

# Annual Report



**2017–2018**



Celebrating  
20 years

# VCAT Annual Report

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 ended 30 June 2018, for you to present to the Houses of Parliament.

—



Yours sincerely,  
Justice Michelle Quigley,  
President



Keryn Negri,  
Chief Executive Officer

## Acknowledgement

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

## About VCAT

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

We are less formal than a court. We hear and decide civil and administrative cases in the State of Victoria, Australia.

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

VCAT is part of Victoria's court system. The courts and VCAT operate 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 62.

## 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, organisations that support people who use our services and our funding partners.

It provides an account of VCAT activities from 1 July 2017 to 30 June 2018 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 CSV's annual report, available at [courts.vic.gov.au](http://courts.vic.gov.au).

## Feedback

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

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# Our Strategic Plan

In December 2017, Victorian Attorney-General Martin Pakula launched our new *Strategic Plan: VCAT for the future 2018–22*.

Developed in consultation with our stakeholders, this plan will guide our activities over the next four years.

It sets a transformation agenda focused on enhanced digital service, easier access, 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

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## → Our values

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

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## → Our goal

To be a tribunal  
that meets the needs  
of all Victorians

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## At a glance

### Highlights 2017-18

01

Improved access to mediation for Victorians with small civil disputes, in partnership with the Dispute Settlement Centre of Victoria

02

Designed a pilot for online dispute resolution, in partnership with the Department of Justice and Regulation

03

Launched an online platform for hospitals and social workers to make guardianship applications

04

Moved all VCAT services to a single phone number and unified our customer service teams, key milestones of our Customer Service Improvement Program

05

Established an independent Risk Management and Audit Committee, part of a new governance structure to oversee progress against our new strategic plan

06

Launched a new strategic plan, accessibility action plan and stakeholder engagement framework to guide our activities from 2018 to 2022

### Challenges 2017-18

01

Securing funding for implementation and ongoing costs for new and expanded jurisdictions

02

Overcoming technical issues with legacy case management systems that continued to limit efficiency gains from online forms

03

Building VCAT's change management capability, especially for digital projects

### Looking ahead 2018-19

01

Piloting a new case management approach in our Human Rights Division

02

Delivering key digital projects that will make it easier for people involved in planning and environment, guardianship and residential tenancies cases to do business with VCAT

03

Continuing to improve our customer services by integrating our service teams, skills development and new systems

## Services snapshot

Our service	2015–16	2016–17	2017–18
Cases lodged	85,961	86,461	85,191
Cases finalised	87,448	84,878	83,424
Cases listed for mediation or compulsory conference	1,720	2,453	2,533
Resolution rate for cases at compulsory conference or mediation	61%	56%	55%
Pages viewed online	3.8 million	4.1 million	5.3 million
Website use by mobile device	28%	31%	33%
Calls answered	210,097	208,146	235,691
Incoming emails handled	143,599	179,037	204,312
Counter enquiries answered at our main hearing venue, 55 King Street	26,795	24,628	19,860
Hearing venues used across Victoria	58	58	59
Visitors to our main hearing venue (approximate)	120,000	148,000	152,000

Feedback on our service	2015–16	2016–17	2017–18
Customer satisfaction	n/a	85%	86%
Comments on website pages	n/a	2,761	924
Complaints	271	238	378*

\* This year we changed the way we capture and report on complaints (see page 83)

Our people	2015–16	2016–17	2017–18
Members (head count)	237	228	222
Staff (full-time equivalent, rounded)	206	218	224

Our finances (millions)	2015–16	2016–17	2017–18
How much Parliament appropriates for VCAT costs	\$19.7	\$21.7	\$24.5
Fees retained as appropriations	\$7.7	\$9.1	\$9.8
Funds from Consumer Affairs Victoria (in trust, for dispute services)	\$17.9	\$18.6	\$20.1
Spent on operating expenses	\$45.3	\$49.3	\$53.7
Operating costs recovered for lists not supported by trust funds	23.4%	17.3%	17.4%

## Cases snapshot

Overall, VCAT received and finalised about the same number of cases as last year. We held hearings at 59 venues across Victoria, adding another hospital to our regular venues.

There was a reduction in building and property matters, due to the introduction of the mandatory conciliation service offered by Domestic Building Dispute Resolution Victoria. We noticed an initial drop in applications, strongly rising toward the end of the reporting period.

VCAT continued to receive a high number of civil claims, sustaining the record level reached last year (in 2016–17, there was a 29 per cent increase and applications have remained at this new level for a second year). We had fewer owners corporations applications; primarily fewer claims under \$10,000, which tend to be simpler cases.

There was a slight overall growth in planning and environment applications, with major cases continuing to rise (up 17 per cent) following fee changes in July 2016. More tenants and residents asked VCAT to resolve renting disputes (up 18 per cent), as did private landlords (up 20 per cent). There was a 75 per cent rise in tenant and resident applications for residential tenancies bonds (see page 56).

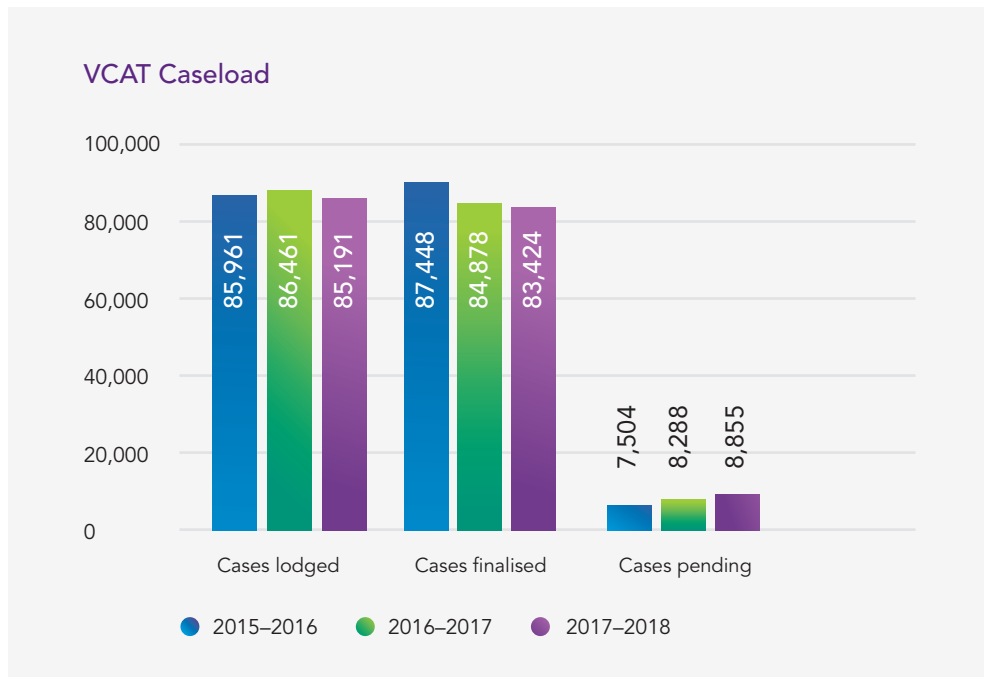
There was a significant increase in legal practice and human rights matters, but we still receive comparatively few of these cases. We also received more applications in our Review and Regulation List, partly due to an increase in Freedom of Information matters.

VCAT continued to receive a high number of civil claims, sustaining the record level reached last year (in 2016–17, there was a 29 per cent increase and applications have remained at this new level for a second year).

Overview	2015–16	2016–17	2017–18	% change
Cases lodged	85,961	86,461	85,191	-1%
Cases finalised	87,448	84,878	83,424	-2%
Cases pending	7,504	8,288	8,855	7%
Clearance rate	102%	98%	98%	

Overview	2015–16	2016–17	2017–18	% change
Hearing venues used	58	58	59	2%





List	Cases lodged per list				Timeliness (weeks)		
	2015-16	2016-17	2017-18	% change	2017-18 Median	2017-18 80th percentile	Target
<b>Civil Division</b>							
Building and Property	1,746	1,856	1,739	-6%	16	40	
Civil Claims	6,789	8,758	8,764	0%	12	18	19
Owners Corporations	3,156	3,126	2,763	-12%	8	11	10
<b>Residential Tenancies Division</b>							
Residential Tenancies	56,412	54,551	53,212	-2%	3	6	6
<b>Administrative Division</b>							
Legal Practice	112	68	98	44%	17	28	40
Planning and Environment	2,695	2,878	2,816	-2%	26	34	
Review and Regulation	1,009	994	1,087	9%	21	51	
<b>Human Rights Division</b>							
Guardianship	13,771	13,896	14,249	3%			
Human Rights	271	334	463	39%	12	20	
<b>Total</b>	<b>85,961</b>	<b>86,461</b>	<b>85,191</b>	<b>-1%</b>	<b>13</b>	<b>25</b>	<b>26</b>

## Our organisation

### What we do

VCAT is part of Victoria's court system. We serve the community by resolving disputes and making decisions in human rights cases, for example by appointing guardians for vulnerable Victorians.

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

Where possible, we help people reach agreement by talking through the issues at a mediation or compulsory conference with the other people involved. If the parties cannot agree, we decide the case at a hearing. When hearing a case, we apply the relevant law – for example, the *Residential Tenancies Act 1997* for cases about renting a home.

We can only hear cases when a law gives us this authority. See page 79 for a list of the laws that give us authority to hear cases. Except for the right to appeal to the Supreme Court of Victoria, VCAT decisions are final and binding on the parties to the proceeding.

### Who we are

By law, our president is a justice of the Supreme Court of Victoria. Fourteen 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. More details about our leadership and governance are on page 60.

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Our members have specialist knowledge and qualifications, and most have a legal background. All our members must have:

- » a high level of integrity
- » sound judgment
- » legal or professional skills
- » excellent communication and interpersonal skills
- » the ability to conduct hearings
- » a capacity to make fair decisions quickly.

See a list of our members on page 80.

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Our staff come from diverse backgrounds and provide services including:

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

### Our 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. Committees oversee critical business functions and provide regular updates to our main governance body, the President's Advisory Committee. For more about our leadership and governance, see page 60.

Appeals on VCAT decisions can be made to the Supreme Court of Victoria on questions of law – that is, whether the judge or member made a legal error. This limit on appeals helps give certainty to parties when we determine their disputes. For more information about appeals and complaints see page 82.

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. VCAT's financial accounts are audited and published as part of CSV's annual report. You can see a summary of our accounts on page 70.

## Our structure

To ensure we can deliver our services efficiently, VCAT is organised into four divisions.

Each division is led by a deputy president, a role that reports to the VCAT president.

### 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

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

### Residential Tenancies Division

Deputy President  
Heather Barker

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

Chief Executive Officer Keryn Negri oversees the **Administration Executive and Operations** functions that support the divisions.

For more details about the divisions and their lists (areas of VCAT that deal with specific types of cases), see page 39.

## Our evolution

From mid-1900s	Parliament passes new laws on subjects previously without detailed legislation. Tribunals start to be set up as a speedier, cheaper and less formal alternative to courts
1968	Various reports propose reforms, including consolidating Victoria's many boards and tribunals
1982	A Victoria Law Foundation Report calls for reform, estimating Victoria had more than 200 tribunals, boards and decision-making bodies
1996	Attorney-General's discussion paper recommends establishing VCAT to replace all existing tribunals within the Department of Justice
1998	VCAT opens its doors on 1 July 1998 amalgamating 15 boards and tribunals. It begins with only two divisions - civil and administrative
2000	VCAT Online enables electronic lodgement of residential tenancies matters – an innovation for courts and tribunals
2002	Human Rights Division established
2005	Legal Profession Tribunal incorporated into VCAT
2014	Residential Tenancies Division established. The Department of Justice ceases to provide administrative support for VCAT and this becomes part of CSV's functions. Important changes to the VCAT Act enhance the tribunal's powers
2015	Powers of attorney jurisdiction expanded
2017	VCAT becomes more customer-centric, introducing service reforms such as a single phone number

## President's message

### Celebrating 20 years

This is VCAT's 20th anniversary year; a time to celebrate how far the tribunal has come since its establishment in 1998, and embracing a new vision for the future.

I take up the torch as VCAT's sixth president with commitment to the same spirit of innovation, accessibility and fairness that led to VCAT's establishment. We must continue the transformation that has started, and make every effort to deliver improved access to justice for the Victorian community.

These ambitions are clearly set out in the new *Strategic Plan: VCAT for the future 2018-22* – a plan that is not only aspirational, but is going to be pursued with intent. VCAT has been very successful in developing and championing alternative dispute resolution, and our innovation in that area will continue. I am also determined to champion the online revolution that has started at the tribunal. It is essential for the community to have better, less costly and more efficient access to justice.

### Innovate to improve access

Innovation is part of VCAT's heritage, as the tribunal itself was a bold experiment.

There was a time when more than 200 boards and tribunals existed in Victoria for the purpose that VCAT fulfils today. The concept of a super-tribunal for Victoria, a 'one-stop-shop' for resolving a range of disputes, was officially on the table in 1996. It took a few years and great debate, but VCAT opened its doors in 1998.

Twenty years later, there is a super-tribunal in almost every Australian state and territory and VCAT is again breaking new ground, with innovative projects such as developing a pilot for online dispute resolution and leading the courts in developing customer-centric justice services.

### Building on strong foundations

The success of VCAT as the premier tribunal in Australia could not have been achieved without the talent and dedication of the members and staff who have contributed over the years. My thanks to everyone whose hard work and expertise has helped VCAT achieve so much in 20 years. In particular, my sincere thanks to VCAT's longest-serving president, Justice Greg Garde, for his work to provide sound governance and the gracious effort he made to ensure a smooth leadership transition.



I am very proud to be part of the ongoing VCAT story, and I look forward to seeing what the next twenty years will bring.

A handwritten signature in black ink, appearing to read 'Michelle Quigley'.

Justice Michelle Quigley  
President

# Chief Executive Officer's message

## New plans for the future

This has been a year of both reflection and achievement as we shaped our plans for the future through a fresh dialogue with our stakeholders.

Our new *Strategic Plan: VCAT for the future 2018-2022* is the outcome of this reflection and engagement. Thank you to everyone who contributed to the plan's development. It was a collaborative effort, demonstrating once again that VCAT listens and responds to our stakeholders, our members and our staff.

The plan sets five strategic priorities to ensure VCAT delivers customer-centric, inclusive and accessible justice services for all Victorians. It also outlines leadership attributes that will help us deliver the exciting vision set out in the plan. These attributes include being strategic, collaborative, innovative and caring. Leadership is at the heart of driving change, so we are putting extra effort into building our leadership capability to deliver continued business improvement.

Soon after the Attorney-General launched our strategic plan in December, we launched our *Accessibility Action Plan 2018-2022*. In line with Victoria's state disability plan, our plan covers a range of actions for achieving greater inclusion in partnership with the community.

We also released our Stakeholder Engagement Framework 2018-2022. Aligned with the International Framework for Tribunal Excellence, this framework reinforces our commitment to listen to our stakeholders, keep them informed, and respond to their issues and perspectives in a timely and constructive way.

## Expanding and improving our services

Other highlights this year included expanding our mediation service for small civil claims in partnership with the Dispute Settlement Centre of Victoria, launching our new digital platform for guardianship matters (the Guardianship Hub) and designing an exciting Online Dispute Resolution pilot. Our Customer Service Improvement Program achieved major milestones, introducing VCAT's single phone number in August and bringing our customer service staff together into a new Customer Service Group.

We more than doubled staff participation in learning and development activities in 2017-18, with mandatory training to support assistance for VCAT customers. We also focused on training our people managers on how to have more effective performance plan discussions.

We continued to meet the demands of new jurisdictions conferred on VCAT, including the new Medical Treatment Planning and Decisions jurisdiction in March.



We reviewed and strengthened our governance arrangements, introducing an independent audit and risk committee. It is with pleasure that I report our third successive balanced budget.

## Leadership changes

Finally, we welcomed our new President, Justice Michelle Quigley, and said farewell to our longest-serving President, Justice Greg Garde. A wonderful champion for the tribunal, Justice Garde achieved many important reforms to improve the way VCAT operates.

I take this opportunity to thank Justice Garde, and now look forward to working with Justice Quigley, our members and staff as we deliver *VCAT for the future*.

A handwritten signature in purple ink, appearing to read 'Keryn Negri', written over a horizontal line.

Keryn Negri  
Chief Executive Officer

# Delivering our strategy

Strategic Priority 01

# Contemporary and customer-centric services

## Highlights

01

Designed an online dispute resolution pilot, with support from the Department of Justice and Regulation

02

Moved all our services to a single phone number and unified our customer service teams, key milestones of our Customer Service Improvement Program

03

Launched our new online platform for hospitals and social workers – the Guardianship Hub

04

Improved our digital capability by moving to a new network

05

Introduced human-centred design practice and expertise

## Challenges

01

Building our change management capability for digital projects

02

Integrating new digital products with legacy case management systems

03

Securing resources for expanded and new jurisdictions

## Looking ahead

01

Progressing key digital projects, including new online forms, expanding our Guardianship Hub and enhancing our website

02

Securing funding to implement the online dispute resolution pilot

03

Continued customer service improvements through our Customer Service Improvement Program, including implementing a knowledge management system to support customer service



## Year in review:

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

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

In July 2017, we began a four-year digital strategy to deliver better online services, supported by \$4.55 million from the Victorian Government and additional funding from Consumer Affairs Victoria. A key principle of the new strategy is 'digital first'. The starting point for any VCAT service is that people want to interact with us by digital methods – online and by email. This will help to free our resources to assist people who need face-to-face and phone support.

During the year, we launched our new online Guardianship Hub – a key project under the digital strategy. Version 1 was released to six hospitals on 30 April. By 30 June, 129 social workers had been approved to lodge applications using the system, and 65 applications had been processed using the system. Feedback from users has been positive and we are working to improve the system ahead of expanded release in 2018–19. The improved system

is providing a model for the next stage of our online portal for landlords and tenants, the Residential Tenancies Hub.

Under the digital strategy this year, we did preparatory work to deliver electronic case files, document automation, workflow and online lodgement capabilities for planning and environment cases.

At the suggestion of our independent Risk Management and Audit Committee (for more about this committee, see page 69), we engaged experts to conduct a 'health check' of the Digital Strategy program in February. They examined the processes, performance and capacity of our approach to delivering digital projects. The review found that our strategy was sound, but we needed to build the tribunal's change management capability. By 30 June, we were implementing a new management model and increasing our capacity to drive digital transformation.

Meanwhile, we took another important step to prepare the tribunal for a digital future: moving to a new information technology platform as part of a Court Services Victoria initiative. Roll-out of the new network began at VCAT in April and was completed in June. It will help improve services for our customers, with benefits including greater reliability, better control of our systems, improved integration with cloud-based applications, and easier remote access.

Online lodgements remained steady, with slight increases in most application types. We continued to encounter difficulties integrating data from our online forms into our case management systems, and developed a new design approach to our forms development that will be implemented in 2018-19 (see page 17).

Portion of online lodgements	2015-16	2016-17	2017-18	Variance
Civil Claims List	38%	65%	67%	2%
Human Rights List	24%	32%	34%	2%
Owners Corporations List	49%	74%	76%	2%
Review and Regulation List	16%	21%	29%	8%
Residential Tenancies List	86%	84%	86%	2%



## Provide simpler, guided interactions across the customer journey

This year, we introduced a new human-centred design practice and expertise, in line with government digital service standards. This expertise is a first for courts and tribunals and is key to our transformation to a simpler, accessible digital service. The primary focus is to make it easier for users to interact with us across our website, forms, online platforms such as the Guardianship Hub and our communications, by better understanding and designing for our customer needs.

As a first step, we began using in-depth customer research and analysis to better understand customer ‘pain-points’ and needs. We conducted usability audits on high-volume online forms to inform enhancements of existing forms and prototyped a new VCAT form experience. We also introduced the practice of user-testing all new forms and platforms before release.

To make it easier for hospital and social workers to lodge and manage guardianship applications, we designed a simple, usable and accessible interface for our Guardianship Hub. We also designed improved communications for our planning and environment digital projects, for example actionable emails and improved orders (for release in 2018–19, as part of our correspondence review). We conducted a comprehension study to assist with plain language information across our platforms and communication (for more about the correspondence review and comprehension study, see page 24).

This complements work to simplify and standardise our processes and review our correspondence so that our processes and next steps are clearer to our users, and to provide more assistance to our customers through our customer service operations. It includes helping users understand the fees that apply at any point in the process, incorporating previous development work on a fees calculator.

For the first time, we have a data-rich picture of areas where we need to reduce customer effort and provide greater guidance and support across the customer journey. This is based on new data available from our call centre, user research, website analytics and online feedback.

We also began developing concepts for the next iteration of VCAT’s website design. The key areas of ongoing focus are the website, as the primary point of access for VCAT’s users and our key customer service channel, and continued development of the Guardianship Hub and the Planning and Environment List digital project.

## Website usage

Year	Sessions	Users	Page views (million)	Pages per session	Average session duration (min : sec)	Visits using a mobile device (%)
2017–18	1,191,493	572,833	5.3	4.4	3:32	33 (mobile 26, tablet 7)
2016–17	1,062,774	501,375	4.1	3.9	3:40	31 (mobile 25, tablet 6)
2015–16	1,048,384	492,017	3.8	3.6	3:39	28 (mobile 21, tablet 7)

## Streamline and modernise our customer service operations

This was a big year in VCAT's customer service, reflected in a one per cent increase in overall customer satisfaction with our services to 86 per cent. We achieved key milestones of our four-year Customer Service Improvement Program, which aims to improve the accessibility, responsiveness, effectiveness and efficiency of our customer services.

On 31 August 2017, VCAT launched our new single phone number: 1300 01 8228 (1300 01 VCAT). This replaced more than 20 phone numbers, making it easier for the community to call us. We also provided new telephone messages to provide clearer and more helpful guidance to customers who call us and implemented policies that enable staff to better assist customers (see page 21).

To support transformation of our customer services, we appointed VCAT's first professional customer service manager and united five separate teams into one group in early 2018. This enables us to deliver more consistent, professional services and to target resources in areas of greatest customer demand across the many ways that customers engage with us.

We also improved the quality of data that we collect about customer enquiries and use of our services, which will inform our service improvements. For example, we implemented new codes to understand why customers call us and began analysing the volume, timing and type of customer calls.

We continued our work to update processes and procedures that will support modernised service delivery.

We set up a new Service Design Steering Committee to sustain service improvements (see page 69) and introduced a new complaints policy. Customers making a complaint no longer need to give a statutory declaration under this new policy, which recognises the role of the new Judicial Commission of Victoria, focuses on frontline complaints resolution and ensures complaints are treated as an opportunity for service improvement. For more about complaints, see page 83.

## Customer survey results



**We conducted our third customer survey in June 2018, demonstrating progress towards our target of 90 per cent customer satisfaction with VCAT services.**

In 2016 and 2017, 85 per cent of our customers were satisfied with our services. In 2018 we achieved 86 per cent with 21 per cent more respondents (601) since 2017.

The 2018 survey was conducted from 4–7 June across 30 metropolitan and regional venues – the greatest number of venues to date.

People visiting our venues in person, contacting us by phone or email, and visiting our website were invited to respond.

We use the survey results to consider service improvement opportunities. Based on survey results last year, we focused on improving accessibility of information, efficiency of processes, language support and access to facilities for vulnerable and disadvantaged customers.

Our work to deliver more accessible information has resulted in improved satisfaction on key measures, particularly understanding of our website. Customers are also more satisfied with our efforts to meet language needs, and satisfaction with the timeliness of our services remains the same. Customers continue to be most satisfied with physical access to VCAT.

Data from the 2016 survey is not included in the following table as the time to the 2017 survey was only nine months.

Measure	2017 (%)	2018 (%)
Overall customer satisfaction	85	86
Website was easy to understand	78	84
Website was easy to use	80	82
Clarity of forms	76	78
Clarity of correspondence	82	83
Ease of finding VCAT and the hearing room or office	93	92
Safety	90	92
Physical access	94	93
Language needs addressed	80	88
Knowledgeable and helpful staff	93	91
Courtesy and respect of staff and members	94	92
Timeliness to complete VCAT business	72	72
Convenience of operating hours	84	87
Fairness of way in which case was handled*	82	83
Member listened to parties before making a decision*	87	87
Equal treatment in hearings*	87	86
Knowledge of next steps*	81	87

\*In 2017, only people who attended a hearing answered these questions; in 2018 all survey respondents were invited to do so.

### Explore online dispute resolution as a fast and affordable way for people to resolve disputes

In a Victorian first, VCAT and the Department of Justice and Regulation started work in February 2018 to develop an online dispute resolution pilot.

Funded by the Victorian Government as part of its Access to Justice initiatives, the project team did the extensive preliminary work required to plan for the pilot at VCAT.

Using a human-centred design approach, they designed the pilot to test whether using web-based dispute resolution technologies could improve access to justice for people with small civil claims – that is, disputes under \$15,000 about goods and services.

National and international research suggests that online dispute resolution can improve access to justice, particularly for people from disadvantaged groups, by reducing barriers associated with geographical isolation, disability or impairment, language, lack of confidence or competence in face-to-face communication, and fear of intimidation.

The project was informed by an advisory panel (see page 33).

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

Our focus this year was on moving to a new information technology platform that will, among other things, enable us to enhance hearing room technology. In an exciting development, VCAT conducted a

residential tenancies hearing using the new Shepparton Law Courts' 'Remote Judge' technology on 29 May.

This technology differs from video conferencing facilities – a large screen directly behind the bench gives the sense that the member is present in the hearing room. The member can connect to the hearing from another location using a tablet. In this first hearing, then President Justice Garde conducted the hearing in Shepparton from his chambers at 55 King Street, Melbourne. The technology enables urgent matters to be heard on days when VCAT does not have a member present at the venue, so that customers do not have to travel long distances or attend by phone.

We also made it easier for people giving evidence to connect tablets to our hearing room technology at 55 King St.

**Strategic Priority** 02

# Inclusive and accessible

## Highlights

01

Improved access to mediation for Victorians with small civil disputes, in partnership with the Dispute Settlement Centre of Victoria

02

Developed and launched key policies to ensure accessibility for people with a disability, and improve our engagement with stakeholders

03

Connected with our community in a new way, stepping into social media and launching new videos

## Challenges

01

Establishing a formal support service for people representing themselves at VCAT, with a partnership organisation

## Looking ahead

01

Further expanding mediation services

02

Implementing Access to Justice reforms

03

Progressing our Accessibility Action Plan and Koori Inclusion Action Plan

04

Improving our letters, emails, orders and notices through the correspondence review

## Year in review:

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

#### Strengthen our support services for people representing themselves

To improve VCAT's support services, in late 2017 we designed and implemented a framework that clarifies what assistance our staff can provide. This also helps maintain VCAT's independence, by making it clear when and how our staff can assist. As a tribunal that makes legal decisions, VCAT is not able to give legal advice to people using our services.

The **new framework** is based on principles to be included in the VCAT Act, which require our principal registrar to give reasonable assistance on request to a person formulating an application. It also reflects our obligations under the Human Rights Charter and the Australia and New Zealand Tribunal Excellence Framework. Assistance is defined as providing general information and assistance to help someone understand VCAT's processes and procedures, and how and where to get more help if needed.

The framework requires VCAT staff to provide comprehensive and meaningful support, treat all people courteously and with respect, and ensure that all information provided is fair and impartial. They must explain procedures and processes in an accessible, tailored and practical way, regardless of a person's role in a proceeding, and ensure that we do not provide legal advice or an opinion on the merits of the case.

We trained our staff to identify customer needs and match this to the assistance available. Sometimes this means they provide the specific assistance required, while other times they refer customers to a more appropriate agency or organisation.

Our **concierge service** at 55 King Street continued to support people coming to VCAT, guiding or directing 16,495 people during the year. We shared our concierge experiences with the Magistrates'

Court, and supported implementation of a similar service at the new Shepparton Law Courts.

Our new **single phone number** has also made it much easier for our self-represented customers to contact us without first needing to determine their case type and specific number to call, providing easier access to justice.

We continued our work with community legal centre Justice Connect, to identify the unmet needs of people representing themselves and scope a proposed model for a **self-help service** at VCAT. Following the end of the project in December 2017, we presented the model and a funding proposal to the Victorian Government for consideration.

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

Our Diversity and Inclusion Steering Committee managed a comprehensive range of initiatives to ensure our services respond to the needs of Victoria's diverse community. This included actions under our Accessibility Action Plan

and Koori Inclusion Action Plan, providing guidance and support on using interpreter services, and diversity awareness and training. We recruited a project and policy officer to support the work of this vital committee.

## Improving accessibility for people with a disability



In February, we launched VCAT's new Accessibility Action Plan 2018–2022 at an event with our stakeholders.

The plan sets out how we will assist people with a disability to gain better access to VCAT. Developed in consultation with our stakeholders, it also outlines how we will provide a supportive and inclusive workplace.

It guides our actions as we build greater awareness across the tribunal of disability and accessibility issues, and ensures our services to the community are best practice and that our hearings are fully inclusive and accessible. The plan aligns with Victoria's *Absolutely Everyone: State disability plan 2017–2020* and VCAT's *Strategic Plan: VCAT for the future 2018–22*.

Key achievements under the Accessibility Action Plan during 2017–18 included appointing Disability Liaison Officers to assist people with disability attending VCAT, improving the accessibility of 17 frequently used forms, training staff to use disability aid equipment, and appointing a project and policy officer to support the Diversity Committee's work.

We launched our **Koori Inclusion Action Plan** during NAIDOC Week in July 2017. Under this plan we engaged a new Koori Engagement Manager to manage specific initiatives, particularly in residential tenancies, that emerged from research that VCAT commissioned last year. We also incorporated Koori cultural awareness training into our member professional development program and staff induction program.

We updated guidance for members using **interpreter and language services**, included interpreter training in member professional development programs and provided new legal guidance (a practice note) in September 2017 for people attending VCAT.

To be more accessible and inclusive of all people – regardless of their religion or whether they hold religious beliefs – we changed the

wording of the **oath and affirmation** and how these are given by witnesses and interpreters. An oath refers to religious beliefs, while an affirmation does not. From February 2018, anyone giving evidence or interpreting at VCAT can choose the option they prefer. People giving an oath no longer must hold a religious text – though they can ask to do so.

To improve VCAT's services to Victoria's culturally and linguistically diverse community, we also incorporated training on Victoria's Human Rights Charter into our induction program for all staff. Race Discrimination Commissioner Dr Tim Soutphommasane gave a presentation at VCAT in March about understanding racial difference. Victoria's first Gender and Sexuality Commissioner, Ro Allen, also shared insights at VCAT on 12 July.

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

VCAT stepped into social media for the first time through the tribunal's official LinkedIn account in November. We posted this year about a wide range of topics, including:

- » significant appointments
- » key policy launches and legislative changes
- » user experience design
- » public information sessions
- » our customer survey
- » tips to help customers find decisions and do other tasks
- » job opportunities.

By 30 June, the account had nearly 500 followers.

VCAT participated again in Law Week and Courts Open Day, with popular sessions on preparing and presenting a case, and how we can help with medical treatment and advance care directives (with the Office of the Public Advocate). We continued to hold regular information sessions on renting, and on guardianship and administration.

Recognising that news media is an important way to increase community awareness, we continued to provide a responsive service to journalists. In July 2017, Channel 9's *A Current Affair* program screened a segment about how VCAT resolves residential tenancies and civil disputes.

In August, VCAT Chief Executive Officer Keryn Negri was profiled as part of a *Law Institute Journal* feature celebrating female leaders in law, which was also reported in daily media. Such reporting helps promote VCAT, both within the justice sector and wider community.

## Suppression orders



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.

A party can apply for an order or, more commonly, VCAT initiates this. We make these orders in the interests of justice, to prevent distress and to ensure fair treatment of victims, witnesses, children or other vulnerable people. This generally happens in disciplinary matters in the Review and Regulation List (such as Working with Children Check review applications) and in the Human Rights List. A significant increase in suppression orders issued in the Human Rights List

this year reflects a 39 per cent increase in applications to this list. We use a Court Services Victoria database to alert journalists to suppression orders made under the *Open Courts Act 2013*.

In March 2018, a review by former Supreme Court of Appeal Justice Frank Vincent found that courts and tribunals made relatively few suppression orders in comparison to their overall caseloads, but that further work was needed to ensure future orders are clearer and made only when necessary. We are awaiting further action after the Victorian Government accepted 17 of the report's 18 recommendations. Suppression orders are made in 0.1 per cent of VCAT cases.

Suppression orders			
List	2015-16	2016-17	2017-18
Building and Property	0	0	1
Civil Claims	1	0	0
Guardianship	0	0	2
Human Rights	30	40	79
Legal Practice	1	1	0
Owners Corporations	0	0	0
Planning and Environment	0	0	0
Residential Tenancies	1	3	7
Review and Regulation	57	53	32
<b>Total</b>	<b>90</b>	<b>97</b>	<b>121</b>



## Provide easy-to-understand information and communication

Recognising that some customers prefer multi-media communication, in March we launched an **animated video** called 'How VCAT can help'. The video gives a short overview of what VCAT does so people feel confident about accessing our services. At a general level, it describes the types of cases we handle, what happens at mediation or a hearing, how to apply and customer support options.

To make sure we are using language our customers understand in our communications, we began a language and terminology **comprehension study**. This study is exploring what VCAT terms are not understood by

people using our services. Research included identifying potentially problematic terms through a scan of current usage. The study aims to identify alternative words and phrases where possible, and validate these alternatives through small group and online forums.

We also progressed a review of our **correspondence** to ensure that it is easy to understand, contains relevant and useful information, especially for customers without experience with the legal system or legal qualifications. The review covers VCAT-wide letters, emails, notices and orders and includes

testing with community members to ensure that it is understandable and actionable. It will incorporate findings from the language and terminology study.

While this work progressed, we continued to improve our current online and correspondence content. For example, in response to feedback from customers who needed to lodge a statement of grounds in planning matters, we created specific online content and provided a direct link to the relevant form in our email templates.

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

VCAT offers a range of ways to resolve a dispute, such as compulsory conferences and mediation. We were delighted to begin expansion of these services this year, with support from partnership organisations.

Alternative dispute resolution (ADR) can be faster and more cost effective than a formal hearing and gives the people involved more control over the outcome. Community demand for these services was clearly expressed through the Access to Justice Review, which recommended

an expansion of VCAT's services for small civil claims. In October 2017, we teamed up with the Dispute Settlement Centre of Victoria (DSCV) to offer a new service at VCAT to the Victorian community: fast-track mediation and hearing (see page 25).

Meanwhile, we continued to deliver our other ADR services, which help people reach agreement in a diverse range of matters: higher-value civil claims, planning and environment cases, building and property disputes, and some review and regulation, human rights and residential tenancies cases.

We also began preparing for future expansion of our ADR services made possible by the new *Justice Legislation Amendment (Access to Justice) Act 2018*. This legislation will allow the tribunal or our principal registrar to nominate a non-member with relevant experience to conduct a compulsory conference – including for planning and environment cases.



## Extending mediation services across Victoria



### Fast track mediation and hearing

Through a new partnership, we are giving Victorians better access to mediation services to help them resolve small civil claims where the amount in dispute is less than \$15,000.

Working with the DSCV, we began offering fast track mediation and hearing services at our main hearing venue in central Melbourne from October 2017. This expansion of our former short mediation service was recommended by the Victorian Government's Access to Justice Review, and draws on the expertise and strengths of both organisations. The Victorian Government is supporting the program, providing \$6.25 million over four years to the DSCV.

Before offering the service, we renovated a dedicated area on Level 2 at 55 King Street, to meet the specialist needs of this program (for instance, more break-out rooms). We initially mediated disputes up to \$3000, increasing to \$5000 after validating the processes and procedures under our partnership agreement.

We then took the first steps towards giving regional Victorians access to local mediation services, making the service available in Geelong from February and Warrnambool from June. Further regional expansion is planned, and the value of disputes mediated will gradually increase in stages to \$15,000 over the four years.

Funding has also been provided to DSCV for an independent evaluation of the new service.

An early evaluation has been commissioned and its findings will guide the future roll out of the program to the Victorian community.

### How it works

Fast track mediation and hearing involves mediators from both VCAT and the DSCV assisting people with goods and services disputes to reach agreement.

After an initial telephone conversation with DSCV mediators to explore options for resolution, the parties are scheduled to attend a mediation and provided with information about the mediation process. The mediation takes up to 90 minutes. If they cannot reach agreement, the dispute goes to a hearing on the same day with a VCAT member for a legally-binding decision.

## Fast track mediation and hearing | October 2017 – July 2018

### Assessments

Number of cases assessed as suitable, including cases that may be scheduled for mediation and hearing in 2018–19	926
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### Mediations conducted and settled

Mediations conducted	351
Mediations settled	175
Mediation settlement rate	<b>50%</b>

### Settled before mediation

Total settled before scheduled mediation, including DSCV-assisted settlement	161
Settled before scheduled mediation	17%
Settled with assistance from DSCV after making initial contact with parties (Data courtesy of DSCV)	59
DSCV-assisted settlement	6%

## Short mediation and hearing program

We ceased our short mediation and hearing service in October 2017, when it was replaced by our new fast track program. Short mediation and hearing was limited to claims under \$3000 and only offered in central Melbourne.

### Short mediation and hearing | 1 July 2017 – 16 October 2017

Assessed as suitable	246
Mediations conducted	61
Mediations settled	39
Mediation settlement rate	64%
<b>Settled before mediation</b>	
Settled before scheduled mediation	70
Settled before scheduled mediation (rate)	28%

## Compulsory conferences and mediation

Compulsory conferences are confidential meetings where parties discuss ways to resolve their dispute with the help of a VCAT member. The member does not make a decision in the case; their role is to help the parties agree on a fair resolution instead of VCAT deciding the case at a hearing. Mediations may be conducted by a VCAT member or an accredited mediator.

We listed 2,533 cases for compulsory conferences or mediations this year. On average, 55 per cent were successfully resolved through these processes.

There were significant statistical rises in the use of ADR in our administrative and residential tenancies divisions, and for human rights matters.

More planning and environment cases went to compulsory conferences, reflecting growth in major case applications, which are routinely referred for ADR. Increased use of ADR in review and regulation matters shows increasing

confidence that compulsory conferences are an efficient way to resolve regulatory, disciplinary and review cases. The significant increase in ADR for legal practice matters reflects a rise in the overall caseload, although this remains relatively small; likewise for human rights matters.

While residential tenancies cases referred for ADR nearly tripled (up 273 per cent) this represents only a tiny fraction of the overall caseload (53,212 applications). Compulsory conferences are sometimes used to resolve high-value compensation claims in property damage matters, and the increase may reflect that we received a higher number of such residential tenancies applications.

Introduction of the Victorian Government's conciliation service for building disputes, Domestic Building Dispute Resolution Victoria, reduced the number of building and property disputes listed for compulsory conference or mediation (down 17 per cent).

A slight drop in the settlement of owners corporation matters by ADR may reflect greater complexity in the cases we received, as applications about lower-value disputes decreased. Decisions about whether to use ADR to resolve larger civil cases are based on the circumstances of each application; this can lead to variations from year to year.

We used ADR to resolve fewer Guardianship List matters this year – the small numbers make any variation appear statistically significant. In this list, ADR is used to resolve complex powers of attorney cases, and VCAT members assisted parties to reach resolution in 33 per cent of these matters. ADR is generally not used in the Guardianship List due to the nature of the cases (guardianship and administration orders are often made without conflict, to protect a person) and the short timeframe set by legislation for VCAT to hear these cases.

Listed for compulsory conference or mediation										
List	Compulsory conference			Mediation			Total			
	Civil Division	2015-16	2016-17	2017-18	2015-16	2016-17	2017-18	2015-16	2016-17	2017-18
Building and Property	264	418	425	347	474	319	611	892	744	-17%
Civil Claims	220	398	373	11	6	4	231	404	377	-7%
Owners Corporations	83	108	119	24	11	0	107	119	119	0%
<b>Residential Tenancies Division</b>										
Residential Tenancies	11	15	56	1	0	0	12	15	56	273%
<b>Administrative Division</b>										
Legal Practice	28	6	39	0	0	0	28	6	39	550%
Planning and Environment	435	666	756	1	0	0	436	666	756	14%
Review and Regulation	178	213	250	0	0	0	178	213	250	17%
<b>Human Rights Division</b>										
Guardianship	8	18	11	0	2	0	8	20	11	-45%
Human Rights	75	64	92	34	54	89	109	118	181	53%
<b>Total</b>	<b>1,302</b>	<b>1,906</b>	<b>2,121</b>	<b>418</b>	<b>547</b>	<b>412</b>	<b>1,720</b>	<b>2,453</b>	<b>2,533</b>	<b>3%</b>

Settled by compulsory conference or mediation										
List	Compulsory conference			Mediation			Total			
Civil Division	2015-16	2016-17	2017-18	2015-16	2016-17	2017-18	2015-16	2016-17	2017-18	Variance
Building and Property	168	199	199	225	301	203	393	500	402	-20%
Civil Claims	141	257	243	10	4	4	151	261	247	-5%
Owners Corporations	63	72	65	6	10	0	69	82	65	-21%
<b>Residential Tenancies Division</b>										
Residential Tenancies	7	12	45	0	0	0	7	12	45	275%
<b>Administrative Division</b>										
Legal Practice	16	1	26	0	0	0	16	1	26	2500%
Planning and Environment	281	330	386	0	0	0	281	330	386	17%
Review and Regulation	69	91	99	0	0	0	69	91	99	9%
<b>Human Rights Division</b>										
Guardianship	7	14	5	0	1	0	7	15	5	-67%
Human Rights	47	40	58	15	42	54	62	82	112	37%
<b>Total</b>	<b>799</b>	<b>1,016</b>	<b>1,126</b>	<b>256</b>	<b>358</b>	<b>261</b>	<b>1,055</b>	<b>1,374</b>	<b>1,387</b>	<b>1%</b>

Of cases listed for compulsory conference or mediation, percentage resolved										
List	Compulsory conference			Mediation			Total			
Civil Division	2015-16	2016-17	2017-18	2015-16	2016-17	2017-18	2015-16	2016-17	2017-18	Variance
Building and Property	64%	48%	47%	65%	64%	64%	64%	56%	54%	-2%
Civil Claims	64%	65%	65%	91%	67%	100%	65%	65%	66%	1%
Owners Corporations	76%	67%	55%	25%	91%	0%	64%	69%	55%	-14%
<b>Residential Tenancies Division</b>										
Residential Tenancies	64%	80%	80%	0%	0%	0%	58%	80%	80%	0%
<b>Administrative Division</b>										
Legal Practice	57%	17%	67%	0%	0%	0%	57%	17%	67%	50%
Planning and Environment	65%	50%	51%	0%	0%	0%	64%	50%	51%	1%
Review and Regulation	39%	43%	40%	0%	0%	0%	39%	43%	40%	-3%
<b>Human Rights Division</b>										
Guardianship	88%	78%	45%	0%	50%	0%	88%	75%	45%	-30%
Human Rights	63%	63%	63%	44%	78%	61%	57%	69%	62%	-7%
<b>Total</b>	<b>61%</b>	<b>53%</b>	<b>53%</b>	<b>61%</b>	<b>65%</b>	<b>63%</b>	<b>61%</b>	<b>56%</b>	<b>55%</b>	<b>-1%</b>

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

We celebrated the official opening of the new Shepparton Law Courts on 23 March. Specially designed for use by all Victorian courts and VCAT, the courthouse is safer and embraces modern technology. This includes a 'remote judge' facility that enables a VCAT member in Melbourne to conduct a hearing in Shepparton. The court also has interview rooms and break out spaces for use by clinical, legal and voluntary service providers.

After contributing over several years to its development, VCAT began hearings in the new building on 10 April. The new facility enabled us to expand our services to the Goulburn community from three days a fortnight to two days a week. We plan to hold more hearings, more often at the court and offer fast track mediation and hearing services in 2018–19.

We are also working with the Magistrates' Court of Victoria to establish community-based VCAT venues in some metropolitan locations. This would provide more suitable venues for our customers and increase the court's capacity to hear family violence matters. Moorabbin was identified as the

priority location to have a VCAT venue established in 2019.

Planning and land acquisition for better court and tribunal facilities is in progress for the Bendigo and Werribee communities. VCAT is taking part in the Court Services Victoria Working Group for these projects.

In October 2017, we engaged consultants to develop VCAT's state-wide accommodation plan based on a broad range of factors including demographic and demand forecasts, government policy and legislation requirements, technological innovation, and operational challenges.

This complex work will inform our long-term planning for VCAT venues in central Melbourne, metropolitan and regional areas – particularly in growth areas.

As a key stakeholder in CSV's Strategic Asset Plan 2016-31, VCAT also contributed to developing a new model for providing our services in less formal settings across Victoria. We assisted in the demand analysis, modelling and research to identify suitable metropolitan locations, venue configuration and operational arrangements.

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After contributing over several years to its development, VCAT began hearings in the new Shepparton Law Courts on 10 April. The new facility enabled us to expand our services to the Goulburn community from three days a fortnight to two days a week.

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Strategic Priority **03**

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# Responsive and collaborative relationships

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## Highlights

01

Developed and launched VCAT's Stakeholder Engagement Framework

02

Worked in partnership with stakeholders on significant projects, including online dispute resolution

03

Scoped a project to establish an 'innovation hub' at VCAT with Australian universities and CSV

## Challenges

01

Managing the expectations of our stakeholders, recognising the importance of VCAT's independence

## Looking ahead

01

Improving how we engage with stakeholders, guided by our Stakeholder Engagement Framework

02

Developing online performance dashboards for alternative dispute resolution services

## 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 built our engagement and connections with the community in many ways:

- » through our partnerships with organisations such as Justice Connect, DSCV and Court Network
- » engagement through social media
- » user groups
- » project reference groups like the advisory panel for our online dispute resolution pilot (see page 33).

We also continued to hold our renting information sessions and law week events.

During the year we launched a new framework to guide our engagement with stakeholders (see breakout story). It was a particularly busy year for engaging with government stakeholders in the legislative process, responding to a range of proposed legislative reforms and reviews that affect or have implications for VCAT's jurisdiction. We reviewed and changed our processes in response to significant new laws, for example the *Medical Treatment Planning and Decisions Act 2016* (see page 45).

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

Partnerships were critical to our work this year, including innovative projects relating to online dispute resolution (with the Department of Justice and Regulation), support for self-represented litigants (with Justice Connect) and the expansion of mediation services to help people resolve goods and services disputes (with the DSCV).

We also scoped a project to establish an 'innovation hub' at VCAT with Australian universities and CSV – a strategic alliance to promote innovation in civil justice. The hub involves students and thought leaders at universities working

collaboratively with VCAT to identify problems and opportunities, and develop solutions, across many aspects of our operations.

By 30 June, we were close to finalising partnership agreements with the universities. If the pilot is successful we will enter into collaborative knowledge and solution sharing arrangements with other Australian courts and tribunals, using the hub to facilitate this exchange.

#### A new approach to engaging with stakeholders



In April, we launched VCAT's Stakeholder Engagement Framework, taking a new approach to stakeholder engagement based on international standards to improve how we inform, consult and collaborate.

This involves listening to stakeholders, keeping them informed and responding in a timely and useful way. It builds on ways that many organisations are already involved with VCAT, such as user group meetings and project reference groups.

Our new approach also helps protect the tribunal's independence by providing clear guidance on when and how we engage with stakeholders. People who come to VCAT for justice need confidence that the tribunal is fair, and insights from our stakeholders are invaluable as we transform our services for the community.

We communicated our approach to our stakeholders, and made sure members and staff are aware of requirements and supported to incorporate our new approach into strategic projects as these are rolled out.



## Guiding innovation in online dispute resolution



Our online dispute resolution partnership with the Department of Justice and Regulation included establishing an advisory panel, recommended by the Access to Justice Review.

This group includes 25 thought-leaders from courts, community legal services, government agencies and universities. Its guiding principles are:

**Governance** – advise and inform the design, development and implementation of the pilot to ensure the project’s governance committees within VCAT can make informed decisions.

**Ideas and insights** – provide thought leadership and expertise in relation to the pilot, including possible barriers, pilot evaluation and future expansion of online dispute resolution (ODR). Share ideas and insights on behalf of community groups and stakeholders.

**Collaboration** – actively contribute in formal and informal sessions to create a collaborative knowledge sharing space for the benefit of all participants, the pilot and the broader community.

**Transparency** – constructively participate in the ODR advisory panel in the spirit of transparency, honesty and openness. Share relevant industry learnings, resources and insights based on subject matter expertise and networks.

**Advocacy** – encourage innovative means of improving access to justice through the ODR pilot. Advocate for the pilot methodology: Human-centred design and learn quickly, learn often.

## Provide insights to government to enable innovative service responses

We continued to develop our performance and reporting framework to support decisions by VCAT and policy makers. The framework aligns to the International Framework for Court Excellence adopted by Court Services Victoria. Insights from this project are fed into collaborative effort with the courts to support decision-making across CSV. For example, some of the courts were invited to observe our technical assessment of proposed solutions during a recent procurement process.

In the second phase of this project, we completed gap analysis and adopted a market approach. At 30 June, we had finalised procurement and were soon to appoint a partner to assist us with developing online performance dashboards for alternative dispute resolution services. This will enhance our capacity to monitor service delivery, aimed at improving access to justice.

Meanwhile, we provided insights on a significant number of legislative proposals this year from government departments seeking

to understand the likely impact on VCAT’s customers, jurisdiction and membership. We proactively assess the proposals and provide departments with expert advice to help them understand the impact on VCAT’s customers, jurisdiction and membership.

## Strategic Priority 04

# United leadership and culture

### Highlights

01

Developed and implemented a new governance model to support VCAT's strategic plan

02

Defined leadership attributes, aspirations and behaviours

03

Established a new committee to oversee development needs for all our workforce

### Challenges

01

Developing effective strategies to build positive cultural change

02

Strengthening leadership capability across the tribunal

### Looking ahead

01

Developing our project management capability

02

Acting on key recommendations from the culture survey

## 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 developed and defined the leadership attributes needed to lead VCAT successfully until 2022.

We set out these attributes in our new strategic plan, launched in December 2017. We clearly stated the aspirations and behaviours for each attribute.

We reviewed our training and development programs to align with the new strategic plan, to help us

provide appropriate development opportunities for leaders and potential leaders. We also continued our staff leadership forums, exploring topics of interest to our leadership team and creating opportunities for our leaders to learn about modern management techniques.

Leadership attributes for VCAT’s future:

Strategic	Collaborative	Innovative	Caring
<p>We take a future-focused and whole-of-VCAT perspective to position VCAT for the future. We anticipate and respond effectively to changes in our external environment to support delivery of VCAT’s strategic priorities.</p>	<p>We work together across VCAT to create ‘one VCAT’ that works together to meet the needs of customers. We collaborate with the community and external stakeholders to deliver exceptional outcomes.</p>	<p>We challenge established ways of thinking and take bold actions to position VCAT as the leader in courts and tribunals. We embed a culture of continuous improvement to enhance VCAT.</p>	<p>We understand and respond to the needs of VCAT members, staff, the community and external stakeholders. We create a caring and supportive environment that responds to the diverse needs of our members, staff and the community.</p>

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

Members and staff were actively engaged in consultations to develop our new strategic plan, which sets out our shared vision for the future. Together, we also developed our Accessibility Action Plan and Stakeholder Engagement Framework, and worked on a new Customer Service Charter.

During the year, we held events to celebrate various aspects of our workforce, including cultural diversity, disability awareness and lesbian, gay, bisexual, transgender and intersex (LGBTI) events. Such events help to create a sense of unity and belonging. As an organisation, we became a member of Pride in Diversity – Australia’s first and only not-for-profit employer support program specifically designed to assist workplaces with all aspects of LGBTI inclusion.

VCAT staff participated in CSV’s first culture survey in March 2018, achieving a 67 per cent response. This gives us a strong baseline to measure future cultural change.

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

We established a new Professional Development, Capability and Leadership Steering Committee in September 2017. Part of our new governance model, its role is to ensure that the learning and development requirements across our workforce are addressed in a strategic and targeted manner. Previously, staff and member learning and professional development were coordinated separately. This led to combined development opportunities, such as Koori Cultural Awareness training.

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

In September 2017, we introduced a new governance model to support the delivery of our *Strategic Plan: VCAT for the future 2018–22*. The new model creates standing committees to oversee compliance, regulatory and financial management accountability of critical business functions, and established steering committees to oversee major strategic initiatives and to support change management. For details, see page 69.

Strategic Priority **05**

## Skilled for the future

### Highlights

01

Targeted development programs based on new skills categories

02

More than doubled staff participation in learning and development activities

03

United customer service teams under professional customer service leadership

04

Rolled out member self-assessment and feedback process

### Year in review:

Develop a modern dynamic workforce for the future

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

We reviewed the skill categories used to identify and record member and staff development, making sure these align with our new strategic plan. Based on these classifications, we developed targeted development programs for our workforce.

### Challenges

01

Delivering timely training that avoids increasing work pressures on our operations and registry staff

### Looking ahead

01

Developing an onboarding and induction framework

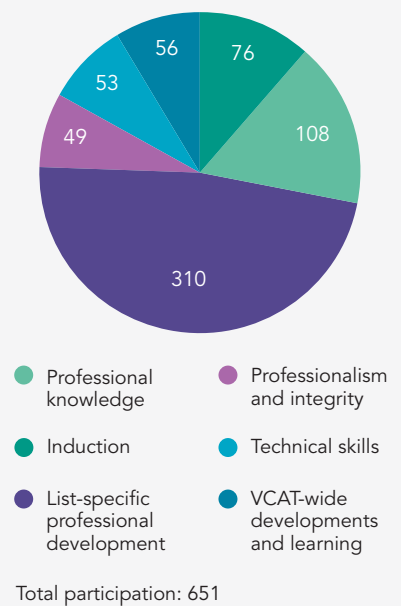
02

Improving mentoring and coaching capabilities

**For member professional development, we identified the following focus areas:**

- » professional knowledge: legal and jurisdictional knowledge necessary to undertake the role of a VCAT member in lists to which the member is allocated
- » technical skills: skills vital to effectively performing judicial duties
- » professionalism and integrity: VCAT’s organisational values, ethics, standards of behaviour and judicial well-being
- » VCAT-wide developments and learning: VCAT’s commitment to building capability across the workforce
- » induction: an introduction to VCAT and knowledge and skills required by the lists to which the member is allocated
- » leadership and management: skills and knowledge to enable members to lead, manage and drive change through our people (planned for rollout in 2018-19).

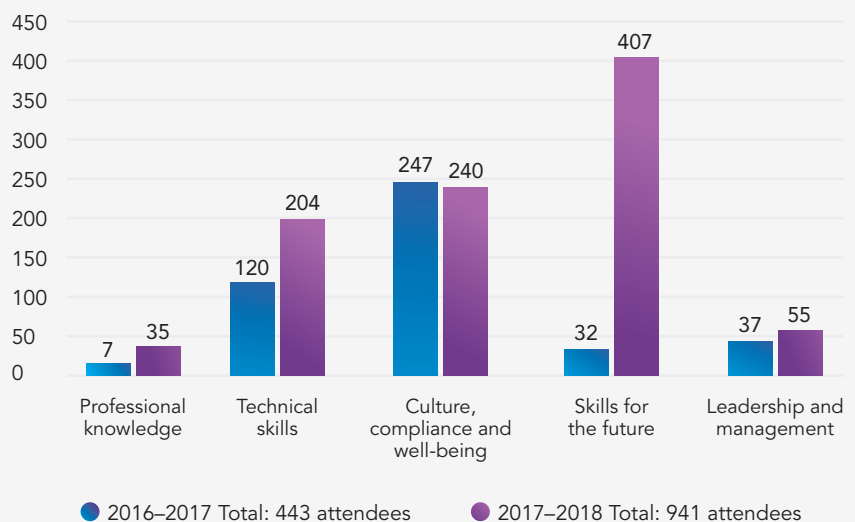
**Number of members participating in professional development**



**For our staff, we identified the following areas for development:**

- » professional knowledge: knowledge required to assist in current or future roles at VCAT
- » technical skills: skills required to assist in current or future roles at VCAT
- » culture, compliance and well-being: our organisational values, ethics, standards of behaviour and staff well-being
- » skills for the future: building capability across the workforce to deliver contemporary customer-centric services
- » leadership and management: skills and knowledge to enable staff to lead, manage and drive change through our people.

**Staff participation in learning and development**



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

To deliver on our customer-centred strategic priorities, in early 2018 we brought all our customer service staff into one team, led by a manager who specialises in professional customer service. Previously, these staff worked in teams based in VCAT's divisions. This was a major change for the organisation, both in structure and physical location as some staff had to relocate to join the new customer service group at our King Street headquarters.

Bringing the teams together was an important step towards modernising the way we deliver services and lifting the capability of our customer service staff. It is a key goal of the Customer Service Improvement Program and aligns with the strategic priority 'contemporary and customer-centric services' in our new strategic plan.

Meanwhile, we explored options to streamline our customer service delivery next year, to benefit our customers and staff.

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

For the first time, VCAT members could take part in a self-assessment and feedback process with their head of list, enabling each member to identify strengths, areas for improvement and to create an individual professional development plan. Eighty per cent of eligible members chose to participate in the process.

We also delivered training to 126 staff to assist staff create their own professional development plan goals.

To support the performance of our newest members and staff, we reviewed our induction materials and programs. The material for members was digitised and delivered as part of a new program format. Thirteen new members from the Review and Regulation, Civil Claims and Planning and Environment lists participated in the new member induction program.

Staff induction also changed, with mandatory requirements to complete online learning modules. The modules ensure new starters are aware of health and safety, respect in the workplace and the Victorian Public Sector Code of Conduct requirements. Thirty-two new starters have completed this introductory training through CSV's performance and learning management system.

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

Strengthening workforce diversity includes developing recruitment strategies and creating a supportive culture, and we progressed both during this year. For example, we changed our advertising mix this year to include the *Koori Mail*, as we aim to increase Koori representation among candidates.

We also provided Koori Cultural Awareness training to staff and members, so they can better understand and support Koori customers and colleagues.

We developed cultural awareness programs for VCAT members, to be delivered through the Judicial College of Victoria in 2018-19, and trained 183 staff in the Human Rights Charter. We also appointed five staff as Disability Liaison Officers, to support people with a disability to access VCAT services – a key initiative under our new Accessibility Action Plan.

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

We worked with Court Services Victoria to expand the range of data available from our human resources information systems, to better inform our decisions on occupational health and safety, recruitment, and learning and development. We began using data to forecast how long it takes to fill roles, to look for efficiencies and ways to streamline the recruitment process.

# Delivering our services

VCAT serves the community by resolving disputes and making decisions about human rights cases.

To efficiently deliver our services, the tribunal is organised into four divisions, supported by the administration executive (including our registry functions). Each division is led by a deputy president.

In this section of the report, we provide detailed information about the type and number

of cases we handled in 2017–18, how quickly we resolved matters, and the key factors affecting these 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.

Administrative Division	Civil Division
Head of Division DP Heather Lambrick  <b>Lists</b> Legal Practice Planning and Environment Review and Regulation	Head of Division DP Catherine Aird  <b>Lists</b> Building and Property Civil Claims Owners Corporations
Human Rights Division	Residential Tenancies Division
Head of Division DP Genevieve Nihill AM  <b>Lists</b> Guardianship Human Rights	Head of Division DP Heather Barker  <b>Lists</b> Residential Tenancies



## Delivering our services

# Building and Property List

## Year in review:

As the Domestic Building Dispute Resolution Victoria (DBDRV) service commenced in April 2017, this was the first year that we could assess its impact on VCAT's Building and Property List.

Applications about most domestic building work disputes where the owner is a party must go to the DBDRV service before an application can be made to VCAT. A certificate of conciliation issued by DBDRV is required for the application.

Parties to a domestic building work dispute can only apply directly to VCAT in limited circumstances – for example, if they are seeking an injunction. Other domestic building work disputes, including disputes between a sub-contractor and a builder, are not required to go to DBDRV. Similarly, disputes between a homeowner and tradesperson they have engaged directly to do a specific, single type of work under the Australian Consumer Law are not eligible for the DBDRV process.

Applications to VCAT under the Domestic Building Contracts Act decreased by 30 per cent in 2017–18, reflected across small, standard and complex claims. We noticed an

### Key points

- » Changes in number of building cases due to new government conciliation service DBDRV
- » Initial reduction in domestic building cases but steadily increasing by 30 June
- » Overall increase in other types of applications

### What we do

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

- » domestic building disputes
- » reviews of certain decisions by DBDRV
- » reviews of decisions by warranty insurers in relation to domestic building works
- » retail tenancies
- » 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.

initial reduction in domestic building cases, steadily increasing with about 50 per cent more applications lodged in May and June than for the same period in 2016–17. This later influx of cases contributed to the eight per cent increase in matters yet to be finalised (pending) at the end of the financial year, along with increased retail tenancies applications and real property applications and reduced member resources to hear them. Increased case complexity was also a factor in the lower number of finalisations.

Despite the 30 per cent decrease in applications made under the Domestic Building Contracts Act, there was only a six per cent overall reduction in initiations across the List as a whole. We recorded significantly more applications under the

Australian Consumer Law, up 113 per cent. Many of these related to building disputes, including commercial building. Applications about the unreasonable flow of water between properties rose nearly 70 per cent, while applications relating to co-owned land and goods and retail leases applications each rose by 12 per cent. Applications for injunctions relating to retail leases increased by 10 per cent.

There was an increase in domestic building applications that do not have to go to DBDRV – for example, applications for review of decisions of warranty insurers rose nine per cent, and applications for an exemption from the requirement for an owner-builder to provide warranty insurance when selling their property increased 21 per cent.



## Cases

Caseflow	2015–16	2016–17	2017–18	Variance
Initiations	1,746	1,856	1,739	-6%
Finalisations	1,660	1,839	1,651	-10%
Pending	891	879	946	8%
Clearance rate	95%	99%	<b>95%</b>	

Timeliness of finalised cases (weeks)	2015–16	2016–17	2017–18
Median	14	14	16
80th percentile	32	34	40

Initiations	2015–16	2016–17	2017–18	Variance
Domestic Building	1,328	1,401	1,195	-15%
Real Property	146	188	244	30%
Retail Tenancies	272	267	300	12%
<b>Total</b>	<b>1,746</b>	<b>1,856</b>	<b>1,739</b>	<b>-6%</b>

Finalisations	2015–16	2016–17	2017–18	Variance
Domestic Building	1,251	1,438	1,173	-18%
Real Property	163	136	211	55%
Retail Tenancies	246	265	267	1%
<b>Total</b>	<b>1,660</b>	<b>1,839</b>	<b>1,651</b>	<b>-10%</b>

Pending	2015–16	2016–17	2017–18	Variance
Domestic Building	706	648	655	1%
Real Property	70	118	148	25%
Retail Tenancies	115	113	143	27%
<b>Total</b>	<b>891</b>	<b>879</b>	<b>946</b>	<b>8%</b>

Applications by enabling enactment	2015–16	2016–17	2017–18	Variance
<i>Domestic Building Contracts Act 1995</i>	1,225	1,251	873	-30%
<i>Property Law Act 1958</i>	111	130	146	12%
<i>Retail Leases Act 2003</i>	272	267	300	12%
<i>Water Act 1989</i>	32	58	98	69%
<i>Australian Consumer Law and Fair Trading Act 2012</i>	95	150	320	113%
Others	11	0	2	0%
<b>Total</b>	<b>891</b>	<b>879</b>	<b>946</b>	<b>-6%</b>

Applications by claim amount	2015–16	2016–17	2017–18	Variance
Small claims: < \$10,000	468	492	408	-17%
Standard claims: \$10,000-\$100,000	531	623	496	-20%
Complex claims: \$100,000+	195	265	207	-22%
No value	552	477	628	32%
<b>Total</b>	<b>1,746</b>	<b>1,856</b>	<b>1,739</b>	<b>-6%</b>

## Delivering our services

## Civil Claims List

## Key points

- » Sustained high volume: 29 per cent growth over two years
- » Resource challenges and technology issues contributed to delays in processing applications
- » Achieved a 97 per cent clearance rate despite these challenges

## 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 sales of businesses, including representations of profitability
- » involving professional negligence claims against accountants and other service providers

- » about cars, where multiple parties are involved
- » under contracts for software and application development, and for internet marketing
- » under contracts for the manufacture of expensive items such as caravans
- » under insurance policies
- » between franchisors and franchisees
- » in which claims for contribution or indemnity are made against third parties.

On the same day we might hear a case about unsatisfactory dry-cleaning services, a case about the sale of a business and another about the operations of a franchise.

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

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.

## Year in review

We continued to receive a high number of applications, sustaining a record number lodged last year that represented a 29 per cent increase.

To efficiently handle this ongoing demand for our services, we had to adjust our processes. By 30 June, most applications were being processed within two weeks of receipt, and scheduled for hearing or some form of alternative dispute resolution such as mediation or compulsory conference.

We improved how we record the enabling enactment for building-related matters in the Civil Claims List. This contributed to the higher number of applications under the Australian Consumer Law and Fair Trading Act (up 14 per cent to 8,648) and fewer domestic building applications (down 94 per cent to 71).

We finalised nine per cent more applications this year, managing to clear 97 per cent of cases and achieving a slight reduction in the number of pending cases.

About 67 per cent of applications were made using the online form. The form assists applicants to avoid

making errors which would otherwise cause delay, for example by making sure the applicant properly identifies a company against which a claim is made. However, technical issues integrating the forms into our case management system meant we still had to manually check the data in each form, limiting efficiency.

There were significant increases in standard and complex claims, and applications that do not state the value of the claim. Small civil claims were the focus of significant projects for VCAT this year, including the introduction of fast track mediation and hearing (see page 25) and design of the online dispute resolution pilot (see page 33). In May, the Victorian Parliament passed the Access to Justice Act, which will lift the monetary threshold for small claims to \$15,000.

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We finalised nine per cent more applications this year, managing to clear 97 per cent of cases and achieving a slight reduction in the number of pending cases.

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## Cases

Caseflow	2015-16	2016-17	2017-18	Variance
Initiations	6,789	8,758	8,764	0%
Finalisations	6,559	7,858	8,533	9%
Pending	1,871	2,637	2,611	-1%
Clearance rate	97%	90%	97%	

Timeliness of finalised cases (weeks)	2015-16	2016-17	2017-18	Target
Median	10	11	12	
80th percentile	16	16	18	
<b>Target</b>				<b>19</b>

Applications by enabling enactment	2015-16	2016-17	2017-18	Variance
<i>Australian Consumer Law and Fair Trading Act 2012</i>	5,600	7,627	8,684	14%
<i>Domestic Building Contracts Act 1995</i>	1,185	1,125	71	-94%
Others	4	6	9	50%
<b>Total</b>	<b>6,789</b>	<b>8,758</b>	<b>8,764</b>	<b>0%</b>

Applications by claim amount	2015-16	2016-17	2017-18	Variance
Small claims: <\$10,000	5,555	7,138	6,913	-3%
Standard claims: \$10,000-\$100,000	1,089	1,372	1,538	12%
Complex claims: \$100,000+	69	94	117	24%
No value	76	154	196	27%
<b>Total</b>	<b>6,789</b>	<b>8,758</b>	<b>8,764</b>	<b>0%</b>

Delivering our services

# Guardianship List

## Key points

- » New medical treatment planning and decisions jurisdiction began in March
- » Launched a new online platform for guardianship applications
- » Developed a case management pilot, to begin in July 2018

## What we do

The Guardianship List makes protective orders under the *Guardianship and Administration Act 1986* and other legislation.

The most common orders – guardianship and administration orders – involve appointing substitute decision-makers

for adults who, because of a disability, 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

### Our workload continued to increase in volume and complexity.

This was driven by several factors including a significant expansion with the new *Medical Treatment Planning and Decisions Act 2016* effective 12 March 2018, and noticeable increases in applications based on dementia and mental disorders.

Our successful case management of powers of attorney cases in 2016–17 was the basis for a new project that commenced in February. We designed a pilot

that will expand case management for medical treatment, powers of attorney and related matters from July 2018. This new approach involves intensive end-to-end management to improve efficiency and customer experience, and promote understanding of legal and process requirements.

In April, we launched a new online platform that enables social workers and hospital coordinators to make guardianship applications, delivering the data directly into our case management system. The initial release to six hospital sites where VCAT conducts hearings is a prelude to expansion next financial year.

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.

## Cases

Caseflow	2015-16	2016-17	2017-18	Variance
Originating initiations	13,771	13,896	14,249	3%
Finalisations	13,122	13,112	12,807	-2%
Clearance rate	95%	94%	90%	

Major applications/activities by Act and sections	2015-16	2016-17	2017-18	Variance
Guardianship and/or administration orders	5,552	5,474	6,035	10%
Reassessment orders	7,337	7,177	7,195	0%
Powers of attorney	643	645	670	4%
Others (see next table for breakdown)	3,426	3,775	3,911	4%
<b>Total</b>	<b>16,958</b>	<b>17,071</b>	<b>17,811</b>	<b>4%</b>

Breakdown of other applications/activities by Act and sections	2015-16	2016-17	2017-18	Variance
Advice to administrator	2,654	2,889	3,004	4%
Directions	503	620	567	-9%
Rehearing	81	74	81	9%
Power to enforce guardianship order	58	64	50	-22%
Temporary guardianship order	41	48	41	-15%
Orders about appointed medical treatment decision makers and support persons (commenced 2018)	-	-	82	-
Additional activities	89	79	86	9%
<b>Total</b>	<b>3,426</b>	<b>3,774</b>	<b>3,911</b>	<b>4%</b>

Delivering our services

# Human Rights List

## Key points

- » 39 per cent increase in applications
- » Increased complexity
- » Most applicants represent themselves

## 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 *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

While the number of cases handled in this list is relatively small, application numbers have grown significantly.

We received nearly 40 per cent more applications overall, with applications under the Equal Opportunity and Mental Health Acts increasing significantly compared to last year.

We finalised 13 per cent more cases and managed to clear 80 per cent of cases.

There was an increase in employment-related and self-represented applications,

which require more management by our members and staff. This contributed to design of a pilot to expand case management in our Human Rights Division next year.

We experienced an increase in applications under the *Disability Act 2006* for supervised treatment orders and changes to the treatment plans made under these orders.

## Cases

Caseflow	2015-16	2016-17	2017-18	Variance
Initiations	271	334	463	39%
Finalisations	255	327	370	13%
Pending	112	115	198	72%
Clearance rate	94%	98%	80%	

Timeliness of finalised cases (weeks)	2015-16	2016-17	2017-18
Median	14	11	12
80th percentile	27	24	20

Applications by enabling enactment	2015-16	2016-17	2017-18	Variance
<i>Disability Act 2006</i>	23	34	40	18%
<i>Equal Opportunity Act 2010</i>	162	201	310	54%
<i>Health Records Act 2001</i>	35	41	31	-24%
<i>Mental Health Act 2014</i>	22	31	47	52%
Others	29	27	35	30%
<b>Total</b>	<b>271</b>	<b>334</b>	<b>463</b>	<b>39%</b>



## Delivering our services

# Legal Practice List

## Key points

- » Significant increase in applications
- » VCAT's smallest list by volume

## What we do

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

We hear and determine disputes that are not resolved by the Victorian Legal Services Commissioner (VLSC).

The Legal Practice List handles:

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

## Year in review

We received significantly more applications, partly due to an increase in the number of applications where the monetary value exceeded the jurisdiction of the VLSC.

The increase in applications affected finalisations and the number of matters awaiting resolution (pending) at the end of 2017–18.

We received 26 disciplinary applications and 72 civil applications. Of the civil applications, 55 were made under the Australian Consumer Law and Fair Trading Act.

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

## Cases

Caseflow	2015–16	2016–17	2017–18	Variance
Initiations	112	68	98	44%
Finalisations	123	83	76	-8%
Pending	52	38	58	53%
Clearance rate	110%	122%	78%	

Timeliness of finalised cases (weeks)	2015–16	2016–17	2017–18	Target
Median	13	15	17	
80th percentile	25	43	28	
Target				40

Applications by enabling enactment	2015–16	2016–17	2017–18	Variance
<i>Australian Consumer Law and Fair Trading Act 2012</i>	40	44	55	25%
<i>Legal Profession Act 2004</i>	69	10	12	20%
<i>Legal Profession Uniform Law Act 2014</i>	3	14	31	121%
<b>Total</b>	112	68	98	44%

Delivering our services

## Owners Corporations List

### Year in review

There was an increase in standard and complex claims. Resolving these claims requires more resources and time.

This increase is reflected in the number of matters still to be finalised at the end of the year.

We received 12 per cent fewer applications overall in this list, reflecting a reduction in the number of small claims under \$10,000. Most of these claims, which make up about 80 per cent of the cases handled by this list, are for unpaid owners corporations fees.

### Key points

- » 76 per cent online applications
- » Fewer claims under \$10,000
- » Increase in complex cases

### What we do

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

An owners corporation, formerly known as a body corporate, manages the common property in a subdivision that has created several lots or units.

The common property can be a driveway, car parking space, garden, lift, staircase or foyer. The owners corporation collects fees from its lot-owning members to pay for the cost of managing, maintaining and insuring the common property.

## Cases

Caseflow	2015-16	2016-17	2017-18	Variance
Initiations	3,156	3,126	2,763	-12%
Finalisations	3,134	3,001	2,685	-11%
Pending	518	619	662	7%
Clearance rate	99%	96%	97%	

Timeliness of finalised cases (weeks)	2015-16	2016-17	2017-18	Target
Median	6	7	8	
80th percentile	9	11	11	
<b>Target</b>				<b>10</b>

Applications by enabling enactment	2015-16	2016-17	2017-18	Variance
<i>Australian Consumer Law and Fair Trading Act 2012</i>	20	30	12	-60%
<i>Owners Corporations Act 2006</i>	3,093	3,080	2,712	-12%
Others	43	16	39	144%
<b>Total</b>	<b>3,156</b>	<b>3,126</b>	<b>2,763</b>	<b>-12%</b>

Applications by claim amount	2015-16	2016-17	2017-18	Variance
Small claims: <\$10,000	2,757	2,738	2,268	-17%
Standard claims: \$10,000-\$100,000	140	148	185	25%
Complex claims: \$100,000+	5	13	17	31%
No value	254	227	293	29%
<b>Total</b>	<b>3,156</b>	<b>3,126</b>	<b>2,763</b>	<b>-12%</b>

## Delivering our services

# Planning and Environment List

## Year in review

We received applications about projects valued at about \$11.38 billion in total.

There was a 17 per cent increase in major cases, building on a 130 per cent increase last year that followed changes to the monetary limit from 1 July 2016.

We finalised 20 per cent more matters this year and reduced by 13 per cent the number of cases waiting to be finalised at 30 June.

The number of applications remained steady. There was a slight reduction overall in planning and environment cases and a significant increase in land valuation cases, reflecting a cycle of local government property valuations for rates – these are conducted every two years.

To better support people who want to contest planning applications, we created a dedicated Statement of Grounds page on VCAT's website, providing information about the process and improving access to the form.

### Key points

- » Handled applications about projects totalling \$11 billion
- » Continued significant increase in major case applications
- » Finalised 20 per cent more cases

### What we do

The Planning and Environment List deals with a variety of applications related to the use, development and subdivision of land, heritage, gaming premises approvals, water and 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 a permit, VCAT's role is to reconsider the whole application afresh on its merits.

New regulations made in mid-June 2018 extend the time an objector has to apply to VCAT for review of a responsible authority's decision to grant a permit under section 82 of the Planning and Environment Act.

From 1 July 2018, such applications must be made within 28 days after the date of the notice of decision. Previously, objectors had 21 days after the responsible authority gave them notice of the decision.

## Cases

Caseflow	2015-16	2016-17	2017-18	Variance
Initiations	2,695	2,878	2,816	-2%
Finalisations	2,781	2,517	3,023	20%
Pending	1,246	1,605	1,392	-13%
Clearance rate	103%	87%	107%	

Timeliness of finalised cases (weeks)	2015-16	2016-17	2017-18
Median	25	26	26
80th percentile	32	33	34

Initiations	2015-16	2016-17	2017-18	Variance
Planning and Environment	2,619	2,800	2,711	-3%
Land Valuation	76	78	105	35%
<b>Total</b>	<b>2,695</b>	<b>2,878</b>	<b>2,816</b>	<b>-2%</b>

Finalisations	2015-16	2016-17	2017-18	Variance
Planning and Environment	2,665	2,446	2,928	20%
Land Valuation	116	71	95	34%
<b>Total</b>	<b>2,781</b>	<b>2,517</b>	<b>3,023</b>	<b>20%</b>

Pending	2015-16	2016-17	2017-18	Variance
Planning and Environment	1,218	1,570	1,347	-14%
Land Valuation	28	35	45	29%
<b>Total</b>	<b>1,246</b>	<b>1,605</b>	<b>1,392</b>	<b>-13%</b>

Applications by enabling enactment	2015-16	2016-17	2017-18	Variance
<i>Environment Protection Act 1970</i>	14	18	14	-22%
<i>Planning and Environment Act 1987</i>	2,568	2,758	2,666	-3%
<i>Valuation of Land Act 1960</i>	62	61	100	64%
Others	51	41	36	-12%
<b>Total</b>	<b>2,695</b>	<b>2,878</b>	<b>2,816</b>	<b>-2%</b>

Applications by type	2015-16	2016-17	2017-18	Variance
Planning and Environment major cases	229	526	615	17%
Planning and Environment standard claims	2,390	2,274	2,096	-8%
Land Valuation	76	78	105	35%
<b>Total</b>	<b>2,695</b>	<b>2,878</b>	<b>2,816</b>	<b>-2%</b>

## Cases (continued)

Applications by claim amount (planning and environment applications)	2015-16	2016-17	2017-18	Variance
Small claims: <\$10,000	97	256	219	-14%
Standard claims: \$10,000-\$100,000	56	112	98	-13%
Complex claims: \$100,000-\$1m	553	987	920	-7%
Complex claims: \$1m-\$5m	271	516	527	2%
Complex claims: \$5m-\$20m	187	239	188	-21%
Complex claims: \$20m+	80	116	101	-13%
No value	1,451	652	763	17%
<b>Total</b>	<b>2,695</b>	<b>2,878</b>	<b>2,816</b>	<b>-2%</b>
Approximate total value (\$billion)	\$7.04	\$10.25	\$11.38	11%

Top 20 number of applications by council	2015-16	2016-17	2017-18	Variance
Banyule City Council	75	74	67	-9%
Bayside City Council	144	114	138	21%
Boroondara City Council	112	157	118	-25%
Casey City Council	45	50	70	40%
Darebin City Council	112	138	121	-12%
Glen Eira City Council	214	172	84	-51%
Hobsons Bay City Council	66	69	79	14%
Kingston City Council	49	59	55	-7%
Knox City Council	29	29	62	114%
Manningham City Council	37	65	85	31%
Maroondah City Council	54	70	58	-17%
Melbourne City Council	97	96	141	47%
Monash City Council	108	178	186	4%
Moonee Valley City Council	57	102	65	-36%
Moreland City Council	139	117	139	19%
Mornington Peninsula Shire Council	104	143	146	2%
Port Phillip City Council	111	156	137	-12%
Stonnington City Council	108	144	129	-10%
Whitehorse City Council	62	68	78	15%
Yarra City Council	137	145	131	-10%

Top 20 number of applications by suburb	2015-16	2016-17	2017-18	Variance
Bentleigh East	57	41	24	-41%
Box Hill	9	13	23	77%
Brighton	31	35	40	14%
Brunswick	33	22	33	50%
Camberwell	16	19	23	21%
Clayton	8	15	45	200%
Coburg	28	23	24	4%
Frankston	25	20	22	10%
Glen Waverley	15	39	41	5%
Hawthorn	28	24	24	0%
Melbourne	47	35	83	137%
Mount Waverley	20	49	29	-41%
Northcote	14	15	23	53%
Port Melbourne	25	35	32	-9%
Preston	41	37	39	5%
Reservoir	21	38	28	-26%
Richmond	47	51	40	-22%
South Melbourne	22	31	34	10%
South Yarra	36	31	35	13%
Williamstown	20	21	24	14%

Delivering our services

## Residential Tenancies List

### Key points

- » Our busiest list, handling 62% of all applications to VCAT
- » Increase in applications from tenants and residents (18%) and private landlords (20%)
- » 13% fewer applications by Director of Housing

### What we do

The Residential Tenancies List is a high-volume, fast throughput list where matters are often finalised within four weeks of the original application – even earlier for matters such as urgent repairs, which can be resolved within days.

Parties generally receive their decision on the same day as the hearing.

The list mainly handles disputes between:

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

## Year in review

**The Residential Tenancies List is our busiest list, accounting for more than 62 per cent of new applications to VCAT this year.**

The overall number of applications and finalisations was consistent with last year. There were fewer applications from the Director of Housing, including fewer higher-value claims for compensation under the Australian Consumer Law and Fair Trading Act (down 19 per cent).

There were significantly more applications from tenants and residents (up 18 per cent, with 75 per cent more bond claims) and private landlords (up 20 per cent).

These types of applications are often defended so can take longer to finalise, reflected in an increase in the median time from two to three weeks. There was also an increase in the number of cases waiting to be finalised at 30 June (increased to 31 per cent pending). This is partly due to the introduction of detailed monthly file audits that have improved the accuracy of our reporting.

VCAT's new online Guardianship Hub (see page 16) is providing a model for enhancing the Residential Tenancies Hub. We launched version 1 of the Guardianship Hub in April 2018, with version 2 scheduled for public release next year.

Meanwhile, to better guide applicants to information and forms, we improved the pathways on our website and in the existing Residential Tenancies Hub.

In the Hub, we redesigned the login page, home screen and confirmation screen to guide the applicant on next steps. On the website, we made significant changes to better distinguish the three types of application, improved information about section numbers needed to make an application and included a sample notice of hearing on appropriate pages.

We also conducted a pilot project that involved calling tenants to confirm they were aware of their hearing, but found this did not improve attendance rates.

We continued to hold user group meetings with major stakeholders and general education forums. We also worked closely with Government on its Safer Fairer Housing initiative and review of the Residential Tenancies Act.



## Cases

Caseflow	2015-16	2016-17	2017-18	Variance
Initiations	56,412	54,551	53,212	-2%
Finalisations	58,775	55,121	53,309	-3%
Pending	2,274	1,848	2,430	31%
Clearance rate	104%	101%	100%	

Timeliness of finalised cases (weeks)	2015-16	2016-17	2017-18	Variance
Median	2	2	3	
80th percentile	5	4	6	
Target				6

Applications by enabling enactment	2015-16	2016-17	2017-18	Variance
<i>Residential Tenancies Act 1997</i>	53,405	51,861	50,567	-2%
<i>Victorian Civil and Administrative Tribunal Act 1998</i>	2,999	2,507	2,496	0%
<i>Australian Consumer Law and Fair Trading Act 2012</i>	0	174	140	-19%
Others	8	9	9	0%
<b>Total</b>	<b>56,412</b>	<b>54,551</b>	<b>53,212</b>	<b>-2%</b>

Highest number of applications by case type	2015-16	2016-17	2017-18	Variance
Possession and rent	11,824	11,253	14,107	25%
Possession, rent and bond	5,554	5,264	5,671	8%
Possession: 60-day notice	1,505	1,464	2,150	47%
Possession: end of fixed term or 120-day no reason	784	927	1,255	35%
Possession: damage or danger	275	520	314	-40%
Landlord claiming bond for unpaid rent and loss or damage or both	9,512	9,143	9,091	-1%
Landlord claiming bond and compensation	6,160	5,734	5,783	1%
Tenant claiming bond	1,042	1,264	2,212	75%
Renewals	4,899	4,520	4,927	9%
Review and leave	2,715	2,472	2,632	6%

Applications by applicant type	2015-16	2016-17	2017-18	Variance
Director of Housing	12,172	10,799	9,352	-13%
Landlords represented by estate agents or property managers	36,520	34,785	33,376	-4%
Private landlords	2,653	2,770	3,335	20%
Tenants or residents	4,038	5,135	6,049	18%
Others (including rooming house and caravan park owners)	1,029	1,062	1,100	4%
<b>Total</b>	<b>56,412</b>	<b>54,551</b>	<b>53,212</b>	<b>-2%</b>

## Delivering our services

## Review and Regulation List

### Key points

- » Increase in applications, particularly Freedom of Information
- » Changes to jurisdictions, existing and new
- » Increase in applications using online form

### What we do

The Review and Regulation List hears matters in relation to many different pieces of legislation. Its review jurisdiction allows people to challenge administrative decisions made by government decision-makers, and professional and licensing decisions made by regulatory authorities, boards, panels and committees.

In this list, we also conduct inquiries into the professional conduct of various professionals, including a broad range of health professionals, as part of 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 (FOI) reviews
- » reviews of Working with Children Check decisions
- » reviews of Victims of Crime Assistance Tribunal (VOCAT) decisions
- » reviews of child welfare case plan decisions
- » state taxation matters
- » domestic animal cases, including dangerous or menacing dogs
- » reviews of Transport Accident Commission (TAC) matters.

### Year in review

There were many changes to VCAT's jurisdiction for review and regulation matters in 2017–18, as Parliament passed considerable legislative amendments.

The changes affected our powers relating to a wide range of areas, including major events, commercial vehicles, road safety, freedom of information, education service providers, child wellbeing and safety, and government customer service functions. Such changes place an administrative load on the tribunal, as we must assess the impact, develop and implement processes, and revise information and forms.

Uptake of online forms increased eight per cent to account for 29 per cent of applications to the list – an improvement but still the lowest uptake across VCAT's online forms.

We continued to see an increase in FOI applications and finalised more of these cases. The small number of applications means that a relatively small increase in volume shows as a large statistical variation.

## Cases

Caseflow	2015-16	2016-17	2017-18	Variance
Initiations	1,009	994	1,087	9%
Finalisations	1,039	1,020	970	-5%
Pending	540	547	558	2%
Clearance rate	103%	103%	89%	

Timeliness of finalised cases (weeks)	2015-16	2016-17	2017-18
Median	22	19	21
80th percentile	56	49	51

Applications by enabling enactment	2015-16	2016-17	2017-18	Variance
Freedom of Information Act 1982	105	126	188	49%
Transport Accident Act 1986	330	225	217	-4%
Others	574	643	682	6%
<b>Total</b>	<b>1,009</b>	<b>994</b>	<b>1,087</b>	<b>9%</b>

Finalisations by enabling enactment	2015-16	2016-17	2017-18	Variance
Freedom of Information Act 1982	79	109	160	47%
Transport Accident Act 1986	426	274	240	-12%
Others	534	637	570	-11%
<b>Total</b>	<b>1,039</b>	<b>1,020</b>	<b>970</b>	<b>-5%</b>

Pending by enabling enactment	2015-16	2016-17	2017-18	Variance
Freedom of Information Act 1982	63	75	90	20%
Transport Accident Act 1986	195	200	101	-50%
Others	282	272	367	35%
<b>Total</b>	<b>540</b>	<b>547</b>	<b>558</b>	<b>2%</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.

## President

Justice Michelle Quigley

## Vice presidents

Fourteen County Court Judges serve as vice presidents (see page 80)

## 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

### Planning and Environment List

#### Head of List

Deputy President Helen Gibson AM

#### Deputy Head of List

Senior Member Margaret Baird

#### Deputy Head of List

Senior Member Laurie Hewet

#### Deputy Head of List

Senior Member Jeanette Rickards

### Review and Regulation List

#### Head of List

Deputy President Heather Lambrick

#### Deputy Head of List

Deputy President Ian Proctor

#### Deputy Head of List

Member Elisabeth Wentworth

## Civil Division

### Head of Division

Deputy President Catherine Aird

### Civil Claims List

#### Head of List

Deputy President Ian Lulham

#### Deputy Head of List

Senior Member Stella Moraitis

#### Deputy Head of List

Senior Member Silvana Wilson

### Building and Property List

#### Head of List

Deputy President Catherine Aird

#### Deputy Head of List

Senior Member Mark Farrelly

### Owners Corporations List

#### Head of List

Senior Member Jonathan Smithers

#### Deputy Head of List

Member Linda Rowland

## Human Rights Division

### Head of Division

Deputy President Genevieve Nihill AM

### Guardianship List

#### Head of List

Deputy President Genevieve Nihill AM

#### Deputy Head of List

Senior Member Bernadette Steele

#### Deputy Head of List

Senior Member Brendan Hoysted

### Human Rights List

#### Head of List

Deputy President Genevieve Nihill AM

VCAT's chief executive officer is appointed by the Courts

Council on the VCAT president's recommendation. Our CEO leads the senior staff who make up the administration executive and operations.

## Deputy Head of List

Senior Member Bernadette Steele

## Residential Tenancies Division

### Head of Division

Deputy President Heather Barker

### Residential Tenancies List

#### Head of List

Deputy President Heather Barker

#### Deputy Head of List

Member Kylea Campana

#### Deputy Head of List

Senior Member Lindsay Warren

## Administration Executive and Operations

### Chief Executive Officer

Keryn Negri

### Principal Registrar

Carolyn McSporran

### Director, Operations

Melissa Biram

### Director, Corporate Services

Barbara Oleczek

### Director, Customer Service Improvement Program

Marion van Rooden

### Director, Information Technology

Michael Van Der Arend

### Director, People Management

Jeshree Gaundar

### Manager, Finance and Reporting

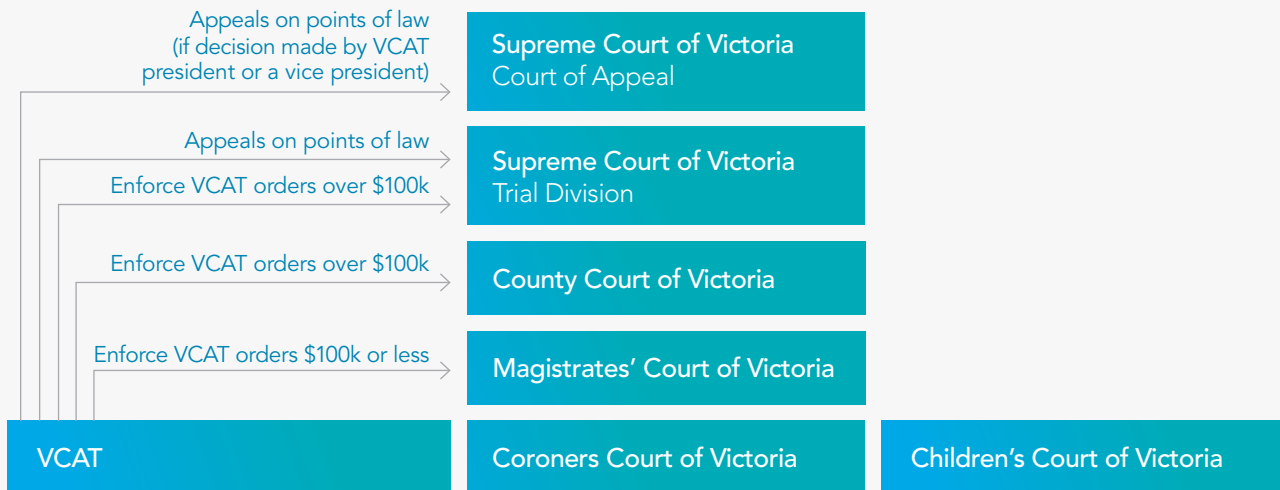
Bradley Vice

### Manager, Strategic Communications

Elisa Berg



### 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 September 2017, we introduced a new governance model to support the delivery of our new *Strategic Plan: VCAT for the future 2018–22*.

The new model includes standing committees to oversee compliance, regulatory and financial management accountability of the critical business functions, and established steering committees to oversee major strategic initiatives and projects and support the management of change.

To support sound decision-making, all committees provide regular updates to the President's Advisory Committee.

### VCAT Internal Governance Structure



## President's Advisory Committee

The President's Advisory Committee includes the senior leadership group, including the president, two vice presidents, the chief executive officer, heads of divisions, the principal registrar, and the directors of corporate services and operations.

The committee meets fortnightly to discuss key issues affecting the organisation. It provides strategic advice to the president to assist in decision-making and the efficient management and continuous improvement of VCAT operations.

President's Advisory Committee members at 30 June 2018 are featured on pages 64-67.



President  
Justice Michelle Quigley QC LLB



Justice Quigley became VCAT's sixth president when sworn in on 1 June 2018. Appointed to the Supreme Court of Victoria in December 2017, Justice Quigley has three decades of experience as a legal practitioner, predominantly as a senior barrister specialising in administrative law, including planning and environmental law, land valuation and acquisition.

Her Honour appeared regularly before VCAT, the Supreme Court and Court of Appeal, was previously a Visiting Lecturer in Planning Law at the University of Melbourne from 1994 to 2006 and was appointed Senior Counsel in 2002. Justice Quigley has a Bachelor of Laws from the University of Melbourne.



Chief Executive Officer  
Keryn Negri BA



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





Vice President  
**Judge Felicity Hampel SC BA LLB**



Judge Hampel was appointed to the County Court of Victoria in 2005 and is a fellow of the Australian Academy of Law. Her Honour commenced practice as a barrister in 1981, and was appointed Queens Counsel in 1996, converting to Senior Counsel in 2001. She is deputy chair of the Australian Advocacy Institute.

Past positions include part-time Commissioner of the Victorian Law Reform Commission and President of Liberty Victoria.



Vice President  
**Judge Frances Millane BJuris, LLB, LLM**



Judge Millane was appointed a Judge of the County Court of Victoria on 2 December 2003. A Senior Associate at Phillips Fox & Masel, she signed the Victorian Bar Roll in 1983. Her Honour was a practising barrister for over 20 years in common law, commercial law, employment law and equal opportunity law.

Judge Millane is a former Judicial Registrar of the Industrial Relations Court of Australia and the Federal Court of Australia. Her Honour served as a VCAT sessional member from 1998 to 2000, and was appointed a vice president of VCAT in 2015.



Head of Administrative Division  
**Heather Lambrick LLB BA**



Heather has been a member of the tribunal since its inception in 1998. She heads the Administrative Division and the Review and Regulation List within that Division. She has held other leadership roles within VCAT, having previously been Head of Civil Division and Residential Tenancies List.

Before her appointment to VCAT, Heather practised exclusively in the area of criminal law as a practitioner and lecturer.

## President's Advisory Committee (continued)



Head of Civil Division  
**Catherine Aird BEd LLB**



Cathy became a tribunal member in 1996. She was appointed a deputy president in 2004 and is Head of Civil Division. She has been Head of List for Domestic Building, Occupational and Business Regulation, Retail Tenancies and Real Property.

Cathy previously worked for AVJennings Homes, RAIA Practice Services and in private practice. She has been an Aged Care Complaints Resolution Scheme mediator and the Architects Registration Board consumer representative.



Head of Human Rights Division  
**Genevieve Nihill AM LLM LLB BA**



Genevieve has been a member for 12 years. She heads the Guardianship and Human Rights lists, and the Human Rights Division. Genevieve has been a member of several other tribunals, including the Mental Health Review Board, Intellectual Disability Review Panel and various health practitioner registration board hearing panels. She has a background of practice in public and community law.



Head of Residential  
Tenancies Division  
**Heather Barker LLB**



Heather is head of VCAT's Residential Tenancies Division, established in 2014. She has been in charge of the Residential Tenancies List since 2013, after serving as a member of the Residential Tenancies and Small Claims Tribunals since 1989.

Previously, Heather worked in private practice, as an associate partner in a large Melbourne firm and as a lawyer with a large commercial firm in London.



Principal Registrar  
Carolyn McSporran



Carolyn joined VCAT in 2017 after 15 years at Victoria Legal Aid (VLA), where she was responsible for the development of the grants management system, complaints function and the establishment of specialist practitioner panels.

Carolyn played a strong role in building collaborative partnerships with state and federal governments, the Federation of Community Legal Centres and other institutions. She was seconded to the Department of Justice and Regulation to work on the Access to Justice Review, providing expert advice on VLA's role in supporting equitable access to legal support services.



Director, Operations  
Melissa Biram



Melissa joined VCAT in 2011 as the Registrar of the Administrative Division, before being appointed Director, Operations in 2014.

She has had an extensive career in operational roles in courts and tribunals spanning 18 years, primarily in the Magistrates', Supreme and Coronial jurisdictions. Before starting at VCAT, Melissa's roles included managing the Principal Registry of the Victims of Crime Assistance Tribunal and managing support services for Magistrates.



Director, Corporate Services  
Barbara Oleczek BA(Hon) MA MBA  
M.Bus (Bk&Fin)



Barbara has extensive experience in strategic and business planning, corporate governance, risk management, capital project development, budgeting and finance, and project management.

She has worked for more than 20 years in Victorian government departments and holds tertiary qualifications in Arts, Business Administration and Banking and Finance. Her key focus is effective engagement with stakeholders and continuous service improvement.

## Rules Committee

This committee 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 tribunal members are educated in relation to those rules and practice notes and that they are up-to-date and consistent with any changes in the law, such as changes to VCAT's jurisdiction or its fee structure, and VCAT's internal processes.

The VCAT president and all 14 vice presidents are members of the committee. The vice presidents allocated to VCAT usually attend the committee meetings.

A deputy president, two tribunal members and an independent, non-tribunal member also sit on the committee.

### Committee activities

The 2017–18 financial year was a very busy period for the Rules Committee, which met four times in person and twice 'on the papers'.

### Changes to rules

On 23 October 2017, the committee made the Victorian Civil and Administrative Tribunal (Amendment No.18) Rules 2017 (Vic).

These changes reflected the replacement of the *Heritage Act 1995 (Vic)* with the *Heritage Act 2017 (Vic)* on 1 November 2017.

On 21 February 2018, the committee made the Victorian Civil and Administrative Tribunal (Amendment No.19) Rules 2018 (Vic). The changes included amending the rules to:

- » allow documents to be served electronically
- » make minor amendments to the allocation of functions to the Legal Practice list and the Review and Regulation List of the Administrative Division of the tribunal
- » make other minor amendments, including updating references contained within the rules to ensure they are current.

On 14 June 2018, the committee made the Victorian Civil and Administrative Tribunal Rules 2018 (Vic). These remade the Victorian Civil and Administrative Tribunal Rules 2008 (Vic), which were due to expire on 18 June 2018, ten years after they commenced. The new rules remade the old rules to:

- » provide for greater use of electronic communications both in proceedings and in the tribunal generally
- » remove references to facsimile
- » remove references and rules relating to legislation which is no longer in force
- » omit forms previously contained in the rules that are no longer used in practice.

### Practice notes approved

On 7 September 2018, by circular resolution, the committee approved the following practice note:

- » PNPE10 – Enforcement Order and Interim Enforcement Orders under the *Traditional Owner Settlement Act 2010 (Vic)*, to give guidance on the tribunal process for applications for enforcement order and interim enforcement orders under that Act.

On 21 February 2018, the Rules Committee approved the following amendment to a practice note:

- » PNG1 – Guardianship List – General Procedures, to replace references to *Medical Treatment Act 1998 (Vic)* with the *Medical Treatment and Planning and Decisions Act 2016 (Vic)*, and to update the corresponding requirements for applications made under that Act.

### Allocation of jurisdictions

Over the 2017–18 period, no new enabling enactments were allocated to Schedule 1 of the Rules.

## Steering committees

### Service Design Steering Committee

Responsible for a strategic approach to service delivery across VCAT, effective coordination of projects contributing to service delivery and ensuring service improvement is informed by community expectations and customer feedback. Key projects include Customer Service Improvement Program, website redevelopment, expanded civil mediation, online forms development, and online dispute resolution projects.

### Digital Transformation Steering Committee

Oversees development of electronic services documented in the VCAT Digital Strategy 2017-2021. Key projects included the Planning and Environment List digital project (previously known as eLodgement), Guardianship Hub and iApply Electronic Forms.

### Accommodation Planning Steering Committee

Responsible for the development, coordination, implementation, review and monitoring of key issues and projects as they relate to VCAT's current and future venue and accommodation requirements, including planning for future accommodation in the CBD, and improving access to VCAT services in metropolitan and regional areas.

### Professional Development, Capability and Leadership Steering Committee

Ensures that the learning and development requirements across the member and staff workforce are addressed in a targeted manner and create a high-performance culture through an engaged workforce.

### Diversity and Inclusion Steering Committee

Ensures diversity issues are addressed through a framework that supports procedural fairness and equality of treatment for all VCAT users. Promotes a culture of inclusiveness and acceptance of diversity. Key initiatives include the implementation of the Koori Inclusion Action Plan and the Accessibility Action Plan, and the development of interpreters' guidelines.

## Risk Management and Audit Committee



This standing committee was established under the mandate of the *Financial Management Act 1997* to oversee VCAT's risk, audit and compliance obligations.

It provides a forum to discuss and monitor risks, compliance obligations and audit processes. It ensures that VCAT is well placed to mitigate key business, financial, compliance and regulatory risks and to safeguard its business operations.

The committee has an independent chair, Barbara McLure, who was appointed in February 2016.

Barbara is the Chief Executive Officer of the Committee for Wyndham and director (and owner) of The Board Advisory Group. A fellow of the Australian Institute of Company Directors, she has held a series of public and private sector board roles including for Matthews Steer Chartered Accountants, Environment Protection Authority Victoria, Victoria University Council, the Audit and Risk Committee at Victoria Police and Manor Court Werribee Aged Care.

In August 2017, VCAT's president also appointed two independent members – Andrew Dix and Gary Benbow.

Andrew has experience in finance, internal audit, risk and governance and extensive board experience from federal, state and local government as well as from private sector boards.

His career included working with Telstra and other major corporations in infrastructure, utilities, technology, and manufacturing.

Gary's expertise includes IT security, risk management, business recovery planning, governance and compliance. Gary's board experience includes the Department of Justice and the Victoria Police Audit Committee.

In 2017–18, the committee has already made a significant contribution to safeguarding business operations and maintaining strategic focus in the delivery of key projects such as the digital strategy.

# Appendices

## Financial information

In keeping with Court Services Victoria (CSV) and other public sector entities, VCAT uses the model finance report.

We have made some changes to help general users understand VCAT's operations in the context of prudent financial management. The changes in the operating statement are explained in this section (see Changes in the operating statement).

VCAT's financial information is also included in CSV's Annual Report, which presents consolidated financial information for all courts and tribunals, 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.

### Funding

VCAT received Victorian Government appropriation revenue of \$34.30 million in 2017-18, up \$3.21 million or 10 per cent compared to the previous financial year. This growth continues to reflect increased fee revenue earned under section 29 of the *Financial Management Act 1994*, one-off funding to implement process and system improvements, and increased Special Appropriation funding.

Fee revenue increased to \$9.77 million, up \$0.63 million or seven per cent compared to the previous year. The rising number of major cases applications, which attract higher fees, in the Planning and Environment List continues to drive the overall increase in fee revenue.

VCAT received \$9.21 million in one-off funding for both operating and capital enhancements to improve its services, processes and systems. The investment is strongly aligned to VCAT's *Strategic Plan: VCAT for the future 2018-22*. The funding has been directed towards initiatives (see opposite page) to improve customer service and processes – key commitments outlined in the Strategic Plan.



These initiatives seek to improve our physical and information technology infrastructure and make our services easy, fast, and seamless to access. Achievements in 2017-18 include:

- » establishing an integrated customer service centre
- » enhancing mediation and hearing room facilities at 55 King Street to improve customer access and experience
- » modernising our IT network to improve reliance, stability and the capacity to provide greater digital services
- » evidence-based enhancement of our website and forms to respond to customer feedback and improve online access and process efficiency
- » ongoing development of decision support tools to assist VCAT in achieving its strategic objectives.

Special Appropriation funding increased to \$17.50 million, a \$1.42 million or nine per cent increase compared to 2016-17. This rise is mainly related to the increase in major cases lodgements in the Planning and Environment List, which required more members to resolve. VCAT needed supplementary funding during 2017-18 to meet this growth in demand.

Appropriation revenue contributed funding to 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 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 1986*
- » 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 second half of 2017-18, the Victorian Government began an interim review of the 2016 VCAT Fee Regulations that were implemented on 1 July 2016. The Government had committed to an interim review after 18 months

and a comprehensive review after 60 months, as part of the impact assessment process.

The interim review is still in progress at 30 June 2018.

During the financial year, VCAT also engaged with multiple agencies on proposals for conferral of jurisdiction to the tribunal. This engagement continues to improve each year. A comprehensive list of jurisdictions conferred to VCAT is summarised on page 79. 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.

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**Some of the key reforms with potentially significant funding impacts include:**

- » *Medical Treatment Planning and Decision Act 2016 (has come into effect)*
- » *Firearms Amendment Act 2018 (has come into effect)*
- » *Voluntary Assisted Dying Act 2017 (will come into effect in June 2019).*

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In partnership with the Department of Health and Human Services (DHHS), VCAT is conducting a pilot to evaluate a new service model to resolve disputes related to medical treatment and planning decisions. The trial is being funded by DHHS and subject to the outcome, VCAT will review its ongoing funding options. Negotiations with agencies are ongoing in relation to the two other reforms mentioned above.

## Expenditure

### Operational expenditure

In 2017-18, VCAT's recurrent expenditure was \$53.7 million. This is \$4 million or eight per cent more than the previous financial year.

This was due to more lodgements in areas of higher complexity, such as major cases in the Planning and Environment List and the Guardianship and Administration

List. This raised overall payroll costs for registry staff and members. Over the past two financial years, payroll has comprised about 80 per cent of VCAT's total operating expenditure. Fixed term positions to implement process and system enhancements also contributed to payroll expenditure (see Note 3).

Accommodation and property services is the second largest cost category, comprising about 13 per cent of VCAT's total operating

expenditure. This mainly relates to lease cost for facilities controlled by VCAT and used to provide services to the community (see Note 7).

VCAT's expenditure includes cost offsets related to dispute resolution services provided on behalf of third party authorities. These services are provided under agreements with these authorities. A summary of cost recoveries is outlined in the table below.

Cost recovery from third party authorities (\$ million)	2016-17	2017-18
Guardianship and Administration	1.80	1.73
Health Boards and Racing Authorities	0.17	0.71
Legal Services Board	1.19	0.97
Small Business Commissioner and Victorian Building Authority	0.02	0.48
<b>Total grants and other transfers</b>	<b>3.53m</b>	<b>3.9m</b>

### One-off operating and capital investment

VCAT invested a total of \$7.3 million to improve services, processes, facilities and digital infrastructure. We focused on improving customer services, staff engagement, operational efficiency and our digital services. It was also used to build VCAT's capability and leadership.

This investment increases the value of VCAT's controlled assets and their related operating cost such as depreciation, amortisation and Capital Asset Charge (see Notes 4 and 6 of the Operating Statement).

The Treasurer's approval has been sought to carry over unspent funding into 2018-19, pursuant to section 32 of the *Financial Management Act 1994*, to complete these enhancements.

### Audited accounts

VCAT's accounts are audited as part of CSV's accounts and published in the consolidated CSV Annual Report. The figures published in CSV's report may vary from the information published in this report, due to CSV reporting all transactions including those centrally coordinated; some transactions from non-economic flows; and adjustments made in the time between publications. To view the CSV annual report, visit [courts.vic.gov.au](http://courts.vic.gov.au).



## Operating statement

Income from transactions	Note	2016–17 (\$'000)	2017–18 (\$'000)
Output appropriations	1	15,017	16,813
Special appropriations		16,082	17,497
Grants	2	18,591	20,082
Other income		0	0
<b>Total income from transactions</b>		<b>49,690</b>	<b>54,392</b>
Expenses from transactions	Note	2016–17 (\$'000)	2017–18 (\$'000)
Employee expenses	3	40,367	44,205
Depreciation and amortisation	4	562	795
Interest expense	5	43	45
Capital Asset Charge	6	114	239
Grants and other transfers		0	0
Supplies and services	7	10,225	10,427
Other (including expenses recouped)	8	(1,579)	(2,009)
<b>Total income from transactions</b>		<b>49,732</b>	<b>53,702</b>
Other economic flows to be included in expenses	Note	2016–17 (\$'000)	2017–18 (\$'000)
Gains/(losses) from other economic flows	9	346	42
<b>Total expenses after other economic flows</b>		<b>49,386</b>	<b>53,660</b>
<b>Net operating result</b>		<b>304</b>	<b>732</b>
Capital expenditure		2016–17 (\$'000)	2017–18 (\$'000)
Building projects (construction in progress)		0	727
Building leasehold improvements (construction in progress)		0	845
Plant and equipment		6	17
Intangible assets (construction in progress)		554	2,800
<b>Total movement</b>		<b>560</b>	<b>4,390</b>

## Notes to the operating statement

Note 1	Output appropriation revenue	2016-17 (\$'000)	2017-18 (\$'000)
	Tribunal fees under Section 29 of the Financial Management Act	9,143	9,774
	Accommodation funding	4,453	4,719
	Depreciation funding	466	706
	Court Fee Pool funding	274	0
	Capital Asset Charge	300	239
	General provision of outputs	381	1,375
	<b>Total output appropriation</b>	<b>15,017</b>	<b>16,813</b>
Note 2	Grants	2016-17 (\$'000)	2017-18 (\$'000)
	Consumer Affairs Victoria	18,591	20,082
	Other	-	-
	<b>Total grants</b>	<b>18,591</b>	<b>20,082</b>
Note 3	Employee expenses	2016-17 (\$'000)	2017-18 (\$'000)
	Salaries and wages	31,787	34,961
	Termination benefits	-	11
	Superannuation	3,154	3,382
	Leave expenses (annual leave and long service leave)	2,089	2,673
	Other on-costs (fringe benefits tax, payroll tax, training, etc)	3,337	3,178
	<b>Total employee expenses</b>	<b>40,367</b>	<b>44,205</b>
Note 4	Depreciation and amortisation	2016-17 (\$'000)	2017-18 (\$'000)
	Buildings	-	-
	Buildings leasehold	-	-
	Leasehold improvements	183	186
	Plant and equipment	4	7
	Leased plant and equipment	325	323
	Software	49	278
	<b>Total depreciation and amortisation</b>	<b>562</b>	<b>795</b>
Note 5	Interest expense	2016-17 (\$'000)	2017-18 (\$'000)
	Interest on finance leases	43	45
	<b>Total interest expense</b>	<b>43</b>	<b>45</b>
Note 6	Capital Asset Charge	2016-17 (\$'000)	2017-18 (\$'000)
	Charge on written down value of assets	114	239
	<b>Total Capital Asset Charge</b>	<b>114</b>	<b>239</b>
	Refer to note on reporting changes below.		
Note 7	Supplies and services	2016-17 (\$'000)	2017-18 (\$'000)
	Accommodation and property services	6,314	6,684
	Contractors, professional services and consultants	1,438	1,282
	Printing, stationery and other office expenses	1,043	1,045

Note 7	Supplies and services	2016–17 (\$'000)	2017–18 (\$'000)
	Technology services	1,043	1,014
	Repairs and maintenance	90	-3
	Interpreter and translation services	295	405
	<b>Total supplies and services</b>	<b>10,225</b>	<b>10,427</b>
Note 8	Other (including expenses recouped)	2016–17 (\$'000)	2017–18 (\$'000)
	Bank charges	63	32
	Travel	311	272
	Communication, postage and couriers	822	877
	Vehicles	115	179
	Expense recoups	(3,521)	(3,895)
	Boards, committees, instructors (non-payroll)	555	444
	Process serving	3	0
	Police/hospital records search	3	2
	Application, lodgement, licencing fees	6	0
	Business probity checks	5	7
	Membership subscriptions to professional bodies	12	10
	Protective clothing/uniforms	1	0
	Medical and pharmaceutical costs	6	7
	Legal settlements	0	1
	Purchase of services – Commonwealth Government excluding general government sector	31	5
	Purchase of services – intra-government	9	31
	Other operating expenses (miscellaneous)	0	20
	<b>Total other (including expenses recouped)</b>	<b>(1,579)</b>	<b>(2,009)</b>
Note 9	Other gains/(losses) from other economic flows	2016–17 (\$'000)	2017–18 (\$'000)
	Net gain/(loss) on non-financial assets	54	25
	Net gain/(loss) arising from revaluation of long service leave liability	292	17
	<b>Total other gains/(losses) from other economic flows</b>	<b>346</b>	<b>42</b>

## Changes in the operating statement

### Capital Asset Charge (Note 1 and 6)

VCAT's operating statement now includes Capital Asset Charge. The Budget Operations Framework for Victorian Government requires agencies to apply a Capital Asset 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. VCAT's operating statement previously did not include CAC funding. The Budget Operations Framework only requires this cost

be reported in CSV's consolidated annual report. However, given VCAT's strong capital investment in recent years, we are including CAC in our annual report for the assets we control from 2017–18. To ensure that comparative data is available, we also include a CAC charge for 2016–17.

### Other expenses – including recoups (Note 8)

CSV reports movements in trust accounts that are centrally managed and administered in the consolidated financial report. Some of these trusts include the Small Civil Claims Trust and Treasury Trust. VCAT has not amended its operating statement to include these trust movements and

continues to only report movements for accounts we control. These include the VCAT Operating Trust, which manages operating grants received from Consumer Affairs Victoria and the Guardianship and Administration Suspense Account which manages administration fees received under the Guardianship and Administration Act.

### Other gains/(losses) from other economic flows (Note 9)

VCAT's operating statement has been amended to include gains on non-financial assets related to the sale of leased vehicles. In previous years, this item was reported centrally in CSV's consolidated annual report. We are reporting this item beginning this year.

## Workforce data

Leadership – Gender breakdown as at 30 June 2018

### Deputy presidents

Gender	Number	%
Female	5	62.5
Male	3	37.5
<b>Total</b>	<b>8</b>	<b>100</b>

### Senior members (non-sessional)

Gender	Number	%
Female	13	56.5
Male	10	43.5
<b>Total</b>	<b>23</b>	<b>100</b>

### Heads of division

Gender	Number	%
Female	4	100
Male	0	0
<b>Total</b>	<b>4</b>	<b>100</b>

### Executive leadership - Victorian Public Service (VPS)

Gender	Number	%
Female	2	100
Male	0	0
<b>Total</b>	<b>2</b>	<b>100</b>

### Heads of lists and deputies

Gender	Number	%
Female	13	56.5
Male	10	43.5
<b>Total</b>	<b>23</b>	<b>100</b>

### Staff leadership (VPS 6-7)

Gender	Number	%
Female	9	64.3
Male	5	35.7
<b>Total</b>	<b>14</b>	<b>100</b>

### Staff composition by gender, age and classification

All figures reflect average June payroll each year. The figures exclude anyone on leave without pay or absent on secondment, external contractors/consultants and temporary staff employed by employment agencies.

'Ongoing employee' means people engaged on open-ended contracts of employment and executive officers on a standard executive contract who were active in the last pay period of June. Judicial officers are not included.

	June 2018						
	All employees		Ongoing employees			Fixed term	
	Number (headcount)	Full time equivalent	Full time headcount	Part time headcount	Full time equivalent	Number (headcount)	Full time equivalent
<b>Gender</b>							
Male	63	61.74	45	3	137.40	15	14.70
Female	178	161.82	119	31	47.04	28	24.42
<b>Total</b>	<b>241</b>	<b>223.56</b>	<b>164</b>	<b>34</b>	<b>184.44</b>	<b>43</b>	<b>39.12</b>
<b>Age</b>							
Under 25	43	41.10	21	1	21.40	21	19.70
25-34	76	71.02	52	6	55	18	16.02
35-44	38	34.77	28	8	33.37	2	1.40
45-54	46	42.80	37	8	41.81	1	1
55-64	30	26.87	21	8	25.86	1	1
Over 64	8	7	5	3	7	0	0
<b>Total</b>	<b>241</b>	<b>223.56</b>	<b>164</b>	<b>34</b>	<b>184.44</b>	<b>43</b>	<b>39.12</b>
<b>Classification</b>							
VPS 2	132	122.70	78	16	87.98	38	34.72
VPS 3	56	50.56	43	12	49.56	1	1
VPS 4	23	21.40	19	2	21	1	0.40
VPS 5	14	13	9	3	11	2	2
VPS 6	13	12.90	10	1	11.90	1	1
VPS 7	1	1	1	0	1	0	0
Executive Officer 3	1	1	1	0	1	0	0
Executive Officer 2	1	1	1	0	1	0	0
<b>Total</b>	<b>241</b>	<b>223.56</b>	<b>164</b>	<b>34</b>	<b>184.44</b>	<b>43</b>	<b>39.12</b>

	June 2017						
	All employees		Ongoing employees			Fixed term	
	Number (headcount)	Full time equivalent	Full time headcount	Part time headcount	Full time equivalent	Number (headcount)	Full time equivalent
<b>Gender</b>							
Male	65	59.60	47	2	135.82	16	11.68
Female	172	158.02	114	34	47.92	24	22.2
<b>Total</b>	<b>237</b>	<b>217.62</b>	<b>161</b>	<b>36</b>	<b>183.74</b>	<b>40</b>	<b>33.88</b>
<b>Age</b>							
Under 25	52	45.88	27	1	27.4	24	18.48
25-34	66	62.54	49	7	53.14	10	9.4
35-44	34	31.98	26	6	29.98	2	2
45-54	42	39.10	29	10	36.10	3	3
55-64	37	32.92	26	10	31.92	1	1
Over 64	6	5.2	4	2	5.2	0	0
<b>Total</b>	<b>237</b>	<b>217.62</b>	<b>161</b>	<b>36</b>	<b>183.74</b>	<b>40</b>	<b>33.88</b>
<b>Classification</b>							
VPS 2	137	125.34	87	16	96.76	34	28.58
VPS 3	54	46.98	35	16	44.68	3	2.3
VPS 4	19	18.8	18	1	18.8	0	0
VPS 5	14	13.6	11	2	12.6	1	1
VPS 6	10	9.9	7	1	7.9	2	2
VPS 7	1	1	1	0	1	0	0
Executive Officer 3	1	1	1	0	1	0	0
Executive Officer 2	1	1	1	0	1	0	0
<b>Total</b>	<b>237</b>	<b>217.62</b>	<b>161</b>	<b>36</b>	<b>183.74</b>	<b>40</b>	<b>33.88</b>

## Occupational health and safety

Fewer occupational health and safety incidents were reported this year, particularly muscular injuries.

This data reflects individual incident reports; each refers to a specific incident. 'Hazard' covers a range of incidents in the office environment, from injuries that have occurred

over an employee's course of work – for example, strain from typing or injuries sustained pushing trollies. Incidents labelled as 'other' are most commonly due to causes that originate outside the workplace – for example, an employee who comes into work unwell and

worsens throughout the day, or unexpected medical emergencies. Generally, the pattern of incidents is similar to other Court Services Victoria jurisdictions.

## Reported incidents

Incident type	Reported incidents 2016–17	Reported incidents 2017–18
Slips/trips/fall	6	8
Muscular injury	12	2
Mental health	2	3
Pre-existing	6	4
Near miss	1	0
Hazard	3	6
Threat to staff	2	1
Other	2	7
<b>Total reported</b>	<b>34</b>	<b>31</b>

Incident type	Reported incidents Jul-Sep 2017	Reported incidents Oct– Dec 2017	Reported incidents Jan – Mar 2018	Reported incidents Apr – Jun 2018
Slips/trips/falls	2	2	2	2
Muscular injury	0	1	1	0
Mental health	0	1	1	1
Pre-existing	1	1	0	2
Near miss	0	0	0	0
Hazard	0	1	1	4
Threat to staff	0	0	1	0
Other	1	4	1	1
<b>Total reported</b>	<b>4</b>	<b>10</b>	<b>7</b>	<b>10</b>

## Allocation of functions

### Enabling enactments as at 30 June 2018

Aboriginal Heritage Act 2006	Births, Deaths and Marriages Registration Act 1996	Congestion Levy Act 2005	Duties Act 2000
Accident Compensation Act 1985	Building Act 1993	Conservation, Forests and Lands Act 1987	Education and Care Services National Law Act 2010
Accident Towing Services Act 2007	Bus Safety Act 2009	Conveyancers Act 2006	Education and Training Reform Act 2006
Adoption Act 1984	Business Franchise (Petroleum Products) Act 1979	Co-operatives National Law Application Act 2013	Electoral Act 2002
Agricultural and Veterinary Chemicals (Control of Use) Act 1992	Business Licensing Authority Act 1998	Country Fire Authority Act 1958	Electricity Safety Act 1998
Architects Act 1991	Catchment and Land Protection Act 1994	Credit Act 1984	Emergency Management Act 1986
Assisted Reproductive Treatment Act 2008	Cemeteries and Crematoria Act 2003	Dairy Act 2000	Emergency Services Superannuation Act 1986
Associations Incorporation Reform Act 2012	Children, Youth and Families Act 2005	Dangerous Goods Act 1985	Environment Protection Act 1970
Australian Consumer Law and Fair Trading Act 2012	Children's Services Act 1996	Disability Act 2006	Equal Opportunity Act 2010
Back to Work Act 2015	Child Wellbeing and Safety Act 2005	Domestic Animals Act 1994	Equipment (Public Safety) Act 1994
Biological Control Act 1986	Climate Change Act 2017	Domestic Building Contracts Act 1995	
	Company Titles (Home Units) Act 2013	Drugs, Poisons and Controlled Substances Act 1981	

<i>Estate Agents Act 1980</i>	<i>Medical Treatment Planning and Decisions Act 2016</i>	<i>Racial and Religious Tolerance Act 2001</i>	<i>Supported Residential Services (Private Proprietors) Act 2010</i>
<i>Firearms Act 1996</i>	<i>Mental Health Act 2014</i>	<i>Racing Act 1958</i>	<i>Surveying Act 2004</i>
<i>First Home Owner Grant Act 2000</i>	<i>Metropolitan Fire Brigades Act 1958</i>	<i>Rail Safety (Local Operations) Act 2006</i>	<i>Taxation Administration Act 1997</i>
<i>Fisheries Act 1995</i>	<i>Mineral Resources (Sustainable Development) Act 1990</i>	<i>Rail Safety National Law Applications Act 2013</i>	<i>Therapeutic Goods (Victoria) Act 2010</i>
<i>Flora and Fauna Guarantee Act 1988</i>	<i>Motor Car Traders Act 1986</i>	<i>Relationships Act 2008</i>	<i>Traditional Owner Settlement Act 2010</i>
<i>Freedom of Information Act 1982</i>	<i>Occupational Health and Safety Act 2004</i>	<i>Residential Tenancies Act 1997</i>	<i>Transport (Compliance and Miscellaneous) Act 1983</i>
<i>Fundraising Act 1998</i>	<i>Occupational Health and Safety Regulations 2017</i>	<i>Retail Leases Act 2003</i>	<i>Transport Accident Act 1986</i>
<i>Gambling Regulation Act 2003</i>	<i>Owner Drivers and Forestry Contractors Act 2005</i>	<i>Retirement Villages Act 1986</i>	<i>Transport Superannuation Act 1988</i>
<i>Gas Safety Act 1997</i>	<i>Owners Corporations Act 2006</i>	<i>Road Management (General) Regulations 2016</i>	<i>Trustee Companies Act 1984</i>
<i>Guardianship and Administration Act 1986</i>	<i>Parliamentary Salaries and Superannuation Act 1968</i>	<i>Road Management Act 2004</i>	<i>Unclaimed Money Act 2008</i>
<i>Health Complaints Act 2016</i>	<i>Payroll Tax Act 2007</i>	<i>Road Safety (Vehicles) Regulations 2009</i>	<i>Urban Renewal Authority Victoria Act 2003</i>
<i>Health Practitioner Regulation National Law</i>	<i>Petroleum Act 1998</i>	<i>Road Safety Act 1986</i>	<i>Valuation of Land Act 1960</i>
<i>Health Records Act 2001</i>	<i>Pharmacy Regulation Act 2010</i>	<i>Rooming House Operators Act 2016</i>	<i>Veterinary Practice Act 1997</i>
<i>Health Services Act 1988</i>	<i>Pipelines Act 2005</i>	<i>Sale of Land Act 1962</i>	<i>Vexatious Proceedings Act 2014</i>
<i>Heritage Act 2017</i>	<i>Planning and Environment Act 1987</i>	<i>Seafood Safety Act 2003</i>	<i>Victims of Crime Assistance Act 1996</i>
<i>Housing Act 1983</i>	<i>Plant Biosecurity Act 2010</i>	<i>Second-Hand Dealers and Pawnbrokers Act 1989</i>	<i>Victoria State Emergency Service Act 2005</i>
<i>Information Privacy Act 2000</i>	<i>Powers of Attorney Act 2014</i>	<i>Sentencing Act 1991</i>	<i>Victoria State Emergency Service Regulations 2017</i>
<i>Land Acquisition and Compensation Act 1986</i>	<i>Prevention of Cruelty to Animals Act 1986</i>	<i>Sex Work Act 1994</i>	<i>Victorian Plantations Corporation Act 1993</i>
<i>Land Tax Act 2005</i>	<i>Privacy and Data Protection Act 2014</i>	<i>Small Business Commission Act 2017</i>	<i>Water Act 1989</i>
<i>Legal Profession Uniform Law Application Act 2014</i>	<i>Private Security Act 2004</i>	<i>State Employees Retirement Benefits Act 1979</i>	<i>Wildlife Act 1975</i>
<i>Liquor Control Reform Act 1998</i>	<i>Professional Boxing and Combat Sports Act 1985</i>	<i>State Superannuation Act 1988</i>	<i>Working with Children Act 2005</i>
<i>Livestock Disease Control Act 1994</i>	<i>Property Law Act 1958</i>	<i>Subdivision Act 1988</i>	<i>Workplace Injury Rehabilitation and Compensation Act 2013</i>
<i>Local Government Act 1989</i>	<i>Public Health and Wellbeing Act 2008</i>	<i>Superannuation (Portability) Act 1989</i>	

## VCAT member directory | As at 30 June 2018

### President

Justice Michelle Quigley

### Vice Presidents

Judge Davis, Sandra  
Judge Dean Mark  
Judge Dyer Robert  
Judge Grant Paul  
Judge Hampel, Felicity  
Judge Harbison, Marilyn  
Judge Lacava, Paul

Judge Macnamara, Michael  
Judge Millane, Frances  
Judge Misso, Philip  
Judge Morrish, Jeanette  
Judge Pullen, Susan  
Judge Tsalamandris, Andrea  
Judge Woodward, Edward

### Deputy Presidents

Ms Aird, Catherine  
Ms Barker, Heather  
Mr Dwyer, Mark

Ms Gibson AM, Helen  
Ms Lambrick, Heather  
Mr Lulham, Ian  
Ms Nihill AM, Genevieve  
Mr Proctor, Ian

### Senior Members

Ms Baird, Margaret  
Mr Bennett, John  
Ms Burdon-Smith, Susan  
Mr Butcher RFD, Gerard  
Mr Code, Geoffrey

Ms Dea, Anna  
Mr Farrelly, Mark  
Ms Forde, Leneen  
Mr Hoysted, Brendan  
Mr Hewet, Laurie  
Ms Jacono, Justine  
Ms Kirton, Suzanne  
Ms Moraitis, Stella  
Mr Potts, Ian  
Ms Price, Charlene  
Mr Riegler, Eric  
Ms Naylor, Rachel

Ms Rickards, Jeanette  
Mr Smithers, Jonathan  
Ms Steele, Bernadette  
Mr Warren, Lindsay  
Ms Wentworth, Elisabeth  
Mrs Wilson, Silvana



## Senior Members, sessional

Ms Coghlan, Anne  
Mr Davis, Robert  
Judge Jenkins, Pamela  
Mr Levine, Michael  
Ms Lothian, Margaret  
Ms Preuss, Jacqueline  
Mr Vassie, Alan  
Mr Walker, Rohan  
Mr Williams, Roland

## Members

Ms Barrand, Pamela  
Ms Benz, Elizabeth  
Ms Bilston-McGillen, Tracey  
Ms Blackburn, Michelle  
Ms Buljan, Danica  
Ms Campana, Kylea  
Ms Carew, Megan  
Ms Cook, Dalia  
Ms Daicic, Carol  
Mr Deidun, Michael  
Mr Edquist, Christopher  
Ms Glynn, Alison  
Ms Good, June  
Ms Johnson, Louise  
Mr Kincaid, Andrew  
Ms Liden, Susanne  
Ms Marks, Felicity  
Mr Martin, Philip  
Mr Nelthorpe, Michael  
Ms Paterson, Katherine  
Ms Rowland, Linda  
Mr Rundell, Geoffrey  
Mr Sibonis, Bill  
Ms Smith, Anita  
Mr Templar, Joel  
Ms Tilley, Anne-Marie  
Dr Treble, Andrea  
Ms Whitney, Susan  
Ms Wilson, Cindy

## Members, sessional

Dr Alexander, George  
Ms Anderson, Dianne  
Ms Archibald PSM, Mary  
Mr Axford, Stephen  
Ms Barry, Pamela  
Ms Bates, Diane  
Dr Baxter, James  
Dr Bender, Philip  
Ms Bennett, Claire  
Ms Birtwistle, Kerrie  
Mr Bland, Ric  
Ms Boddison, Wendy  
Ms Boyd-Squires, Siobhan

Ms Bridge, Emma  
Mr Buchanan, Robert  
Ms Bylhouwer, Marietta  
Mr Calabro, Domenico  
Mr Cali, Louis  
Dr Cameron, Melanie  
Ms Cameron, Rebecca  
Mr Carruthers, Geoffrey  
Ms Carruthers, Maureen  
Mr Chase, Gregory  
Mr Chuck, Alan  
Mr Cimino, Sam  
Mr Clampett, John  
Ms Coe, Elizabeth  
Ms Cogley, Vicky  
Mr Connard, Timothy  
Ms Crawford, Gwenneth  
Ms Cremean, Bernadette  
Ms Crocker, Lara  
Mr Daly, Robert  
Mr David, Graeme  
Mr Davies, Hugh  
Ms Davies, Vicki  
Mr Dawson, Frank  
Dr Delany, Clare  
Dr Dickinson, Anthony  
Ms Djohan, Picha  
Associate Professor Draper, Barry  
Ms Eastman, Annette  
Mr El Moussalli, Michael  
Dr Farhall, John  
Dr Farrelly, Peter  
Ms Fleming, Natalie  
Ms Fong, Christina  
Ms French, Rebecca  
Mr Fry, Sydney  
Ms Galvin, Danielle  
Mr Gaschk, Peter  
Mr Gilbert, Jayce  
Dr Gleeson, John  
Dr Glover, John  
Ms Goulding, Megan  
Mr Gray, Peter  
Mr Gu, Xu Ming Sherman  
Mr Gymer, Raymond  
Mr Gysslink, Paul  
Mr Hadjigeorgiou, Nick  
Ms Halliday, Juliette  
Ms Hally, Bernadette  
Ms Hancock, Elizabeth  
Ms Harding, Diana QC  
Ms Harrison, Fiona  
Ms Harper, Patricia  
Dr Hart, Christopher  
Mr Harty, Christopher  
Ms Harvey, Margaret  
Mr Jones, Leslie  
Dr Johnston, Alan

Mr Josephs, Barry  
Ms Keddie, Ann  
Ms Kefford, Jacquellyn  
Mr Kim, David  
Ms Kirmos, Kay  
Ms Klingender, Jessica  
Ms Knights, Kim  
Ms Kominos, Angela  
Ms Leshinsky, Judith  
Mr Lightfoot, Brian  
Mr Mahoney, Owen  
Ms Manning, Carolyn  
Ms Mason, Elizabeth Robynn  
Mr McCabe, Edmund  
Ms McDonald, Sarah  
Ms McKeown, Patricia  
Mr McNamara, Kenneth  
Dr McNeill, Peter  
Mr McRae, Roderick  
Ms Metcalf, Katherine  
Dr Molloy, Patricia  
Ms Moon, Anne  
Ms Murphy, Alison  
Ms Nash, Holly  
Ms Nervegna, Lorina  
Ms Norman, Kathryn  
Dr O'Brien, Elissa  
Mr Page, Rodney  
Ms Partenio, Kate  
Ms Pearson, Rosslyn  
Mr Perera, Christopher  
Ms Perlstein, Judith  
Ms Petranis, Tania  
Dr Phang, Yi-Lee

Mr Phillips, Robert  
Ms Power, Marian  
Mr Powles, Charles  
Mr Prince, Mark  
Dr Reddy, Aruna  
Dr Reggars, John  
Dr Riley, Colin  
Mr Scott, Ian  
Mr Sharkie, John  
Mr Sharpley, Gregory  
Ms Shpigel, Karina  
Ms Slattery, Alison  
Ms Slee, Felicity  
Dr Story AM RFD, Rowan  
Ms Sungaila, Angela  
Mr Sweeney, Michael  
Ms Tait, Jane  
Mr Tang, Reynah  
Ms Tantau, Anna  
Ms Taranto, Mary-Anne  
Mr Thomas, Bryan  
Mr Tyler, Peter  
Mr Ussher, Blair  
Ms Walsh, Jill  
Dr Warfe, Laurine  
Dr Waterhouse, John  
Ms Watson, Tracy  
Ms West, Lynda  
Mr West, Philip  
Mr Wickramasinghe, Shiran  
Ms Williams, Angela  
Ms Wilson, Catherine  
Mr Zheng, Samuel

## Number of VCAT members

At 30 June 2018

Members	Number
Judicial members	15
Deputy presidents	8
Senior members	23
Senior members, sessional	9
Members	29
Members, sessional	138
<b>Total</b>	<b>222</b>

## Note

This count does not include the appointment of former President Justice Garde to the panel of judges that can hear VCAT proceedings, as this appointment was made to finalise a specific case.

## Appeals and complaints

### Appeals against VCAT decisions

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

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

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.

This year we audited the number of appeals and outcomes during the past three years, resulting in minor adjustments to previously reported totals.

Appeals to Supreme Court	2015-16	2016-17	2017-18
Leave to appeal not granted	27	16	9
Leave to appeal granted and appeal dismissed	14	13	4
Leave to appeal granted and appeal upheld	16	20	5
Administrative disposal/discontinued/finalised by consent	19	20	20
Awaiting decision	2	1	44
<b>Total number of appeals lodged</b>	<b>78</b>	<b>70</b>	<b>82</b>

### Complaints about VCAT

VCAT introduced a new complaints policy on 14 August 2017, after we reviewed complaint processes last year as part of our Customer Service Improvement Program.

Our aim was to create a more consistent and robust method of capturing and reporting on complaints, as an opportunity for service improvement and in line with public sector best practice for the handling of complaints. For example, complaints that previously were resolved on-the-spot over the phone or counter by our frontline service staff are now being captured as part of our reporting data. In addition, we removed a requirement that complainants provide a statutory declaration, making it easier for customers to provide feedback.

As anticipated, these factors contributed to higher complaint numbers for 2017-18.

We encourage anyone with a complaint to first raise the issue with staff in person, by telephone or by email. We try to resolve the issue quickly and effectively at that point.

If it cannot be resolved, or the customer prefers to make a written complaint, they can write to our principal registrar.

We received 378 complaints this year (see table below). In 80 per cent of these cases, we met our target of providing a final response within 10 business days of receiving the complaint.

If a customer is unhappy with the outcome they can request a review by writing to VCAT's chief executive officer (CEO). We received four requests for review in 2017-18.

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. To avoid duplication, we do not investigate a complaint that is submitted to both VCAT and the commission.

Complaints that VCAT has in previous years recorded as relating to a 'decision' have been recategorised this year as being complaints about a 'member' (if related to the method in which the member conducted the hearing). If the complaint is about the decision and then the complaint is dismissed, it appears in the 'Other' category.

### Complaint outcomes 2017-18

Complaint type	Upheld	Partially upheld	Not upheld	Dismissed	Judicial Commission of Victoria	Total
Member	4	3	71	0	28	106
Staff	6	1	6	0	0	13
Administrative service	62	10	77	0	0	149
Other	1	3	92	14	0	110
<b>Total</b>	<b>73</b>	<b>17</b>	<b>246</b>	<b>14</b>	<b>28</b>	<b>378</b>

## Glossary

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

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

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# Hearing locations

We held hearings at 59 venues during 2017–18, including at 44 on a regular basis (for more than four months) – these are listed below. Magistrates’ Court of Victoria locations are marked with an \*.

## Melbourne CBD

### Main hearing venue

55 King Street

### William Cooper Justice Centre

Level 5, 223 William Street

## Suburban

### Broadmeadows

Hume Global Learning Centre Pascoe Vale Road

### Collingwood

Neighbourhood Justice Centre Wellington Street

### Dandenong\*

Cnr Foster and Pultney Streets

### Fairfield

Thomas Embling Hospital 100 Yarra Bend Road

### Frankston\*

Fletcher Road

### Moorabbin\*

Moorabbin Justice Centre Nepean Highway, Highett

### 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



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55 King Street,  
Melbourne VIC 3000

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

**Website**  
[vcat.vic.gov.au](http://vcat.vic.gov.au)

**Telephone**  
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**  
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**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**  
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**Review and Regulation List**  
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