoria Act 2018  
 Sex Work Act 1994  
 Small Business Commission Act 2017  
 State Employees Retirement Benefits Act 1979  
 State Superannuation Act 1988  
 Subdivision Act 1988  
 Superannuation (Portability) Act 1989  
 Supported Residential Services (Private Proprietors) Act 2010  
 Surveying Act 2004  
 Taxation Administration Act 1997  
 Therapeutic Goods (Victoria) Act 2010  
 Traditional Owner Settlement Act 2010  
 Transport (Compliance and Miscellaneous) Act 1983  
 Transport Accident Act 1986  
 Transport (Safety Schemes Compliance and Enforcement) Act 2014  
 Transport Superannuation Act 1988  
 Trustee Companies Act 1984  
 Unclaimed Money Act 2008  
 Valuation of Land Act 1960  
 Veterinary Practice Act 1997  
 Vexatious Proceedings Act 2014  
 Victims of Crime Assistance Act 1996  
 Victoria State Emergency Service Act 2005  
 Victoria State Emergency Service Regulations 2017  
 Victorian Plantations Corporation Act 1993  
 Voluntary Assisted Dying Act 2017  
 Water Act 1989  
 Wildlife Act 1975  
 Working with Children Act 2005  
 Workplace Injury Rehabilitation and Compensation Act 2013

# VCAT member directory

## Current at 30 June 2020

### President

Justice Michelle Quigley

### Vice Presidents

#### \*Judges assigned to VCAT full-time in 2019-20

\*Judge Elizabeth Brimer (from 20 January)  
 Judge Sandra Davis  
 Judge Mark Dean  
 Judge Robert Dyer  
 Judge Felicity Hampel  
 \*Judge Marilyn Harbison (until 4 December)  
 Judge Paul Lacava (until 29 June)  
 Judge Michael Macnamara  
 Judge Samantha Marks  
 \*Judge Frances Millane (1 July to 20 December)  
 Judge Jeanette Morrish  
 Judge Susan Pullen  
 Judge Andrea Tsalamandris  
 Judge Edward Woodward

### Deputy Presidents

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

### Senior Members, non-sessional

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

### Senior Members, sessional

Ms Anne Coghlan  
 Mr Robert Davis  
 Judge Pamela Jenkins  
 Mr Michael Levine  
 Ms Margaret Lothian  
 Ms Jacqueline Preuss  
 Ms Jeanette Rickards  
 Mr Alan Vassie  
 Mr Rohan Walker

### Members, non-sessional

Ms Pamela Barrand  
 Ms Diane Bates  
 Ms Claire Bennett  
 Ms Elizabeth Benz  
 Ms Deirdre Bignell  
 Ms Tracey Bilston-McGiillen  
 Ms Michelle Blackburn  
 Ms Danica Buljan  
 Ms Mary Cameron  
 Ms Kylea Campana  
 Mr Neill Campbell  
 Ms Megan Carew  
 Mr Michael Deidun  
 Mr Christopher Edquist  
 Ms Nicole Feeney  
 Ms Alison Glynn  
 Mr Brook Hely  
 Ms Louise Johnson  
 Mr Barry Josephs  
 Mr Andrew Kincaid  
 Ms Kim Knights  
 Ms Susanne Liden  
 Ms Felicity Marks  
 Ms Holly Nash  
 Mr Michael Nelthorpe  
 Ms Katherine Paterson  
 Mr Charles Powles  
 Ms Linda Rowland  
 Ms Anita Smith  
 Mr Reynah Tang AM  
 Mr Joel Templar  
 Mr Christopher Thwaites  
 Ms Annemarie Tilley  
 Dr Andrea Treble  
 Ms Susan Whitney  
 Ms Cynthia Wilson

### Members, sessional

Mr Benjamin Adcock  
 Ms Vanessa Aitken  
 Dr George Alexander  
 Ms Dianne Anderson  
 Ms Mary Archibald PSM  
 Mr Stephen Axford  
 Ms Pamela Barry  
 Dr James Baxter  
 Dr Philip Bender  
 Ms Kerrie Birtwistle  
 Mr Richard Bland  
 Ms Wendy Boddison  
 Ms Siobhan Boyd-Squires  
 Ms Emma Bridge  
 Mr Robert Buchanan

Ms Marietta Bylhouwer  
 Mr Domenico Calabro  
 Mr Louis Cali  
 Ms Rebecca Cameron  
 Ms Melainie Cameron  
 Ms Maureen Carruthers  
 Mr Geoffrey Carruthers  
 Mr Gregory Chase  
 Mr Alan Chuck  
 Mr John Clampett  
 Ms Elizabeth Coe  
 Ms Vicki Cogley  
 Mr Timothy Connard  
 Ms Dalia Cook  
 Ms Gwenneth Crawford  
 Ms Bernadette Cremean  
 Ms Lara Crocker  
 Mr Robert Daly  
 Mr Graeme David  
 Ms Vicki Davies  
 Mr Hugh Davies  
 Mr Frank Dawson  
 Dr Clare Delany  
 Dr Anthony Dickinson  
 Ms Spiridoula Djohan  
 Associate Professor Barry Draper  
 Ms Annette Eastman  
 Mr Michael El Moussalli  
 Dr John Farhall  
 Dr Peter Farrelly  
 Ms Natalie Fleming  
 Ms Christina Fong  
 Mr John Forsyth  
 Mr Sydney Fry  
 Ms Danielle Galvin  
 Ms Michelle Gardner  
 Mr Peter Gaschk  
 Mr Jayce Gilbert  
 Dr John Gleeson  
 Dr John Glover  
 Ms Megan Goulding  
 Mr Peter Gray  
 Mr Xu Ming (Sherman) Gu  
 Mr Raymond Gymer  
 Mr Paul Gysslink  
 Mr Nicholas Hadjigeorgiou  
 Ms Juliette Halliday  
 Ms Mary Hally  
 Ms Elisabeth Hancock  
 Ms Diana Harding QC  
 Ms Patricia Harper AM  
 Ms Fiona Harrison  
 Dr Christopher Hart  
 Mr Christopher Hartly  
 Ms Margaret Harvey  
 Mr Anthony Horan  
 Dr Alan Johnston  
 Mr Leslie Jones  
 Mr Colin Jones  
 Ms Ann Keddle  
 Ms Jacquelyn Kefford  
 Ms June Good  
 Mr David Kim  
 Mr Kay Kirmos

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



### Number of VCAT members at 30 June 2020

Member type	Number
Judicial members	15
Deputy presidents	8
Senior members	26
Senior members, sessional	9
Members	36
Members, sessional	143
<b>Total</b>	<b>237</b>



## Appeals and complaints

### Appeals against VCAT decisions

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

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

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

Appeals to Supreme Court	2017–18*	2018–19*	2019–20
Leave to appeal not granted	26	34	9
Leave to appeal granted and appeal dismissed	20	9	3
Leave to appeal granted and appeal upheld	14	11	4
Administrative disposal/discontinued/finalised by consent	30	35	26
Awaiting decision	1	21	43
<b>Total number of appeals lodged</b>	<b>91</b>	<b>110</b>	<b>85</b>

\* Minor updates to numbers for these years reflect a data cleaning exercise undertaken in 2018-19.

### Complaints about VCAT

We received 269 complaints this year about VCAT people or processes. Of these, in 81 per cent of cases we achieved our target of providing a final response within 10 business days of receiving the complaint.

For service issues, we encourage people to first discuss the matter with the staff member in person, by phone or by email. This has led to the issue being resolved quickly and effectively. If the issue cannot be resolved, or the person prefers to escalate the matter, they can

make a formal complaint to VCAT. This approach has resulted in a significant reduction in the number of complaints about our administrative service.

If someone is unhappy with the way their complaint has been handled, they can request a review by writing to VCAT or using our online form. We received four requests for review in 2019-20. After reviewing the circumstances and the steps taken to resolve the issues, the CEO was satisfied that the tribunal had taken reasonable steps.

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

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

### Complaint outcomes 2019–20

Complaint about	Upheld	Partially upheld	Not upheld	Dismissed	Judicial Commission of Victoria	Total
Member	0	0	43	1	7	51
Staff	1	0	5	0	0	6
Administrative service	28	4	59	0	0	91
Other	2	1	63	55	0	121
<b>Total</b>	<b>31</b>	<b>5</b>	<b>170</b>	<b>56</b>	<b>7</b>	<b>269</b>

# Glossary

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

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



## Index

**Aboriginal and Torres Strait Islander, Koori** 2, 19, 28, 32, 39, 42, 51, 70, 79, 83

**Access to justice, Access to Justice Review** 19, 26, 32, 38, 41, 43, 80

**Accessibility** 32

**Administrative Division** 9, 17, 35-37, 53, 76

**Administration Executive** 9, 53, 76

**Australian Health Practitioner Regulation Agency, AHPRA** 83

**Alternative dispute resolution, dispute resolution** 26, 34-38, 51, 54, 62, 64, 66, 72-73, 76, 88

**Appeals** 77, 86

**Attorney-General** 3, 6, 10, 39, 44, 83

**Building and Property** 17, 34-37, 53-54, 76, 80-81, 83, 92

**Civil Division, civil claims** 9-10, 17, 27, 32, 34-38, 53, 56-57, 62, 76, 81

**Complaints** 77, 86-87

**Consumer Affairs Victoria, CAV** 16, 43

**COVID-19 pandemic** 13-18, 23-24, 26, 29, 31-34, 38-39, 41-43, 45, 47, 49-51, 54, 56, 58-60, 62, 64, 66, 70-72, 80, 83, 91

**Court Services Victoria, CSV** 3, 6, 11, 29, 76-77, 83, 88

**Courts Open Day** see Law Week

**Customer service** 28-29

**Customer survey** 29

**Data, data integrity** 49, 51

**Department of Justice and Community Safety, DJCS** 49, 51

**Director of Housing** 9, 70

**Dispute resolution** see Alternative dispute resolution

**Dispute Settlement Centre of Victoria, DSCV** 14, 19, 31, 38, 42, 56

**Diversity** 46, 51, 79

**Domestic building, DBDRV** 9, 54-55, 57, 83, 88

**Enabling enactments** 84

**Fast Track Mediation and Hearing Service, FTMH** 19, 38, 42, 56

**Family violence** 55, 50, 83

**Financial information** 3, 83

**Glossary** 88-89

**Governance** 6, 29, 47, 50, 76-79

**Governor in Council** 6, 76, 88

**Guardianship, administration** 9, 14, 17-19, 23-24, 27-28, 31-32, 34-37, 39, 42-43, 50, 58-59, 76, 80-81, 83

**Guardianship Hub** 14, 19, 23, 27-28, 32, 58-59, 83

**Health, safety and wellbeing** 50, 78-79

**Hearing venues, locations** 12-13, 16-19, 23-24, 29, 31-32, 39, 42, 58, 91

**Human Rights Division, human rights** 9, 11, 15, 17, 23-24, 27, 32, 34-37, 49, 51, 53, 60-61, 76, 80-81, 88, 92

**Information technology, digital capability** 6, 29, 76

**Judicial College of Victoria, judicial college, JCV** 50, 77

**Land valuation** 66-68

**Law Week** 32

**Legal practice, services, profession** 17, 34-37, 53, 62-63, 76, 83, 92

**Magistrates' Court of Victoria** 38-39, 77, 91

**Online dispute resolution** 18, 23, 26, 89

**Online forms/online applications** 19, 23, 26, 28, 56, 87

**Operations** 9, 24, 29, 32, 42, 76-78

**Owners Corporations** 9, 17, 27, 34-37, 39, 53, 64-65, 76, 81, 83, 92

**People management, leadership, culture** 6, 14, 20, 29, 45-47, 50, 66, 75-79

**Planning and environment** 9, 11, 14-15, 17-18, 23, 25, 29, 34-37, 39, 41-42, 45-46, 50, 53, 66-68, 76, 81, 83, 88, 92

**Powers of Attorney** 9, 11, 14, 19, 23, 27, 58-59

**Practice notes** 80-81

**Real property** 55, 89

**Registry** see Operations

**Residential tenancies, renting** 3, 6, 9-11, 15, 17-19, 24-25, 27, 34-37, 50-51, 53, 70-71, 83-84, 88, 92

**Retail tenancies** 9, 54-55

**Review and regulation** 17, 27, 34-37, 53, 72-73, 76, 80-81, 83, 92

**Risk** 25, 47, 58, 60, 78-79

**Rules Committee** 79-81

**Strategic plan** 3, 20, 50, 78-79

**Suppression orders** 33-34

**Supreme Court of Victoria** 6, 77, 86, 88

**Teleconferencing, videoconferencing** 13-18, 23-25, 29, 31, 47, 50-51, 54, 56, 58, 60, 64, 66, 70, 72

**Transport Accident Commission** 72, 89

**Values, vision** 21

**Videoconferencing** see Teleconferencing

**VCAT Act** 3, 6, 11, 63, 71, 74, 80, 89

**Website** 13, 19, 25-26, 28-29, 32, 34, 47, 60, 73, 76, 81, 83

## Hearing locations

We held hearings at 60 venues during 2019-20, including at 45 on a regular basis (for more than four months). These are listed below.

Magistrates' Court of Victoria locations are marked with an \*. We suspended hearings at all venues from 18 March due to COVID-19.

### Melbourne CBD

**Main hearing venue**  
55 King Street

**William Cooper Justice Centre** (until 27 January, see p. 58)  
Level 5, 223 William Street

### Suburban

**Broadmeadows**  
Hume Global Learning Centre  
Pascoe Vale Road

**Collingwood**  
Neighbourhood Justice Centre  
Wellington Street

**Dandenong\***  
Cnr Foster and Pultney Streets

**Fairfield**  
Thomas Embling Hospital  
100 Yarra Bend Road

**Frankston\***  
Fletcher Road

**Moorabbin\*** (until 1 February, then moved to Oakleigh venue)  
Moorabbin Justice Centre  
Nepean Highway, Highett

**Oakleigh** (from 24 February)  
Atherton Road

**Preston**  
Darebin Intercultural Centre  
Roseberry Avenue

**Ringwood\***  
Ringwood Street

**Springvale**  
Greater Dandenong City Council  
Chambers  
Springvale Road (Guardianship only)

**Sunshine\***  
Foundry Road

**Werribee\***  
Salisbury Street

### Regional

**Bairnsdale\***  
Nicholson Street

**Ballarat\***  
Grenville Street South

**Benalla\***  
Bridge Street

**Bendigo\***  
Pall Mall

**Castlemaine\***  
Lyttleton Street

**Colac\***  
Queen Street

**Dromana\***  
Codrington Street

**Echuca\***  
Heygarth Street

**Geelong\***  
Railway Terrace

**Hamilton\***  
Martin Street

**Horsham\***  
Roberts Avenue

**Kerang\***  
Victoria Street

**Korumburra\***  
Bridge Street

**Mildura\***  
Deakin Avenue

**Moe**  
Town Hall, Albert Street

**Morwell\***  
Commercial Road

**Portland\***  
Cliff Street

### Sale\*

Foster Street (Princes Highway)

**Seymour\***  
Tallarook Street

**Shepparton\***  
High Street

**Swan Hill\***  
Curlewis Street

**Wangaratta\***  
Faithfull Street

**Warrnambool\***  
Koroit Street

**Wodonga\***  
Elgin Boulevard

### Hospitals (Guardianship List)

**Bundoora**  
Bundoora Extended Care Centre  
1231 Plenty Road

**Caulfield**  
Caulfield Hospital  
260–294 Kooyong Road

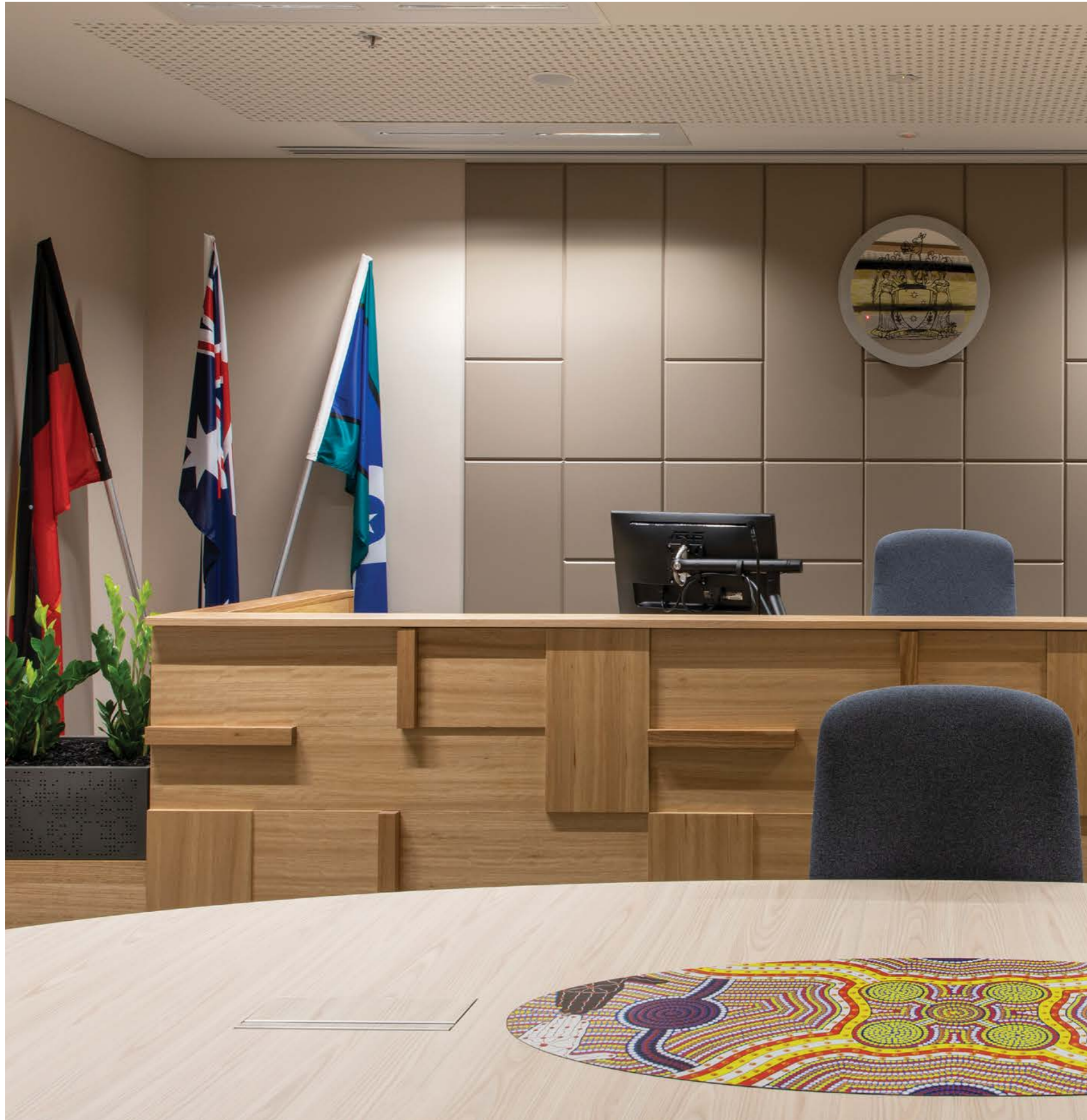
**Cheltenham**  
Kingston Centre  
400 Warrigal Road

**Fitzroy**  
St Vincent's Hospital Melbourne  
59 Victoria Parade

**Parkville**  
Royal Melbourne Hospital  
Royal Park Campus  
34-54 Poplar Road

**Wantirna**  
Wantirna Health  
251 Mountain Highway

**Sunshine**  
Sunshine Hospital  
176 Furlong Road  
St Albans



## Contact details

-  55 King Street, Melbourne VIC 3000
-  Email [vcat@vcat.vic.gov.au](mailto:vcat@vcat.vic.gov.au)
-  Visit [vcat.vic.gov.au](http://vcat.vic.gov.au)
-  Call 1300 01 8228 (1300 01 VCAT)

### Building and Property List

[civil@vcat.vic.gov.au](mailto:civil@vcat.vic.gov.au)

### Civil Claims List

[civil@vcat.vic.gov.au](mailto:civil@vcat.vic.gov.au)

### Guardianship List

[humanrights@vcat.vic.gov.au](mailto:humanrights@vcat.vic.gov.au)

### Human Rights List

[humanrights@vcat.vic.gov.au](mailto:humanrights@vcat.vic.gov.au)

### Legal Practice List

[admin@vcat.vic.gov.au](mailto:admin@vcat.vic.gov.au)

### Owners Corporations List

[civil@vcat.vic.gov.au](mailto:civil@vcat.vic.gov.au)

### Planning and Environment List

[admin@vcat.vic.gov.au](mailto:admin@vcat.vic.gov.au)

### Residential Tenancies List

[renting@vcat.vic.gov.au](mailto:renting@vcat.vic.gov.au)

### Review and Regulation List

[admin@vcat.vic.gov.au](mailto:admin@vcat.vic.gov.au)

**VCAT** | victorian civil &  
administrative  
tribunal