



# 2014-15 ANNUAL REPORT

**VCAT** | victorian civil &  
administrative  
tribunal

Fair, efficient justice for all Victorians

## 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

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

The Victorian Civil and Administrative Tribunal (VCAT) hears cases and resolves disputes in the State of Victoria, Australia. We provide fair and efficient justice for all Victorians, in metropolitan and regional locations.

VCAT is supported in the performance of its functions by Court Services Victoria (CSV), a statutory body corporate established on 1 July 2014 by an Act of Parliament, the *Court Services Victoria Act 2014*. CSV exists to provide administrative services and facilities to support the judicial, quasi-judicial and administrative functions of Victorian courts, VCAT and the Judicial College of Victoria. The Department of Justice previously provided these functions.

CSV, as the relevant body corporate, enters into contracts, holds property and related legal rights and obligations relevant to these administrative services and facilities. It also employs the staff necessary to carry out and support those functions, including staff employed within VCAT, the Victorian courts and the College. CSV's Chief Executive Officer has the functions of a public service body head under the *Public Administration Act 2004* relating to CSV staff, including those of VCAT and the courts. Several of these functions are delegated to VCAT and courts chief executive officers to support proper administration.

The VCAT Annual Report is separate and distinct from the Court Services Victoria Annual Report. For more about CSV, including its 2014-15 annual report, visit [courts.vic.gov.au](http://courts.vic.gov.au).

### About this report

This report details progress against our *Building a Better VCAT: Strategic Plan 2014-17*, launched in March 2014, and our activities as part of our core business of resolving disputes. The strategic plan sets out our directions and focus areas for this period, including:

- better access to our services throughout the state and improved support for people who represent themselves
- broadened engagement with stakeholders and the wider community
- modernising our service delivery, streamlining processes and providing a better experience for people who use our services
- improved efficiency, by managing our resources in a more effective and strategic way, and
- investing in our workforce, ensuring we maintain the highest professional standards.

Progress on these areas is detailed in the 'Delivering our strategy' section, while our work to deliver VCAT's core business is reported in the 'Delivering our Services' section.

As well as our annual report, we provide half-yearly updates against the strategic plan on our website. These updates and our previous annual reports are available at [vcat.vic.gov.au](http://vcat.vic.gov.au).

Dear Attorney-General

In accordance with section 37 of the *Victorian Civil and Administrative Tribunal Act 1998*, I have pleasure in submitting the VCAT Annual Report for the year ended 30 June 2015, for you to present to the Houses of Parliament.

Yours sincerely

Justice Greg Garde AO RFD,  
President

Keryn Negri,  
Chief Executive Officer

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# About VCAT

VCAT is Australia's largest and busiest civil and administrative tribunal. We hear and finalise more than 85,000 cases a year, mostly disputes.

## Who we are

Established in 1998, VCAT's role is to provide a one-stop shop for the handling of a range of disputes and the appointing of guardians and administrators. VCAT is deliberately less formal than the courts and encourages people to present their case themselves, without a requirement for legal representation. We also facilitate less formal alternatives to a hearing, such as mediation and compulsory conferences.

VCAT has 213 members, appointed by the Governor in Council, who regularly hear and decide cases at more than 46 venues across Victoria. Our members have diverse qualifications and experience including specialist expertise that we draw on as needed, such as when hearing cases that involve medical issues. Most members have a legal background. More than 200 staff help to deliver VCAT services.

By law, VCAT's President is a judge of the Supreme Court of Victoria. Thirteen judges from the County Court of Victoria serve as vice presidents, with two assigned full-time to VCAT at any one time. At 30 June 2015, Vice President Marilyn Harbison and Vice President Pamela Jenkins were allocated to sit at VCAT.

## Our goal, vision and values

VCAT's goal is to be an outstanding civil and administrative tribunal. Our vision is to serve the community by resolving disputes in a timely, cost effective and efficient way.

Our values are:

- fairness
- professionalism
- integrity
- impartiality
- independence
- efficiency
- approachability
- accessibility.

## What we do

We can only hear cases when a law gives us authority to do so – nearly 140 Acts of Parliament give us this authority. Most frequently, we are asked to resolve disputes between tenants and landlords, appoint guardians for people unable to manage their own affairs and decide on civil claims about goods and services. We also determine planning and environment matters, this year dealing with applications with a total value of more than \$7 billion. VCAT holds hearings and alternatives to a hearing, such as mediations and compulsory conferences, across Melbourne and regional Victoria. For guardianship matters, we also regularly attend five hospitals. For more on our structure, and the types of cases we hear, see p4-5.

## Our resources

14 judicial members and 199 members, including 51 non-sessional and 148 sessional members

218 staff (full time and part time)

\$18.23 million from government for accommodation, member salaries, and depreciation

\$21.75 million from industry-specific funds, boards and authorities for dispute resolution services

\$7.19 million revenue generated by fees, recovering 24 per cent of operating costs for non-trust funded lists.

## Our governance

The principal law that governs our operations is the *Victorian Civil and Administrative Tribunal Act 1998* (VCAT Act). Under this law, the VCAT President and vice presidents are responsible for the management and administration of the tribunal. This is achieved through the President's Advisory Committee (see p3).

A number of purpose-specific committees meet regularly to oversee critical business functions, provide a clear decision-making process and ensure compliance with VCAT's obligations. These committees are governed by business rules that include terms of reference, membership, meeting frequency, decision-making and reporting requirements. They provide regular updates to the President's Advisory Committee. For more about these committees and how we are improving governance, see p25.

## 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.

In 2014-15 the Supreme Court and Court of Appeal finalised 80 appeals against VCAT decisions. Leave to appeal was given in 18 matters, and the court overturned VCAT's decision in 11 cases.

When an appeal is upheld, the decision can relate to one aspect of the case only. It is rare for the court to direct a case to be completely reheard.

## President's Advisory Committee

The President's Advisory Committee (PAC) 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. PAC comprises the senior leadership group, including the President, two Vice Presidents, the Chief Executive Officer, Heads of Divisions, the Principal Registrar, the Director of Corporate Services and the Director of Operations. PAC membership at 30 June 2015 comprised:

### President (and Committee Chair)

**Justice Greg Garde** AO RFC BA(Hons) LLM

Justice Garde was appointed a Justice of the Supreme Court of Victoria on 29 May 2012. Prior to his appointment to the Supreme Court, he was a practising Queens Counsel, having been appointed in 1989. Justice Garde signed the Victorian Bar Roll in 1974. His Honour was also appointed Queens Counsel in New South Wales, Queensland, the Northern Territory and Tasmania. Justice Garde is a former lecturer in Administrative and Constitutional Law and President of the Planning and Local Government Committee of the Commercial Bar Association. Justice Garde is the President of the Victorian Chapter of the Council of Australasian Tribunals. He was appointed President of VCAT on 1 June 2012.

### 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 Pamela Jenkins** B Juris LLB (Hons)

Judge Jenkins was appointed a Judge of the County Court on 20 April 1999 and Vice-President of VCAT on 30 June 2010. Prior to her elevation to the Bench, she was Crown Counsel in the Department of Justice, where she made a significant contribution to the policy and legislation of the inaugural Domestic Building Tribunal and then VCAT. Judge Jenkins also worked in senior positions in banking – international finance and treasury, corporate, property and tax law.

### Vice-President

**Judge Marilyn Harbison** BA (Hons) LLM

Judge Harbison was appointed a Judge of the County Court on 5 February 1996. Her Honour previously served as a Vice President of the Tribunal from 2007 to 2011 and was reappointed Vice President on 24 September 2013. Prior to her elevation to the Bench, her Honour was a Commercial Litigation Partner at the law firm Wisewoulds, and had been in private practice as a solicitor for more than 20 years.

### Head of Civil Division

**Catherine Aird** BEC 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 in charge of the lists 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 was an Aged Care Complaints Resolution Scheme mediator and the Architects Registration Board consumer representative.

### Head of Residential Tenancies Division

**Heather Barker** LLB

Heather is head of VCAT's new 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.

### Head of Human Rights Division

**Genevieve Nihill** LLB BA

Genevieve is a Deputy President of VCAT, where she has been a member for 11 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 Administrative Division

**Mark Dwyer** BEc LLM SEF Harvard FVPELA FAPI

Mark was appointed a Deputy President in April 2007 and Head of the Administrative Division in August 2010. He hears complex matters in the Planning and Environment List and the Review and Regulation List. Mark was formerly a partner at law firm Freehills, involved in environmental and planning impact assessment for major infrastructure and development projects. He has advised successive Victorian Governments on planning systems reform.

### Principal Registrar

**Jim Nelms** PSM

Jim has been Principal Registrar of VCAT since 2008. He was awarded the Public Service Medal in the 2013 Queens Birthday Honours List for 'outstanding public service to the Victorian Civil and Administrative Tribunal'. He was part of the senior management team set up to provide administrative support to the proposed Tribunal in 1997, and has provided expert assistance to other states and territories establishing super-tribunals.

### 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 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.

# Our structure

VCAT is organised into four divisions, supported by the administrative executive and registry functions. Each division is overseen by a Head of Division. Within each division, similar classes of cases are grouped together into a 'list'. There are nine VCAT lists.





## President

Justice Greg Garde AO RFD

### Human Rights Division

#### Deputy President Genevieve Nihill

The Human Rights Division, including the Guardianship and Human Rights Lists, deals with matters relating to:

- guardianship and administration
- equal opportunity
- racial and religious vilification
- health and information privacy
- decisions made by the Mental Health Tribunal.

#### Guardianship List

##### Head of List

Deputy President Genevieve Nihill

##### Deputy Head of List

Senior Member Bernadette Steele

#### Human Rights List

##### Head of List

Deputy President Genevieve Nihill

##### Deputy Head of List

Member Anna Dea

### Residential Tenancies Division

#### Deputy President Heather Barker

The Residential Tenancies Division, including the Residential Tenancies List, hears and decides disputes between:

- tenants and landlords
- site tenants and owners
- rooming house owners and residents
- Department of Housing and public housing tenants.

#### Residential Tenancies List

##### Head of List

Deputy President Heather Barker

##### Deputy Heads of List

Member Susan Burdon-Smith

Member Kylea Campana

### Chief Executive Officer

#### Keryn Negri

The Chief Executive Officer oversees the administrative executive and registry functions and, along with each Head of Division, reports to the VCAT President.

The Administrative Executive and Registry deliver the services and facilities that the four divisions need to do their work, including:

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

#### Principal Registrar

Jim Nelms PSM

#### Director Operations

Melissa Biram

#### Director Corporate Services

Barbara Oleczek

#### Manager Finance and Reporting

Bradley Vice

#### Director Information Technology

Gerard Drain

#### Director People Management

Paula Adams

# Delivering our strategy – Highlights

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Our core business is deciding cases and we are implementing the *Building a Better VCAT: Strategic Plan 2014-17* to ensure our organisation has the facilities, processes, technology and human resources to deliver an outstanding tribunal service.

## Strategic Direction 1: Better access

- Worked to improve support for people who represent themselves, by reviewing our customer service, redeveloping our website, and developing our Koori Inclusion Action Plan
- Modernised our main hearing venue, 55 King Street Melbourne, to improve the look, amenity and security of the building and to make it a more welcoming, functional and secure place for people coming to VCAT
- Opened new venues in Moe and Preston, increasing our capacity to hear cases in growth areas

More detail on p11-13

## Strategic Direction 2: Community involvement and engagement

- Provided an advisory opinion to the Victorian Small Business Commissioner – one of the few recorded instances in Australia of a legal institution providing such advice
- Implemented our communications strategy and updated our media policy to help build knowledge about VCAT
- Held popular information sessions about general VCAT processes, and guardianship and planning applications, as part of our Courts Open Day activities
- Held state-wide information forums for tenants and landlords on renting, and initiated user group meetings with residential tenancies stakeholders in regional areas, building on our metropolitan program

More detail on p14-17

## Strategic Direction 3: Modernising service delivery

- Embedded two significant reforms to the VCAT Act aimed at streamlining and improving our operations and responded to numerous legislative changes, while maintaining service levels
- Improved efficiencies by expanding our use of information technology, completing upgrades of our case management systems and piloting software to help us reduce manual handling and paper use
- Started an analysis of our alternative dispute resolution processes, including a cost-benefit review, to enable faster and less stressful resolution of suitable disputes

More detail on p19-23

## Strategic Direction 4: Improving efficiency

- Introduced a new process for listing planning and environment matters, which gives people key dates for their proceeding upfront so they have more time to prepare their case
- Formalised partnerships with funding bodies, providing more certainty around funding for our services to enable us to plan more effectively
- Improved our corporate governance, developing a detailed risk management program, compliance framework and financial accountability framework, ensuring we had the right structures in place to enable good decision-making

More detail on p24-27

## Strategic Direction 5: Investing in our people

- Developed a workforce planning strategy to ensure our recruitment, retention, staff development and leadership programs are best practice
- Established a new People Management team to drive change and ensure our workforce evolves and remains responsive to process improvement
- Reviewed the support available to our members, to ensure they are well supported to fulfil their function

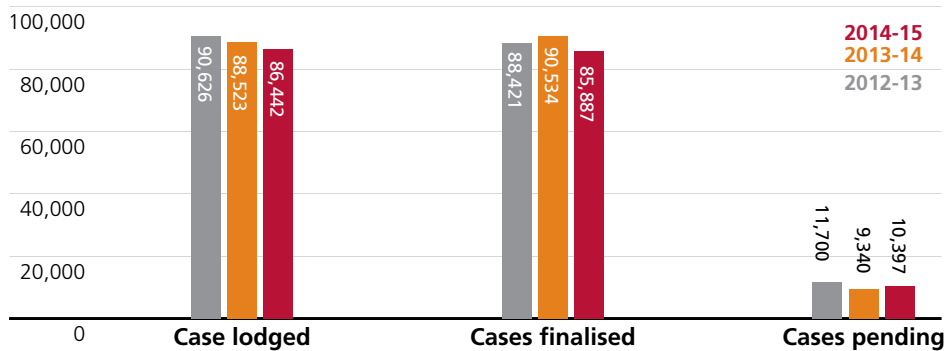
More detail on p28-29



# Delivering our services – Activities

As Australia’s largest and busiest civil and administrative tribunal, we finalised more than 85,000 cases this year. We are improving how we deliver this vital service by implementing our *Building a Better VCAT: Strategic Plan 2014-17*.

## VCAT Caseload



	2012-13	2013-14	2014-15	% change
<b>Overview</b>				
Cases lodged	90,626	88,523	86,442	-2%
Cases finalised	88,421	90,534	85,887	-5%
Cases pending*	11,700	9,340	10,397	11%
Clearance Rate	98%	102%	99%	
Hearing venues used	63	71	73	3%
<b>Cases received per List</b>				
	2012-13	2013-14	2014-15	% change
<b>Civil Division</b>				
Building and Property **	2,036	1,743	1,801	3%
Civil Claims	9,205	7,794	6,895	-12%
Owners Corporations	3,246	2,945	3,068	4%
<b>Residential Tenancies Division</b>				
Residential Tenancies	59,455	61,126	59,184	-3%
<b>Administrative Division</b>				
Legal Practice	230	200	168	-16%
Planning and Environment	3,622	2,296	2,729	19%
Review and Regulation	1,567	1,253	1,061	-15%
<b>Human Rights Division</b>				
Guardianship	10,942	10,865	11,220	3%
Human Rights	323	301	316	5%
<b>TOTAL</b>	<b>90,626</b>	<b>88,523</b>	<b>86,442</b>	<b>-2%</b>

For more details, see ‘Delivering our services’ (p30) and ‘Financial information’ (p42).

\* In 2014-15 we used a simpler method to calculate the number of pending matters. Our previous calculation method used complex formulae to obtain pending data from our two case management systems, which use different system languages. The new method produces a consistent result across both systems. It involves adding the number of pending cases from last year to the number of cases lodged this year, then subtracting the number of cases finalised this year. We have not applied the new method to data from previous years, which remain as previously published. Recalculating 2013-14 figures using the new method results in a variance of less than four per cent, which is immaterial for reporting purposes.

\*\* The Domestic Building, Retail Tenancies and Real Property Lists merged in July 2014 to form the Building and Property List. Figures quoted prior to 2014-15 have combined data.

# President's message

This was a year of change for VCAT, with the creation of Court Services Victoria (CSV), key legislative amendments and important steps to help us deliver an outstanding tribunal service.



As a constituent jurisdiction, VCAT strongly supported the establishment of CSV on 1 July 2014 - an important milestone for judicial independence and the administration of justice in Victoria.

Our core business is deciding cases. During 2014-15, VCAT finalised over 85,000 cases, with a clearance rate of 99 per cent. The Residential Tenancies List was again our busiest list with nearly 60,000 applications lodged. Recognising its importance, VCAT formed a new Residential Tenancies Division in October. We also merged our Retail Tenancies, Real Property and Domestic Building Lists to form the Building and Property List.

## Legislative changes

Parliament conferred a number of new jurisdictions on VCAT and amended others including in the areas of mental health, vexatious litigants, taxi accreditation, privacy and data collection. We prepared for the *Legal Profession Uniform Law Application Act 2014*, which is effective from 1 July 2015, and for an expanded powers of attorney jurisdiction due to commence on 1 September 2015.

Two notable amendments to the *Victorian Civil and Administrative Tribunal Act 1998* took place through the *Victorian Civil and Administrative Tribunal Amendment Act 2014*, which made changes to VCAT's powers, including reconstitution of the Tribunal, reimbursement of fees, and expert witnesses; and the *Courts Legislation Miscellaneous Amendments Act 2014*, which concerned the power to award costs, appointment of members and part-time service arrangements.

The Royal Commission into Family Violence is currently underway in Victoria under the Hon. Marcia Neave AO. VCAT's submission to the Royal Commission made five recommendations, including amendments to the *Residential Tenancies Act 1997*.

## Building our capability

The VCAT Conference was held in March, exploring the theme of 'serving the diverse needs of the community'. I was pleased to present on our hard work under the *Building a Better VCAT: Strategic Plan 2014-17*, which is reflected in this report.

On 21 October 2014, the Governor in Council made an order for the terms and conditions of VCAT non-judicial members. This was an historic achievement – the first time that comprehensive terms and conditions of appointment were published for Tribunal members. The categories of membership were redefined as non-sessional and sessional members. The VCAT President was given power to enter into part-time service arrangements with non-sessional members. This new initiative means we can make more flexible arrangements with our members.

Throughout 2014-15, refurbishment works were conducted at 55 King Street, and new security arrangements installed. I am most appreciative of the support of all members and staff despite temporary relocation, noise and inconvenience over the period of the works.

I take this opportunity to thank members and staff who have continued to serve the Victorian community with dedication. I look forward to further enhancements at VCAT in 2015-16.

A handwritten signature in blue ink, which reads "Greg Garde". The signature is written in a cursive, flowing style.

**Justice Greg Garde AO RFD**

*President*

# Chief Executive Officer's message

It has been another productive and successful year and I would like to thank VCAT's members and staff, who continue to serve the Victorian community well and with dedication.

## Building a strong foundation

When we launched our *Building a Better VCAT: Strategic Plan 2014-17*, we made sure to include a commitment to measure our performance and to seek an independent review of how well we were tracking. In February 2015, we invited Courts Services Victoria to conduct that review.

The review found that we still have some way to travel, particularly in relation to long-term accommodation planning, improving the way we communicate and engage with the community and key stakeholders, and modernising our service systems.

But the review also found that we have achieved major improvements in our corporate governance by establishing key committees, developing a detailed risk management program, updating our compliance framework and implementing a financial accountability framework. We lifted our management and operational capability. We invested in the refurbishment of our main facility at 55 King Street and significantly enhanced security, as well as setting up two alternative hearing venues at Moe and Preston in partnership with local government. We are now finalising community partnerships that will brighten our venues with artworks in 2015-16.

We also undertook some independent reviews to give us a good evidence base for future reform. We engaged professional expertise to examine how well our customer services perform, particularly for people who are not familiar with VCAT's systems and have no legal representation (the majority of those who use our services). We also examined the effectiveness of our website, recognising that it is often the first port of call for people needing to access VCAT.

Finally, we undertook some detailed analysis of the specific support needs of VCAT members so that they can effectively and efficiently hear and decide on the matters before them.

In summary, the first year of our strategic plan has focused on building a strong foundation by strengthening our leadership, management and operational capability. It has also been a time to gather information to inform future reform initiatives.

## Strengthening our leadership

It's been a pleasure to be involved in the leadership forums that have rolled out this year, supporting VCAT's administrative executive team and registrars. The forums are based on the principle that high performing teams have a high level of trust, and trust is built through spending time getting to know each other. Our leadership forums created an opportunity for this to happen and I am looking forward to their continuation in 2015-16.

## A year of reform ahead

Year two of our strategic plan is about reforming our systems and processes. This work started in 2014-15, as we moved to upgrade our case management systems, implement new and simpler online forms, improve our website, roll out new hardware and upgrade our standard operating environment. We piloted electronic file management, which showed great potential.

We are finalising VCAT's workforce plan ready for implementation in 2015-16. The plan commits VCAT to improve our approach to recruitment and induction, make a greater investment in learning and development, grow our leadership capability, and be exemplary in supporting the safety and wellbeing of our people.

It will help ensure we have the right resources and culture to enable staff and members to deliver excellence.

It has been another productive and successful year and I thank VCAT's members and staff for their continuing dedication and service.



**Keryn Negri**

*Chief Executive Officer*



# Delivering our strategy

Our core business is deciding cases and we are implementing the *Building a Better VCAT: Strategic Plan 2014–17* to ensure our organisation has the facilities, processes, technology and human resources to deliver an outstanding tribunal service.

Staff and members explored ways to better serve diverse community needs, at a professional development day (conference) in March 2015.

# Strategic Direction 1

## Better access

### Highlights

- Worked to improve support for people who represent themselves, by reviewing our customer service, redeveloping our website, and developing our Koori Inclusion Action Plan
- Modernised our main hearing venue, 55 King Street Melbourne, to improve the look, amenity and security of the building and to make it a more welcoming, functional and secure place for people coming to VCAT
- Opened new venues in Moe and Preston, increasing our capacity to hear cases in growth areas

### Improved support for people who represent themselves at VCAT

Most people who come to VCAT represent themselves. VCAT encourages a less formal approach than the courts and this year embarked on several projects to improve support for people with cases before the tribunal, especially those who prepare and present their case without legal representation.

#### Customer service review

The first comprehensive review of VCAT's customer service channels – phone, email and counter services – was completed in the first half of 2015. It provided an insight into how well we were meeting the needs of our customers and recommended changes that will improve our support for people who represent themselves (see p23).

#### Website review

Providing easy access to information that steps people through the VCAT process is vital, so we started a major project to review and improve the navigation, content and usability of VCAT's website. The new website will have mobile device functionality and will comply with current government accessibility guidelines (see p18).

#### Free information sessions

We continued to hold free community information sessions to assist people who use our services, including more than 12 forums across Victoria to help tenants, landlords, property managers and others involved in residential tenancies matters. Tailored to the needs of each area, the topics covered included presenting and defending applications, ending a tenancy, repairs and maintenance, bonds and compensation, abandonment and possession applications. This education also helps prevent delays due to incomplete or incorrect applications.

We held four information sessions for new administrators, embarking on the task of managing the affairs of someone unable to do so themselves, to ask general questions about their powers and duties under the *Guardianship and Administration Act 1986*. We also held workshops to help administrators lodge annual accounts online. We supported families and carers with four information sessions about guardianship and administration orders. With the Office of the Public Advocate and State Trustees, we hosted four sessions across Victoria for organisations involved with people under such orders. We held a series of free presentations as part of Courts Open Day 2015, and gave talks to visiting school and university groups to help them understand the VCAT process.

#### Koori Inclusion Action Plan

In June, we finalised our Koori Inclusion Action Plan, aimed at improving the way we provide services and engage with the Koori community at VCAT. The 2015-16 plan covers what we will do to support Koori inclusion across four key areas:

- systemic Koori inclusion - incorporating principles of inclusion in every aspect of VCAT's organisation and practice
- data collection - developing, maintaining and improving an information base to inform our decisions
- employment and economic participation - inclusiveness through workforce representation, and acknowledging the gap in economic outcomes between Koories and non-Koories
- communication, engagement and partnerships - informed by research, adopt procedures and practices to ensure effective communication, genuine consultation and engagement.

We continued our regular consultations with key representative bodies such as the Tenants Union of Victoria, Consumer Affairs Victoria, Law Institute of Victoria and the Office of the Public Advocate, to ensure we get regular feedback on how well we are supporting vulnerable groups.

## Self-help centre for people who represent themselves

A pilot project to give on-the-spot support to people who represent themselves at VCAT is in the pipeline, in a new partnership with the Monash University Faculty of Law. The project would see two law students per day attend our 55 King Street venue from August-October 2015 to help self-represented parties, particularly vulnerable and disadvantaged Victorians, understand VCAT practices and procedures.

The students will help people with various tasks such as completing application forms or obtaining ASIC searches. They will not provide legal advice, but will be able to make referrals to relevant legal or non-legal services (we consulted with Victoria Legal Aid and the Association of Community Legal Centres when developing the project). Students will also provide support after hearings, helping people understand VCAT's orders and anything that parties must do afterwards.

The services will be delivered 'on-the-spot' on a drop-in basis or following a referral from a VCAT member, staff or Victoria Legal Aid duty lawyer. We have worked with Monash University to establish a structured induction and supervision program, to support the students and ensure a quality service for self-represented parties.

## Family violence support

VCAT improved the facilities available at our 55 King Street venue for people affected by family violence who take a matter to VCAT (see p13). We employ a full-time family violence support worker to assist people affected by family violence in any type of matter. Most often, we help affected family members with residential tenancies matters, such as urgent applications to change the tenancy when a family violence intervention order is made. The worker can refer them to free legal advice and advocacy services, and make referrals for long-term family violence support. The worker supports the affected person through the application process and hearing, including coordinating their safety needs and giving non-legal information about tenancy options.

In May 2015, VCAT made a submission to the Royal Commission into Family Violence. Our recommendations included changing Victoria's residential tenancies law to better protect tenants who experience domestic violence, and developing a referral process that ensures affected family members are aware of their rights in relation to a tenancy agreement.

## Support services

We continued to work with a range of support services to assist people who have cases at VCAT.

Court Network is a free service that offers support, information and referrals to individuals, their families and friends. The service is provided by highly trained volunteers, known as networkers, who have a base at our main hearing venue at 55 King Street. Networkers accept referrals and refer to agencies and practitioners that may assist people before, during and after attending VCAT. They can also help people 'debrief' after VCAT decides their case. A Victoria Legal Aid duty lawyer is available at our King Street hearing venue to give free and confidential legal advice to people who are representing themselves. Footscray Community Legal Centre provides a duty advocacy service for tenants attending hearings at our Werribee venue.

## Plan for future accommodation needs

People in our northern metropolitan area now have better access to VCAT services, with the opening of a new hearing venue at the former Preston Court House. We share the building with the Darebin Intercultural Centre under a licence agreement between the Victorian Government and Darebin Council. The opening in mid-February was timely, as floods at Heidelberg Magistrates' Court during the same week meant that we could relocate cases scheduled for the court to Preston, which now serves as VCAT's northern metropolitan venue.

We also opened a new venue in the Moe Town Hall during October, replacing Moe Magistrates' Court as the main venue for VCAT hearings in the Latrobe Valley. VCAT established the town hall as an alternative venue, in partnership with Latrobe City Council, to provide a better service to the local community as Moe Magistrates' Court was in need of significant refurbishment. We now hear matters at the Moe Town Hall several days each week, with the venue used as a community facility at all other times.

These new venues were added to existing regular hearing locations that are not courts – for example, the Hume Learning Centre in Broadmeadows. VCAT's future accommodation needs in regional and metropolitan locations remain a pressing issue, especially in growth areas. We are working with Court Services Victoria to investigate options, and continue to explore partnerships with local government.

From July to September we piloted twilight hearings at Dandenong Magistrates' Court. The pilot found that the attendance rate was too low to continue with the initiative following its initial trial.



## Support the development and use of multi-jurisdictional facilities through Court Services Victoria

We continued our involvement in the long-term accommodation strategy led by CSV, participating in concept development workshops and ensuring appropriate representation on relevant committees. These include the CBD Major Assets Strategic Planning Group, and Asset and Accommodation Portfolio Committee. We regularly engage with CSV's Director, Asset Planning and Management, who participates on our Facilities and Accommodation Committee.

VCAT is actively participating in the project to deliver new multi-jurisdictional facilities in Shepparton – now a step closer after CSV purchased a 600m<sup>2</sup> parcel of land on the corner of Goulburn Valley and Midland Highways, next to the existing courts. The new Shepparton Law Courts will occupy a purpose-built five-storey building. Of the six court rooms planned, two can accommodate juries and the four non-jury rooms can also be used as VCAT hearing rooms.

## Modernise hearing room facilities and improve security at 55 King Street

During 2014-15 we established a facilities management team and completed an extensive program of works to upgrade our main hearing venue 55 King Street, Melbourne. The refurbishment has improved the configuration of the building, our audio-visual capability, natural light in our hearing rooms, and the efficiency of our lifts.

We made important changes to make VCAT hearings safer and easier for people affected by family violence. We refurbished and relocated our remote witness room, to reduce the risk of parties encountering each other. We also improved facilities for people meeting with our family violence support worker.

More than 12,000 people a month (not including VCAT members and staff) passed through new airport-style security screening, installed at our 55 King Street entrance in January. Other measures to improve security during the year included activating security features in the new lift system so that only authorised personnel can go to certain areas, and extending CCTV monitoring. The next step is a comprehensive security review of all VCAT locations in collaboration with CSV's Court Security Unit.

All scheduled building works were completed by December 2014, with some minor fixes in early 2015. Further works to improve hearing rooms and maximise office space on Level 1 were also completed.

Another improvement during the year was the installation of digital signage in the foyer of 55 King Street, to help people find their hearing, mediation or compulsory conference more easily.

## The year ahead

- Complete redevelopment of the VCAT website
- Develop and roll out the customer service review implementation plan
- Start a project to streamline our correspondence
- Review policies and procedures for the use of interpreters
- Pilot the Self Help Centre
- Review our oath and affirmation process
- Develop VCAT accommodation planning approach in partnership with CSV
- Implement video conferencing in hearing rooms

# Strategic Direction 2

## Community involvement and engagement

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### Highlights

- Provided an advisory opinion to the Victorian Small Business Commissioner – one of the few recorded instances in Australia of a legal institution providing such advice
- Implemented our communications strategy and updated our media policy to help build knowledge about VCAT
- Held popular information sessions about general VCAT processes, and guardianship and planning applications, as part of our Courts Open Day activities
- Held state-wide information forums for tenants and landlords on renting, and initiated user group meetings with residential tenancies stakeholders in regional areas, building on our metropolitan program

### Work in partnership with our stakeholders

We continued to build on our relationships with stakeholders this year, with several key funding and working partnerships formalised in memoranda of understanding. These included our relationships with Consumer Affairs Victoria, the Legal Services Board and the Victorian Building Authority. We also started developing agreements with the Australian Health Providers Regulatory Agency, Racing Victoria, the Office of the Small Business Commissioner, Harness Racing Victoria, Greyhound Racing Victoria, Department of Human Services and the Department of Transport, Planning and Local Infrastructure.

As outlined in our strategic plan, we began work on a stakeholder engagement strategy, completing a high-level audit of our current interactions. Work on the strategy was impeded by other projects taking priority, such as the website review. The strategy will be completed and implemented next year.

We explored a new initiative to engage with key local government stakeholders – a VCAT orientation session for mayors. Mayors from Boroondara, Bayside, Hobsons Bay, Maribyrnong, Moonee Valley, Yarra, and Yarra Ranges visited VCAT in February for a briefing and tour of our 55 King Street operations. The visit was a success, and we are following up on their suggestion to include a visit to VCAT in future mayoral and councillor induction programs.

We also continued discussions with relevant agencies about the impact and costs of new powers for VCAT. New or amended legislation that gives us wider powers affects our operations and can have cost implications. This year we developed a model to estimate the impact and costs of such changes.

### Seek feedback from people who have had a matter heard at VCAT

VCAT regularly receives feedback, compliments and complaints through our website, email and posted correspondence. However, recognising that these feedback mechanisms have not been reviewed for some time, and acknowledging their value in helping us identify areas for improvement, we included this as a focus area in the strategic plan. We completed a review and evaluation of our complaints process as part of this work. We also confirmed, through our customer service review, that we need regular customer satisfaction surveys as there are currently limited ways for people to provide feedback.

As part of our website redevelopment project (see p18) we invited feedback on our current site via a survey on our home page, and conducted one-to-one user testing with people new to VCAT, to benchmark how well the site navigation was working. The feedback confirmed suspected navigational and content issues and we will use it to help build a better site. It will include an online feedback function for each web page, making it easier for us to identify pages we need to improve, based on information from people who are using our services.

We also continued to get feedback on our services from targeted stakeholder meetings (user group meetings) and information forums for a more general audience (see p11).

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## Advisory opinion on retail tenancy

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In response to a request from the Victorian Small Business Commissioner, a stakeholder in our new Building and Property List (see p27, 'A new division and list to streamline operations'), we provided an advisory opinion. It is rare for a tribunal to provide such advice, with only a few instances recorded in Australia.

The Commissioner is the first port of call for retail tenants and landlords in disputes. He sought VCAT's guidance on whether tenants or landlords in commercial leases could be made to pay for the upkeep of essential safety measures. The laws that govern the Commissioner and VCAT allow the tribunal to 'give an advisory opinion on any matter or question referred to it'. VCAT invited submissions from peak bodies and government organisations when considering the five questions raised by the Commissioner.

We received six submissions from parties including the Law Institute of Victoria, the Real Estate Institute of Victoria and the Shopping Centre Council of Australia. The *Advisory opinion: Essential safety measures in commercial leases* from VCAT President Justice Greg Garde AO RFD was issued on 1 May 2015 and published on our website.

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## Feedback on our services

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"Dear Sir,

We recently received a decision on this matter and would like to express our thanks and appreciation for the service provided by VCAT...from the beginning your staff have been uniformly polite, helpful and above all very professional in all our dealings with them. For us this was a complex and at times difficult matter...In the same vein, the Member who heard our case took the trouble to ensure that both parties were able to follow the proceedings and went to great lengths to fully understand the case. The fact that we, as laypeople, could access a system like VCAT for dispute resolution is one of the strengths of our society and we very much value the service you provide and the manner in which you provide it."

Excerpt from letter received by VCAT, June 2015

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## VCAT hosts Australasian tribunals' conference

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The Council of Australasian Tribunals held its 2015 National Conference in Melbourne on 4-5 June, organised and hosted by VCAT and attended by more than 200 members and staff from tribunals across Australia and New Zealand.

The theme was 'Dreams & Realities: The Evolution of Tribunals'. VCAT Vice President Judge Pamela Jenkins chaired the organising committee for this event, which explored the dreams, realities and evolution of super-tribunals (created by the merging of numerous smaller tribunals). VCAT was involved in four presentations and panel discussions.

Our counterparts in Western Australia, the Australian Capital Territory, Queensland and New Zealand also presented. Topics included:

- best practice in alternative dispute resolution
- access to justice in the context of tribunals
- accessibility of tribunals for vulnerable or disadvantaged participants
- updates in administrative law
- tribunal innovation
- the role of specialist panel members.

Presenters included former heads of tribunals from several states, including inaugural VCAT President the Honourable Murray Kellam AO, President of the Court of Appeal Victoria Justice Chris Maxwell and Federal Attorney-General the Honourable George Brandis QC.

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## Feedback prompts major new initiative in Planning

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As a result of feedback from our user group meetings, we developed a completely new approach to the way we list cases in the Planning and Environment List (see p37). In February, we introduced new initiating orders that provide key dates and make it clear what each party needs to do, and by what date. Previously, people were not given these dates until much later in the process. Feedback told us this could make preparations difficult and sometimes rushed.

In response, VCAT now allocates a hearing date and possible date for compulsory conference at the outset, giving people more time to prepare and organise any expert witnesses, engage advocates or amend plans. Parties and agencies also gain a better understanding of their part in the overall process, as the orders outline who is responsible for each step.

To support the change, we introduced new application forms for the Planning and Environment List in January. They require the applicant to supply VCAT with all documents that support their application and to provide extra details such as the name of the relevant planning scheme and overlay, names of any objectors the applicant is aware of, and whether there is a cultural heritage management plan. The additional information enables VCAT to plan the entire course of the proceeding. A feedback session on people's experience of the new initiating orders is planned for September 2015.

## Improve the way we provide information and build knowledge about VCAT

We took significant steps this year to improve the way we provide information and build knowledge about VCAT, rolling out the 2014-17 communications strategy endorsed in May 2014 and embarking on major projects to help improve our communications channels.

### Courts Open Day

VCAT again enthusiastically participated in Courts Open Day, held on 16 May 2015. This event aims to improve understanding of how Victorian courts and tribunals work. We held three free information sessions, which covered the general VCAT process, and specific sessions on guardianship and planning-related matters. Our presence at William Cooper Justice Centre in Melbourne's legal precinct also included a foyer display, with customer service and registry staff on hand to answer (non-legal) questions.

## Review and improve community engagement and user group forums

Most VCAT Lists hold regular user group meetings with community and industry group representatives and the legal profession. These are opportunities for us to provide information and updates to our stakeholders and to gain valuable insights. The newest of the user groups, for retail and commercial tenancies users, held its first meeting in June.

In 2014-15, we completed a high-level audit of our user group meetings, as a snapshot of activity across the organisation. We also audited our involvement in community information forums and with key stakeholders, as the first step in developing a stakeholder engagement strategy next year.

We expanded the communications support for our regional and suburban residential tenancies forums, issuing media releases and collaborating with stakeholders to ensure these were promoted through social media.

## Improving social and cultural inclusion

During the year we identified ways to improve our consultation and engagement with the community, including Aboriginal and Torres Strait Islander communities.

Our Koori Inclusion Action Plan, endorsed in June, gives us a road map to improve VCAT services for the Koori community. It has laid the ground for a major research project to be carried out next year, which will tell us what we do well, how to improve our services to this community and ways to include Koori people. We were also active in developing Court Services Victoria's plan, and participated in the Judicial Officers' Aboriginal Awareness Committee.

VCAT created the role of 'Member for Social and Cultural Inclusion' in August, putting greater emphasis on initiatives relating to access to justice and the fair application of the law in a socially and culturally diverse community. The role includes ensuring members are trained to recognise and manage the impact of different literacy levels, cultural custom and practice, mental illness, mobility, and personal histories and backgrounds. It also promotes training in the use of interpreters and development of resources for interpreters at VCAT.

The VCAT conference, held for members and staff in March, explored ways that VCAT could serve the diverse needs of our community. Speakers included Victorian Multicultural Commission Chairperson Chin Tan, clear language specialist Gina Frampton and interpreting and translating expert Adolfo Gentile.

Other presentations during the year raised awareness of diversity issues. We worked with the Judicial College of Victoria to sponsor a twilight presentation about reconciliation, by the Honourable Fred Chaney AO and Dr Mark McMillan from the University of Melbourne Law School. We also invited an Aboriginal Elder to share with staff and members her personal experience of attending VCAT, and how we could assist Aboriginal people attending hearings.

In June 2015, we established a partnership with Arts Project Australia, a not-for-profit organisation that supports artists with an intellectual disability, to lease and exhibit art at our 55 King Street venue from July 2015.

## Improving our engagement with media

This year we also focused on building relationships with media, who are important in helping get the message out about how VCAT works. Following consultation with a range of journalists and internal stakeholders, an updated media policy was endorsed in June and will be implemented next year. The policy aims to promote accurate and prolific reporting of VCAT matters and a better understanding in the community about how VCAT works.

For example, much of our media coverage is on planning-related matters, which account for about three per cent of our work. Helping people understand all the other types of matters we handle is part of the challenge. To support the media in increasing the public's knowledge about the legal system, we joined the judging panel for the 2015 Victorian Legal Reporting Awards, coordinated by the Victoria Law Foundation. The awards recognised excellence in reporting the work of Victorian courts and tribunals.

We held media training sessions with VCAT members, registry and customer service staff to aid understanding of how the media works. A total of 60 staff and members have now had some form of media training.

## The year ahead

- Launch our new website
- Complete and implement stakeholder engagement strategy
- Implement updated external and internal media policy
- Develop user group meetings and forums improvement plan
- Implement our Koori Inclusion Action Plan
- Start developing a Disability Action Plan
- Explore ways to improve how we support people from culturally and linguistically diverse communities when they engage with VCAT

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## Reviewing our main communications channel

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VCAT's website is its key communications channel, with more than 3.8 million page views per year. Most people who come to VCAT are self-represented, so a website that steps them through what can be a daunting process is important in ensuring their access to justice. Helping people understand what we do, in a clear way, helps us be more efficient by reducing unnecessary phone calls and other issues, such as needing to reschedule a hearing because people are not prepared. Anecdotal and other evidence suggested our current site could be improved.

In early 2015, we started a major project to improve the navigation, content and usability of VCAT's website and to ensure it complies with government accessibility guidelines. The work we are doing takes into account findings from the customer service review (see p23) and will make sure our website works well on mobile devices – vital given that visits from phones and tablets accounted for nearly a quarter of our website traffic in 2014-15 (up six per cent on last year).

The project is focused on the needs of people who use our services. This includes those who are new to VCAT and need help to understand our processes, and frequent users who need to go straight to key information. We are developing more intuitive navigation, which focuses on getting people to the information they need as fast as possible, and have begun a major rewrite of our content into plain English. User testing of our current site provided a benchmark, and the new site will also be tested to ensure we meet the brief. The new site will go live next year.

Meanwhile, on our existing website, we started publishing daily lists of applications for review under section 82 of the *Planning and Environment Act 1997*. This provision allows objectors to lodge an application for review within 21 days of being given notice by the responsible authority of a 'Notice of a decision to grant a permit'. Publishing the list meant councils, objectors, permit applicants and other interested parties could check online whether VCAT had received an application for review, instead of waiting for correspondence from us or calling to make enquiries.

### VCAT website usage

Year	Sessions	Users	Page views	Pages per Session	Average Session Duration	mobile traffic %
2014-2015	1,003,935	458,061	3.8m	3.80	4m 6 sec	24
2013-2014	912,778	405,001	3.6m	3.97	4m 41sec	19
2012-2013	876,089	355,581	3.5m	4.04	4m 27sec	13



# Strategic Direction 3

## Modernising service delivery

### Highlights

- Embedded two significant reforms to the VCAT Act aimed at streamlining and improving our operations and responded to numerous legislative changes, whilst maintaining service levels
- Improved efficiencies by expanding our use of information technology, completing upgrades of our case management systems and piloting software to help us reduce manual handling and paper use
- Started an analysis of our alternative dispute resolution processes, including a cost-benefit review, to enable faster and less stressful resolution of suitable disputes

### Review and suggest updates to the VCAT Act and enabling provisions

This year saw us focus on implementing two major pieces of legislative reform, as well as responding to a number of other legislative changes.

Significant amendments to the VCAT Act were made under the *Victorian Civil and Administrative Tribunal Amendment Act 2014*, which commenced on 2 June 2014, and the *Courts Legislation Miscellaneous Amendments Act 2014* which commenced on 10 September 2014.

The *Victorian Civil and Administrative Tribunal Amendment Act 2014* gave VCAT new powers, including the ability to invite original decision-makers to reconsider their decisions, to reimburse tribunal fees and a range of powers in relation to expert witnesses.

The amendments also increased the powers of delegation that can be exercised by the Principal Registrar and other registrars. Some of the Principal Registrar's functions can now be delegated to appropriately-qualified staff. For example, delegates are now able to adjourn matters, change a hearing venue and reinstate a matter.

We developed a process for implementing these powers and conducted a pilot project in May, to assess the impact on staff workload and responsibilities. The project was a success and highlighted the need for a specific training module and formal assessments for future delegates. We have since incorporated these recommendations.

During 2014-15 we prepared to implement the *Powers of Attorney Act 2014*, due to take effect on 1 September 2015, which will significantly expand VCAT's jurisdiction and substantially increase our caseload. The Act gives VCAT additional powers, including the power to order compensation for any loss caused by the enduring attorney in contravening the Act, and the power to resolve disputes between attorneys.

This is an example of how VCAT is invested with new responsibilities over time. To help us identify and manage the impact of such changes, we created a legal research role to assist with the ongoing review of the VCAT Act, enabling legislation, rules of practice and procedures. The role is responsible for reviewing new legislation that may give VCAT jurisdiction, assessing the resource implications and developing implementation strategies to ensure VCAT is compliant and can adapt to the changes while maintaining service levels.

### Changes affecting the status of parties in planning matters

Changes to the *Planning and Environment Act 1987* and the VCAT Act this year allow people who lodge statements of grounds (an explanation of why they think one side or the other should win) in planning matters without committing to becoming full parties to the dispute. Their comments are taken into account by VCAT if the matter goes to a hearing but they are not required or entitled to attend hearings or conferences. The change aims to streamline processes and avoid unnecessary and unwanted correspondence.

### New national law about legal services

On 1 July 2015, the long-awaited national harmonisation of the law regulating the provision of legal services, adopted by Victoria and NSW at this stage, will come into effect. This year we prepared for the *Legal Profession Uniform Law (Victoria) 2014*, which implements many reforms including introducing an amended consumer protection regime for the disclosure of estimated legal costs (an ongoing obligation).

It also replaces the regime for the resolution of disputes about lawyers' costs and services provided to clients. This includes conferring on the Legal Services Commissioner partial decision-making power in relation to smaller disputes, in particular those where the amount in dispute is less than \$10,000. VCAT's functions in hearing disciplinary matters will continue under the new regime.

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## Legislative reforms create efficiency

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The *Courts Legislation Miscellaneous Amendments Act 2014* came into effect on 10 September 2014. It made changes to the VCAT Act that aim to improve the tribunal's efficiency and modernise some aspects of the way we resolve disputes. The main changes are outlined below.

### Parties may object to the mediator hearing the proceeding

The same member who conducted a mediation that has progressed to a hearing can also hear the case, unless a party objects to it. Where a party objects, the mediator must take no further part in the proceeding and the tribunal must be reconstituted. An objection by a party must be made to the tribunal before, or at the commencement of the hearing.

### Reopening a proceeding determined in the absence of a party

There are additional considerations before VCAT may reopen a proceeding determined in the absence of a party, if satisfied that the applicant had a reasonable excuse for not attending or being represented at a hearing. They include whether the applicant for reconsideration has a reasonable case to argue, and whether prejudice would be caused to another party.

### Changes in the Planning and Environment List

#### *Reimbursement of fees by responsible authority*

There is a new presumption of reimbursement of fees in applications under section 79 or the *Planning and Environment Act 1987* (failure appeals). This means that if a council does not make a decision on a planning matter within the prescribed time and the matter comes to VCAT to be decided, the applicant is entitled to have their VCAT application fee reimbursed by the council. The presumption does not apply if VCAT is satisfied there was reasonable justification for the responsible authority's failure to grant the permit.

#### *Injunctions restraining breaches of enforcement orders*

A responsible authority or any other person may apply to VCAT for an injunction restraining any person from contravening an enforcement order or interim enforcement order.

### Members may not appear as an expert witness

A VCAT member, or someone who has been a member within the past two years, may not appear as an expert witness before VCAT, except with the approval of the VCAT President.

### General Amendments

**Reasons** - Members are only required to provide written reasons for orders of a final nature.

**Evidence** - VCAT may admit evidence that has been admitted at an earlier stage in the same hearing or in another proceeding.

**Interveners may become parties to a proceeding** - A person with a statutory right to intervene in a proceeding before VCAT is entitled to be joined as a party. The Valuer-General may at any time intervene in proceedings under the *Valuation of Land Act 1960*.

**Modes of Service** - VCAT is empowered to make rules for service of applications outside of Australia. (Under these changes, VCAT can now make an order giving a person permission to serve a person outside Australia with a copy of an application or order, or any other document in the course of a proceeding. For example, an owners corporation can now initiate a VCAT proceeding to recover unpaid fees from a lot owner who lives overseas).

### Retail Leases and Transport Accident Commission (TAC)

**Retail Leases** - VCAT can make orders against a guarantor or indemnifier of a tenant's obligations under a retail premises lease.

**TAC** - An application for review of a TAC decision may be lodged within three months after negotiations have concluded under the No Fault Dispute Resolution Protocols. This permits parties to conclude protocol processes before there is any need to make an application to VCAT.

Other parts of the Act affecting VCAT, including member terms and conditions and amendments to the *Courts Security Act 1980*, came into effect on 9 September 2014.

## Expand our use of information technology

We made significant progress in our efforts to expand VCAT's use of information technology. As well as starting a major review of our website, we took important steps toward introducing an electronic file management system, developing new online forms and upgrading existing systems.

We worked with Court Services Victoria and an external provider to test an electronic case management system to establish whether this type of system would help us deliver better services. Administrative Division staff uploaded more than 300 active Transport Accident Commission (TAC) files to the system for the three-month trial, which started on 9 February 2015. Hard copy proceeding files were replaced with an electronic file, or 'e-File'. Members and staff in hearings, chambers and registry could then access the file using a document management system. The pilot was successful, and prompted a shift to email as the preferred means of communication on TAC matters instead of paper correspondence. However, further testing of the electronic filing system will be needed after our standard operating environment is upgraded in 2015-16. Legal practitioners and the TAC reported a positive experience during the pilot and the TAC supported continuation of the electronic file project.

Meanwhile, we secured funding to deliver online forms that will make applications easier for our users and streamline processing.

Most of the work to develop nine of our most popular forms was completed this year. By 30 June, the forms for civil claims and owners corporations applications were in the final stages of testing, with results to be reflected in forms for other areas. We plan to launch the forms progressively during 2015-16.

A major expansion of our online service for residential tenancies, VCAT Online, was also in the final stages of user testing by 30 June 2015. When finalised, private landlords and tenants will be able to use the system, which is currently limited to estate agents.

We also did preliminary work necessary to access video conferencing facilities in our hearing rooms at Magistrates' Court of Victoria locations across the state, as part of a \$13 million project the Magistrates' Court and Court Services Victoria intend to deliver next year.

In November, we completed a major upgrade to the datalink at 55 King Street that carries our internet, emails and other information technology functions. This removed some of the bottlenecks within our network and supports future services such as online forms and an electronic file management system. The upgrade positions VCAT well for establishing an independent network in future.

To prepare for our new powers of attorney caseload, we began developing forms that will work with our existing case management system.

We also upgraded our phone lines in February. While some callers experienced short-term difficulties getting through to VCAT during the work, the benefit has seen shorter wait times now for the calling public. Further work on our queuing system is expected next year, as part of a wider project managed by the Department of Justice and Regulation.

## Review and expand the use of Alternative Dispute Resolution

Alternative or appropriate dispute resolution (ADR) describes a range of ways we help parties resolve their disputes without the need for a full hearing – for example, mediations and compulsory conferences. ADR is a flexible alternative to traditional VCAT hearings and can be less stressful for the people involved, giving parties greater control over the outcome of their disputes and often leading to successful outcomes not achievable with traditional methods of dispute resolution. Even when ADR does not resolve a case, it can narrow the issues so that the full hearing takes less time.

An analysis of our ADR process started in June 2015 to inform future expansion in the program. This work will examine our past and present processes, statistics and other data, practices in courts, findings in peer-reviewed literature and the outcomes of stakeholder consultations. It will look at the financial benefits and costs, and the savings in cost, time and anxiety for parties. Through this project we also seek to identify matters most suited to alternative dispute resolution, and in this way optimise our use of ADR. The review is due to be completed in late 2015.

Alternative dispute resolution is conducted at VCAT by:

- a specialist panel of mediators who conduct mediations across many of VCAT's Lists and offer a wide range of specialist expertise as well as in-depth mediation experience
- VCAT members, accredited as mediators, who conduct compulsory conferences and mediations
- accredited staff mediators, who conduct short mediations.

VCAT has purpose-built mediation facilities at 55 King Street that include mediation and breakout rooms. Parties can access a computer and printer and can use VCAT's templates to prepare, print and sign their terms of settlement onsite.

## Alternative Dispute Resolution 2014-15

	Civil Claims	Building and Property	Human Rights	Legal Practice	Owners Corporations	Review and Regulation	Planning and Environment	Totals
<b>Cases referred to compulsory conference*</b>								
Cases resolved through compulsory conference	219	192	43	16	66	158	59	753
Cases still in compulsory conference process	6	29	2	3	10	24	11	85
Post compulsory conference cases that resolved before final hearing	17	48	14	3	7	26	14	129
Post compulsory conference cases still awaiting final hearing	30	62	10	2	20	39	28	191
Post compulsory conference cases that went to final hearing	35	13	5	3	16	27	11	110
<b>Total cases</b>	<b>307</b>	<b>344</b>	<b>74</b>	<b>27</b>	<b>119</b>	<b>274</b>	<b>123</b>	<b>1268</b>
<b>Cases referred to mediation*</b>								
Cases resolved through mediation	86	303	40	0	32	0	157	618
Cases still in mediation process	0	31	2	0	7	0	2	42
Post mediation cases that resolved before final hearing	1	50	8	0	3	0	21	83
Post mediation cases still awaiting final hearing	4	61	13	0	9	0	7	94
Post mediation cases that went to final hearing	43	14	4	0	14	0	109	184
<b>Total cases</b>	<b>134</b>	<b>459</b>	<b>67</b>	<b>0</b>	<b>65</b>	<b>0</b>	<b>296</b>	<b>1021</b>

\* Data refers to number of individual files (cases) referred to compulsory conference or mediation.

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## Findings of the customer service review

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The first comprehensive review of VCAT's customer services found our staff were very dedicated to providing a high quality service. However, it found many areas for improvement:

- our systems are not as user friendly as they could be
- there are limited mechanisms to obtain and use customer feedback
- our processes do not allow staff to close enquiries.

The review showed that people find it difficult to navigate by web or phone. It recommended changes, such as providing a single contact number for all VCAT matters rather than the 13 numbers now listed.

Some of the findings in the report supported a number of strategic projects in progress this year, including the:

- website review
- online forms
- electronic file management project
- workforce planning strategy
- development of Principal Registrar delegations, and
- performance reporting pilot project in the Residential Tenancies Division.

In May 2015, the President's Advisory Committee determined that further detailed work was required to respond to the report's findings. To assist with this, CSV has engaged a senior project director to work with us on an implementation plan.

## Support the development of Court Services Victoria

VCAT is actively supporting CSV governance as a founding partner. Our President is a member of the Courts Council, Chair of the Risk and Audit Portfolio Committee, and member of a number of CSV Portfolio Committees. Our members and senior management are represented on all CSV Portfolio committees.

We are working to develop a broad people management strategy in partnership with CSV. Work this year included a staff survey to assess organisational culture and levels of staff engagement, a comprehensive leadership feedback survey for executives and directors, and developing a workforce capability framework. For more about the development of VCAT's workforce strategy, see p28.

## Drive process improvements in registry

In January 2015, we engaged a specialist customer service consulting group to provide an independent assessment of our systems and processes against best practice standards. We are now looking at implementing key recommendations in their final report, which was presented in May 2015, including establishing a single telephone number for VCAT.

Other major projects progressed this year are also expected to result in greater efficiencies and improvements in our registry processes – these include the electronic file management system, website review, online forms and Principal Registrar delegations.

We upgraded our case management hardware and software, and trained registry staff in its use. Cost savings were achieved through our annual program of destroying time-expired records, making better use of our storage capacity.

Staff turnover and planning for staff leave and secondments remained an issue in 2014-15. Our workforce management plan will address these issues and also help to ensure registry staff have appropriate training and career development opportunities (see p29).

## The year ahead

- Review and expand the use of alternative dispute resolution
- Review our call centre phone system
- Implement the standing operating environment rollout in partnership with CSV and the second phase of our online forms and electronic case management system projects
- Review the use of email to send Notice of Hearing orders. Explore greater use of SMS to do this and activate scheduling tools in our Caseworks system
- Develop IT Disaster Recovery Plan for our case management systems
- Implement the Principal Registrar's delegations

# Strategic Direction 4

## Improving efficiency

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### Highlights

- Introduced a new process for listing planning and environment matters, which gives people key dates for their proceeding upfront so they have more time to prepare their case
- Formalised partnerships with funding bodies, providing more certainty around funding for our services and enabling us to plan more effectively
- Improved our corporate governance, developing a detailed risk management program, compliance framework and financial accountability framework, ensuring we have the right structures in place to enable good decision-making

### Improve governance arrangements

Committees set up last year to ensure good governance at VCAT this year developed and implemented critical initiatives outlined in the strategic plan.

We identified potential risks for VCAT's business priorities and set about implementing ways to reduce these risks. For example, screening facilities were introduced at the entrance of the 55 King Street building and CCTV cameras installed across the floors to reduce physical risks to people visiting and working in the building. Organisational capabilities were enhanced and a number of information technology initiatives implemented to reduce errors and inefficiencies affecting the management of cases and hearing timelines.

We strengthened oversight of financial accountability and compliance across the organisation by better integrating our budget and procurement processes. This involved tracing budget management and procurement to relevant staff, and retraining more than 30 staff in procurement processes and good budget management.

So that stakeholders can better understand our activities, we implemented a tailored monthly financial reporting framework to support financial management at various levels of the organisation and across key activities. This is shared with stakeholders and helps us manage financial risk and align with CSV's monthly reporting framework.

To better govern key relationships with our funding partners we established memoranda of understanding, which help clarify the funding arrangements, the basis on which we calculate cost and our shared roles and responsibilities. These have strengthened relationships and improved our financial sustainability.

Working groups were set up to manage critical projects, including the customer service review and website redevelopment.

In February, we invited CSV to conduct an independent review of our progress against our strategic plan. The evaluation found that we have reason to be proud of our efforts. We have made substantial progress in many areas, including major improvements in our corporate governance and organisational capability. However, it also identified risks and challenges, including accommodation planning and funding significant information technology and communications projects. The review findings have informed our business planning for 2015-16.

We also arranged for an independent audit of our Business Continuity Plan. The recommendations from the audit will help us improve processes and controls, and develop disaster recovery plans to ensure we are well prepared for eventualities such as a loss of power or infrastructure damage.



## Our committees

VCAT has committees that monitor and manage important aspects of our operation. These include **oversight committees** for our Alternative Dispute Resolution and professional development programs, and **standing committees** outlined below. **Project-based working groups** are convened as necessary to address particular needs. The **President's Advisory Committee** oversees these groups (see p3).

### **Finance Committee**

The Finance Committee directs and monitors financial compliance across the organisation. The committee leads all financial management aspects of relationships with key stakeholders including CSV, Department of Justice and Regulation, Victorian Building Authority and Legal Services Board.

### **Risk Management, Audit and Compliance Committee**

The Risk Management, Audit and Compliance Committee provides a forum to discuss and monitor key risks for the organisation, compliance obligations and audit processes, and recommendations. The committee was established under the mandate of the *Financial Management Act 1997* and the *Occupational Health and Safety Act 2004*.

### **Facilities and Accommodation Committee**

The Facilities and Accommodation Committee examines key issues concerning VCAT's facilities, assets and accommodation. It also undertakes planning for metropolitan and regional facilities. This year, the committee continued to oversee significant building fit-out and security enhancements at 55 King Street, and the opening of VCAT hearing facilities at Moe Town Hall and Darebin Intercultural Centre.

### **Occupational Health, Safety and Wellbeing Committee**

VCAT has an obligation under the *Occupational Health and Safety Act 2004* to protect the health and safety of all employees, volunteers, contractors and VCAT users. Our Occupational Health, Safety and Wellbeing Committee meets bi-monthly and involves elected member and staff health and safety representatives.

### **Information Technology (IT) Steering Committee**

The IT Steering Committee oversees our investment in IT priorities, monitors the progress of key projects and helps facilitate our strategic objectives through IT initiatives. This year, the committee oversaw a major IT modernisation program that included upgrades to the case management systems (see p27).

### **Rules Committee**

The Rules Committee is responsible for updating and amending the *Victorian Civil and Administrative Tribunal Rules 2008* (Rules) and practice notes, so these remain up-to-date and responsive to procedural changes and additions to VCAT's jurisdiction. The VCAT President and all 13 vice presidents are members of the Rules Committee. The two vice presidents allocated to VCAT duties full time usually attend the Rules Committee meetings. A Deputy President and two members also sit on the committee.

## Rules Committee Activities

### Changes to rules

On 16 September 2014, the Rules Committee made the *Victorian Civil and Administrative Tribunal (Amendment No. 11) Rules 2014*. The changes included a new rule to provide for the performance of certain functions of the Tribunal by the Principal Registrar.

On 27 October 2014, the Rules Committee made the *Victorian Civil and Administrative Tribunal (Service Outside Victoria and Other Amendments) Rules 2014*. The changes:

- provided for the service of documents outside of Victoria
- established the Residential Tenancies Division, and
- allocated the Residential Tenancies List to the Residential Tenancies Division.

On 27 October 2014, the Rules Committee made the *Victorian Civil and Administrative Tribunal (Vexatious Proceedings Amendment) Rules 2014*. The changes provided for matters in relation to proceedings under the *Vexatious Proceedings Act 2014*.

On 28 January 2014, the Rules Committee made the *Victorian Civil and Administrative Tribunal (Default Scale of Costs Amendment) Rules 2015*. The changes amended the *Victorian Civil and Administrative Tribunal Rules 2008* to update the default scale of costs, as a consequence of recent amendments to Chapter 1 of the Rules of the County Court and the scale of costs under those Rules.

On 19 May 2015, the Rules Committee made the *Victorian Civil and Administrative Tribunal (Amendment No. 12) Rules 2015*. The changes amended the *Victorian Civil and Administrative Tribunal Rules 2008* to allow the Principal Registrar to exercise the listed functions of the Tribunal in the Residential Tenancies Division.

### Practice Notes approved

Practice notes provide guidance about our procedures to people using our services. Several practice notes apply across all VCAT lists, and the Planning and Environment List has its own set. There were significant changes to these resources during the year.

On 22 July 2014, the Rules Committee approved:

- Practice Notes PNBP1 – Building and Property List (building disputes) – General procedures, and PNBP2 – Building and Property List (commercial and retail tenancy disputes) – General procedures: revision of existing Practice Notes to deal with the merger of the Domestic Building, Retail Tenancies and Real Property Lists to the Building and Property List.

On 16 September 2014, the Rules Committee approved:

- Practice Note PNPE2: minor amendments to table 1 and 5 to reflect new process improvements in the Planning and Environment List
- Practice Note PNVCAT1: new clauses 59-63 inserted to accord with the *Open Courts Act 2013*
- Practice Note PNVCAT2: updated to reflect the definition of 'expert witness' in the *Courts Legislation Miscellaneous Amendments Act 2014*
- Practice Note PNVCAT4: clauses 30-31 inserted to note that part of a proceeding can now be dealt with in mediation
- Practice Note PNVCAT6: updated to reflect a new section relating to reimbursement of fees under the *Courts Legislation Miscellaneous Amendments Act 2014*.

On 27 October 2014, the Rules Committee approved:

- Practice Note PNPE5 – Land Valuation: new provisions reflecting the Valuer-General's right to intervene in valuation matters
- Practice Note PNPE1 – Access to Council Documents: amendments to

address unnecessary costs and delay in planning matters.

On 28 January 2015, the Rules Committee approved Practice Note PNPE2:

- changes addressing amendments to legislation
- allowing for additional information in certain types of applications, and
- reflecting process improvements in the Planning and Environment List.

On 17 March 2015, the Rules Committee approved:

- Practice Note PNPE2 – minor amendments.

On 19 May 2015, the Rules Committee approved

- Practice Note PNVCAT1 - to set out a process for the Tribunal relating to confidential and protected information.

### Allocation of jurisdictions

Acts of Parliament give VCAT the power to hear certain matters, then VCAT decides how these cases will be allocated within our lists. This is called 'allocation of jurisdiction'.

On 16 September 2014, the following enabling enactments were allocated:

- *Privacy and Data Protection Act 2014*
- *Vexatious Proceedings Act 2014*.

On 27 October 2014, the following enabling enactments were allocated:

- *Australian Consumer Law and Fair Trading Act 2012*
- *Disability Act 2006*
- *Housing Act 1983*
- *Landlord and Tenant Act 1958*
- *Owners Corporations Act 2006*
- *Residential Tenancies Act 1997*
- *Supported Residential Services (Private Proprietors) Act 2010*
- *Vexatious Proceedings Act 2014*.

On 19 May 2015, the following enabling enactments were allocated:

- *Sentencing Act 2014*.

## Review performance measures and ensure data integrity

We approved changes that clarify our key performance measures required by the government's budget processes. We also adopted the International Framework for Court Excellence as a quality system for performance reporting, in line with other CSV jurisdictions.

As part of this, we began implementing a tailored performance framework in three stages. For the first stage, we set up a pilot project in our new Residential Tenancies Division to test a new reporting system that we developed this year. If successful, it will be rolled out across the organisation (stage 2) and tested to ensure it works with our other management systems.

This work will help us monitor our performance, make good decisions and provide quality information to our stakeholders.

## Monitor the impact of fee regulations

We continued to support an independent project to review VCAT's fee regulations, which expire on 30 June 2016. The Attorney-General must develop and lodge a regulatory impact statement for assessment by the Victorian Competition and Efficiency Commission (VCEC) by December 2015. The statement will consider issues such as access to justice and equity.

The project team has started developing options for the Attorney-General to consider, after completing data collection and cost analysis work. They held preliminary discussions with 22 key stakeholders, with VCEC about the process and with the Department of Treasury and Finance about how cost recovery guidelines apply to setting VCAT fees. The first stage of the project looked at the cost structures of VCAT's nine lists, and the costs of each type of matter.

The regulatory impact statement is due to be released for public consultation in January 2016. The new regulations will commence on 1 July 2016.

## Drive process improvements for Listings

Our Listings team makes sure cases are listed for hearings or other proceedings in a timely and efficient way. This includes allocating the case to an appropriate member at a suitable venue and time.

We implemented significant reforms in administration of listings in the Planning and Environment List. Following a successful pilot in late 2014 to streamline the planning application process and the listing of cases for hearing, we fully implemented these reforms in February 2015.

We started developing a resource management (scheduling) tool and further development will take place next year. Our listings function also benefited from upgrades to our case management system, with new modules tested for possible implementation in 2015-16.

We introduced electronic diaries to help allocate cases to members and venues, starting late 2014. Previously, this was a paper-based system.

For some of our regional venues, we started a three-month trial of a new structure for listing guardianship and residential tenancies cases on the same day.

## A new division and list to streamline operations

A new VCAT division was created in October 2015 – the Residential Tenancies Division. This is only the second new division since VCAT started operations in 1998 (the Human Rights Division was created in 2002).

Incorporating our Residential Tenancies List, the new division serves the needs of tenants, landlords and others involved in residential tenancies agreements across Victoria. It was established after a three-month pilot program that started in July 2014. This followed an assessment of the workload, demand and staff resources available within the Civil Division, which previously handled these applications, and the need for more support.

Another significant change during the year happened on 1 July 2014. We merged our Domestic Building, Retail Tenancies and Real Property Lists to create a new Building and Property List, also within our Civil Division. People bringing commercial building and leasing disputes to VCAT can be heard within the new list.

## The year ahead

- Implement performance management and reporting framework
- Further support the development of the regulatory impact statement about VCAT fees
- Conduct an audit of the 'application to review a notice of decision to grant a permit' process in the Planning and Environment List
- Implement Business Continuity Plan audit recommendations including Business Impact Analysis
- Complete VCAT security audit

# Strategic Direction 5

## Investing in our people

### Highlights

- Developed a workforce planning strategy to ensure our recruitment, retention, staff development and leadership programs are best practice
- Established a new People Management team to drive change and ensure our workforce evolves and remains responsive to process improvement
- Reviewed the support available to our members, to ensure they are well supported to fulfil their function

### Improve the way we manage our workforce

To drive change in the way we manage our workforce, we established a People Management team as part of refining our organisational structure in 2014-15. We recruited to all positions within the four-person team, including two key leadership positions: the Director, People Management, and the Manager, Workforce Strategy and Development.

Following these appointments, we began developing a workforce plan for VCAT. The plan, which was in the final stage of approvals at 30 June, will play a central role in ensuring best practice people management at VCAT. It covers recruitment and induction, resourcing requirements, and ways to lift our service capability through ongoing learning and development. We continue to make occupational health and safety a high priority for our workforce. Importantly, the plan includes key performance measures so that we can measure its effectiveness over time.

We held consultation sessions with staff and members to inform the workforce strategy, and had the highest response rate within CSV to a staff survey investigating organisational culture and engagement. The online survey, conducted by an independent consultancy in June, gathered data on what staff think about work, what they think is important and what should change. The results will give us insights on how well we work together, including how well we communicate, lead, develop and resource our people. A further survey for members will be conducted in August 2015.

We developed and implemented VCAT's Health and Safety Action Plan, appointed health and safety representatives, and conducted a risk assessment that led to the appointment of more First Aid Officers. We also introduced the Get into Life Program, a series of lunchtime seminars on healthy living, as part of a focus on the health

and wellbeing of staff and members. Flu vaccinations were offered to all staff and the confidential Employee Assistance Program continues to support staff and members. VCAT is effectively managing and monitoring all WorkCover claims and adhering to the processes required under the relevant legislation.

During the first quarter of 2015, we began a comprehensive review of our induction process to improve the way we introduce and support new staff. The review is due to be completed by the end of 2015.

We also reviewed the administrative support available to VCAT's non-judicial members. This member support review aimed to clearly articulate the type of support needed, identify gaps and areas where VCAT could strengthen support, and clarify roles and responsibilities for non-judicial members with administrative and corporate leadership responsibilities. The review involved consultation with members, workshops and desktop analysis. We are considering the results, which suggested three models for providing the necessary support, and looking at a strategy to increase member engagement in corporate decision-making.

We recognised achievements of staff and members at this year's VCAT Conference, giving awards for innovation, leadership, service excellence and outstanding teamwork.

Our internal communications strategy established a regular VCAT-wide e-newsletter, and in early 2015 we invited staff to be guest editors. The e-newsletter is hosted on our new intranet, launched in July 2014 and maintained by a working group that meets regularly. Staff and members can log in from any location with web access, unlike our previous system, ensuring key information is readily available.

We also held quarterly informal lunchtime briefings for members and staff. These quarterly briefings gave staff and members the chance to hear updates from the

President and CEO and ask questions of our senior leaders. We also bolstered the Strategic Communications team, updating the role of the Manager, Strategic Communications and creating a Communications Adviser role to help with the implementation of communications strategies.

## Maintain transparent appraisal processes

We maintained the existing Personal Development Plan (PDP) process in 2014-15 for staff, including regular performance reviews, and contributed to a CSV review of PDP policy and processes. The PDP process is transparent, and has CEO oversight. VCAT uses an online tool to manage the PDP process, to promote consistency in the appraisal process. It also ensures staff appraisals happen at regular and defined intervals.

## Improve training and development opportunities for members and staff

We developed our workforce plan, outlined above, which will set the future direction for learning and development within VCAT.

During the year, we built our capacity through a wide range of courses and other developmental opportunities for members and staff, ranging from information technology to mindfulness (attention training practices and cognitive strategies to improve resilience and wellbeing and promote sustainable performance). To help VCAT better manage its engagement with journalists, more than 60 members and staff attended media training designed to support our new media policy (see p17).

We boosted the skills of our mediators with monthly seminars and twilight sessions on a range of topics, including settlements,

experts, negotiations, and the ethical and practical challenges facing mediators.

VCAT's annual conference supports both staff and member development, and this year focused on building our capacity to serve the diverse needs of the community. It included presentations on plain English, using interpreters and understanding the challenges facing diverse communities using VCAT's services. The COAT Conference (see p15) also provided development opportunities.

Staff attended a range of courses, including best practice recruitment, negotiation skills, cultural awareness training, front line management, customer service, exceeding expectations, manager as coach, and leadership and resilience training. More than 150 staff participated in training to use our electronic document management system TRIM.

To build collaboration and change capability, we held quarterly forums for senior staff leaders on topics including foundations for change implementation and the relationship between change and organisational culture.

We continued to provide regular professional development days to cater for the learning and development needs of members, dealing with specific jurisdictions. Ad hoc twilight and full-day seminars addressed changes in legislation that affect VCAT. For example, we held a full-day training program for the Legal Profession Uniform Law (Victoria) and Vexatious Proceedings Act and a half-day seminar on the new powers of attorney legislation. Members also benefited from conflict management training.

In partnership with the Judicial College of Victoria, we provided a number of VCAT-specific and cross-jurisdictional professional development programs. These covered topics such as clear decision writing, tribunal-room management, compulsory conferencing and delivering oral decisions.

We further developed our relationships with a range of tertiary education providers, accepting a number of tertiary students for 10-50 day practical work experience placements relevant to their field of study. Universities who placed students with us this year included RMIT University, Deakin University and the Leo Cussen Centre for Law. We also hosted 12 secondary students, who experienced a broad range of work including customer service, corporate services, registry work and hearings. We provided seven young Victorians aged 16-24 with traineeships through the Victorian Government's Youth Employment Scheme. Trainees worked in Corporate Services and as bench clerks, becoming valued members of these teams.

VCAT continued to provide and improve its mentoring program, new member orientation and induction programs, and peer support review programs. With the Law Library of Victoria, VCAT has provided library and online legal research training as well as iPad tutorials.

## The year ahead

- Implement workforce plan
- Review the member support review recommendations
- Develop and implement the member engagement strategy



# Delivering our services

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As Australia's largest and busiest civil and administrative tribunal, we finalised more than 85,000 cases this year. We are improving how we deliver this vital service by implementing our *Building a Better VCAT: Strategic Plan 2014-17*.



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*VCAT groups similar types of cases into nine lists, which deal with matters under nearly 140 Acts of Parliament.*

# Building and Property List

On 1 July 2014 we merged our Domestic Building, Retail Tenancies and Real Property lists to create a new Building and Property List within our Civil Division.

The Building and Property List members hear and determine a range of disputes, including about:

- domestic building contracts or domestic building works, from small projects such as bathroom and kitchen renovations to disputes concerning high-rise apartment buildings
- reviews of decisions by warranty insurers in relation to domestic building contracts
- claims brought by a landlord or tenant under a retail premises lease, or a specialist retail valuer seeking resolution of a retail tenancy dispute
- commercial building works and commercial leases – matters under the *Australian Consumer Law and Fair Trading Act 2012*, previously heard in our Civil Claims List
- claims arising from the unreasonable flow of water
- sale or division of co-owned land or goods
- the amount of commissions or outgoings charged by an estate agent.

In 2014-15 we finalised 1773 matters and received 1801 applications in the new list.

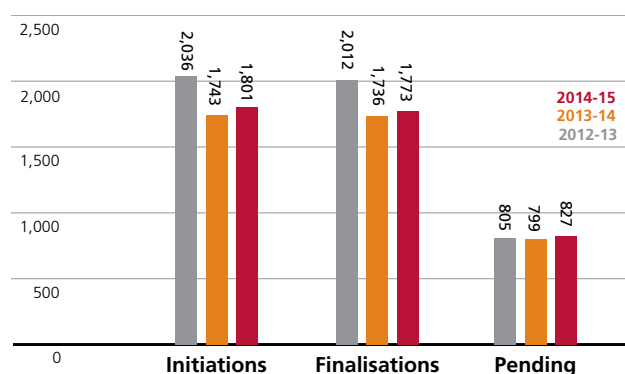
Domestic building matters make up nearly 75 per cent of applications handled by the Building and Property List. The percentage of claims less than \$10,000 has decreased slightly, while there has been a significant increase in claims over \$10,000 and over \$100,000 – particularly those over \$500,000.

We are receiving more applications concerning high rise apartment buildings, as the number of developments grows. These applications usually concern claims relating to the common property (brought by the owners corporation) and claims by individual apartment owners for defective works in their own apartments. The timely delivery of expert reports continued to be an issue for domestic building matters this year, due to a limited number of available experts.

VCAT provided guidance in an advisory opinion about who should pay for essential safety measures in certain types of lease agreements. This was in response to a request from the Victorian Small Business Commissioner (see p15).

For more about the creation of the Building and Property List, see 'A new division and list to streamline operations' on p27.

## Caseflow



	2012-13	2013-14	2014-15	Variance
<b>Caseflow</b>				
Initiations	2,036	1,743	1,801	3%
Finalisations	2,012	1,736	1,773	2%
Pending*	805	799	827	4%
<b>Clearance Rate</b>	<b>99%</b>	<b>100%</b>	<b>98%</b>	
<b>Timeliness of Finalised Cases (Weeks)</b>				
Median	13	13	14	
80th Percentile	28	32	31	
<b>Applications by Enabling Enactment</b>				
<i>Domestic Building Contracts Act 1995</i>	1,455	1,233	1,298	5%
<i>Property Law Act 1958</i>	119	118	129	9%
<i>Retail Leases Act 2003</i>	318	294	277	-6%
<i>Water Act 1989</i>	80	51	55	8%
<i>Fair Trading Act 1999</i>	46	26	37	42%
Others	18	21	5	-76%
<b>Total</b>	<b>2,036</b>	<b>1,743</b>	<b>1,801</b>	<b>3%</b>
<b>Applications by claim amount</b>				
Small Claims: < \$10,000	682	518	498	-4%
Standard Claims: \$10,000 - \$100,000	679	496	564	14%
Complex Claim: \$100,000 +	228	204	228	12%
No Value	447	525	511	-3%
<b>Total</b>	<b>2,036</b>	<b>1,743</b>	<b>1,801</b>	<b>3%</b>

\*See note about calculation of pending cases, p7



DELIVERING OUR SERVICES

# Civil Claims List

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 to the Civil Claims List. This means that the list can hear disputes from everyday consumer transactions to large commercial matters. On the same day we might hear a case about unsatisfactory dry cleaning services, a case about the sale of a business or the operations of a franchise.

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

The List also hears cases based on the laws that prohibit misleading or deceptive conduct, false representation and unconscionable conduct. People can issue applications under some of these laws even where they have not bought goods or services from the respondent.

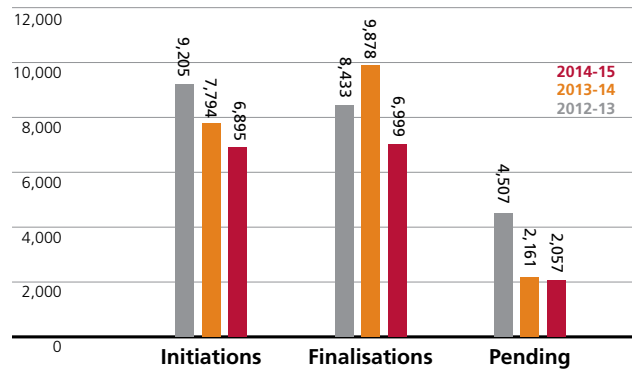
In 2014-15, the List received 6895 applications and finalised 6999 cases – a clearance rate of 102 per cent. We finalised cases faster than before, despite a continuing trend to more complex cases.

We finalised fewer cases this year compared to last year, for a number of reasons. There were fewer applications made, and last year's figures reflect significant work to clear a backlog in 2012-13. During the year cases about commercial building disputes and commercial leases transferred to the new Building and Property List that started on 1 July 2014. For more about this, see 'A new division and list to streamline operations' on p27.

The Australian Consumer Law and Fair Trading Act came into effect in 2012 so there has been a natural decline in applications made under the law it replaced, the *Fair Trading Act 1999*.

Our work this year also focussed on implementing changes in processes resulting from the *Victorian Civil and Administrative Tribunal Amendment Act 2014*, which came into effect on 2 June 2014.

## Caseflow



	2012-13	2013-14	2014-15	Variance
<b>Caseflow</b>				
Initiations	9,205	7,794	6,895	-12%
Finalisations	8,433	9,878	6,999	-29%
Pending*	4,507	2,161	2,057	-5%
<b>Clearance Rate</b>	<b>92%</b>	<b>127%</b>	<b>102%</b>	
<b>Timeliness of Finalised Cases (Weeks)</b>				
Median	18	15	10	
80th Percentile	38	28	17	
Target				19
<b>Applications by Enabling Enactment</b>				
<i>Australian Consumer Law and Fair Trading Act 2012</i>	6,975	6,414	5,732	-11%
<i>Domestic Building Contracts Act 1995</i>	1,876	1,330	1,157	-13%
<i>Fair Trading Act 1999</i>	218	47	5	-89%
Others	136	3	1	-67%
<b>Total</b>	<b>9,205</b>	<b>7,794</b>	<b>6,895</b>	<b>-12%</b>
<b>Applications by claim amount</b>				
Small Claims: < \$10,000	7,660	6,384	5,772	-10%
Standard Claims: \$10,000 - \$100,000	1,103	1,066	962	-10%
Complex Claim: \$100,000 +	92	106	74	-30%
No Value	350	238	87	-63%
<b>Total</b>	<b>9,205</b>	<b>7,794</b>	<b>6,895</b>	<b>-12%</b>

\*See note about calculation of pending cases, p7

## DELIVERING OUR SERVICES

# Guardianship List

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

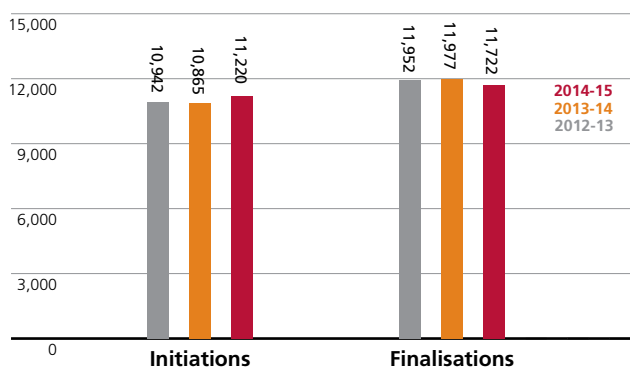
The most common orders – guardianship and administration orders – involve appointing substitute decision-makers for cognitively-impaired adults who are unable to make decisions for themselves.

The List also makes orders about enduring powers of attorney (including those for medical treatment) and enduring powers of guardianship.

Data analysis in preparation for expanded powers of attorney jurisdiction in September 2015 (see p19) revealed that current systems are not capturing all activity relating to enduring powers of attorney. We are working to ensure systems are in place to accurately report this data in 2015-16.

The drop in applications under the *Victorian Civil and Administrative Tribunal Act 1998*, while large in percentage, involves a relatively small number of actual applications.

### Caseflow



	2012-13	2013-14	2014-15	Variance
<b>Caseflow</b>				
Initiations	10,942	10,865	11,220	3%
Finalisations	11,952	11,977	11,722	-2%
Clearance Rate	109%	110%	104%	
	2012-13	2013-14	2014-15	Target
<b>Timeliness of Finalised Cases (Weeks)</b>				
Median	4	5	5	
80th Percentile	9	11	11	
<b>Target</b>				<b>13</b>
	2012-13	2013-14	2014-15	Variance
<b>Applications by Enabling Enactment</b>				
<i>Disability Act 2006</i>	41	56	N/A	N/A
<i>Guardianship and Administration Act 1986</i>	10,830	10,693	11,104	4%
<i>Victorian Civil and Administrative Tribunal Act 1998</i>	30	29	13	-55%
Others	41	87	103	18%
<b>Total</b>	<b>10,942</b>	<b>10,865</b>	<b>11,220</b>	<b>3%</b>
<b>Applications by Case Type</b>				
Originating applications	2,748	2,795	2,842	2%
Re-assessment applications	8,194	8,070	8,378	4%
<b>Total</b>	<b>10,942</b>	<b>10,865</b>	<b>11,220</b>	<b>3%</b>
<b>Applications by Claim Type</b>				
Administration order	1,511	1,237	1,286	4%
Guardianship order	1,831	2,077	2,090	1%
Reassessment of administration order	6,354	6,348	6,442	1%
Reassessment of guardianship order	934	783	783	0%
Others	312	420	619	47%
<b>Total</b>	<b>10,942</b>	<b>10,865</b>	<b>11,220</b>	<b>3%</b>

# Human Rights List

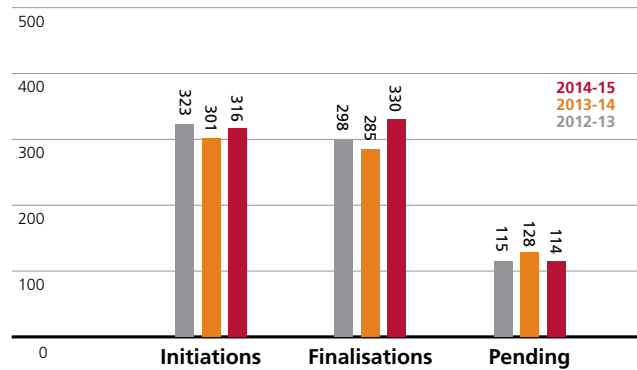
The Human Rights List hears cases under the *Equal Opportunity Act 2010*, *Health Records Act 2001*, *Privacy and Data Protection Act 2014* and *Mental Health Act 2014*, as well as other legislation.

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 Equal Opportunity Act prohibits discrimination on the basis of listed attributes in certain areas of public life, such as employment, education, services or clubs. The List also hears applications for exemption, for example when a school wants to preferentially admit female students to balance gender ratios.

The Human Rights List also hears 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 2014*. It hears appeals from the Mental Health Tribunal under the *Mental Health Act 2014*, and cases under the *Assisted Reproductive Treatment Act 2008*. Under the *Disability Act 2006*, the List makes and reviews orders about people with intellectual disability who are being detained to prevent serious harm.

We finalised several long-running matters during the year and resolved cases more quickly through alternative dispute resolution. The small number of applications in this list means that a relatively small number of matters can show as a large statistical variation.

## Caseflow



	2012-13	2013-14	2014-15	Variance
<b>Caseflow</b>				
Initiations	323	301	316	5%
Finalisations	298	285	330	16%
Pending*	115	128	114	-11%
Clearance Rate	92%	95%	104%	

	2012-13	2013-14	2014-15
<b>Timeliness of Finalised Cases (Weeks)</b>			
Median	11	15	13
80th Percentile	22	32	26

	2012-13	2013-14	2014-15	Variance
<b>Applications by Enabling Enactment</b>				
<i>Disability Act 2006</i>	N/A	N/A	32	N/A
<i>Equal Opportunity Act 2010</i>	250	232	223	-4%
Others	73	69	61	-12%
<b>Total</b>	<b>323</b>	<b>301</b>	<b>316</b>	<b>5%</b>

\*See note about calculation of pending cases, p7

DELIVERING OUR SERVICES

# Legal Practice List

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

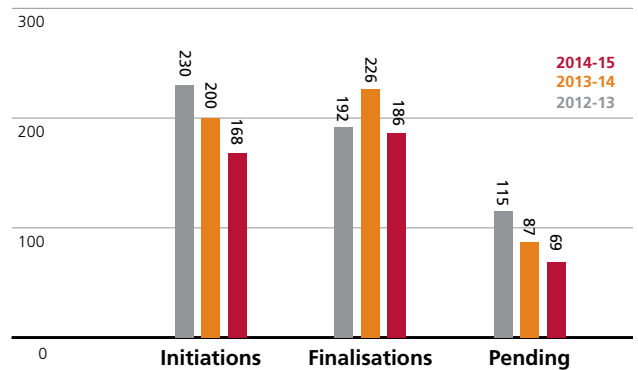
It hears and determines disputes that have not been able to be resolved by the Legal Services Commissioner. The Legal Practice List handles:

- applications from the Legal Services Commissioner about the professional conduct of lawyers
- claims by clients disputing legal costs
- claims by clients for losses they allege their lawyer has caused them to suffer
- claims by lawyers about non-payment of legal fees
- applications to overturn costs agreements between clients and lawyers.

In 2014-15, we finalised 186 matters and received 168 new applications. People applying to the Legal Practice List had their cases heard faster, and we continued to encourage the early resolution of disputes. There was a drop in applications relating to civil matters, possibly due to efforts by the Legal Services Commissioner to resolve disputes before a formal complaint is lodged.

During the year, we prepared for the new uniform regulatory regime that started on 1 July 2015 (see p19).

## Caseflow



	2012-13	2013-14	2014-15	Variance
<b>Caseflow</b>				
Initiations	230	200	168	-16%
Finalisations	192	226	186	-18%
Pending*	115	87	69	-21%
Clearance Rate	83%	113%	111%	
	2012-13	2013-14	2014-15	Target
<b>Timeliness of Finalised Cases (Weeks)</b>				
Median	12	14	12	
80th Percentile	25	31	26	
Target				40
	2012-13	2013-14	2014-15	Variance
<b>Applications by Enabling Enactment</b>				
<i>Fair Trading Act 1999</i>	60	65	52	-20%
<i>Legal Practice Act 2004</i>	166	130	116	-11%
Others	4	5	0	-100%
<b>Total</b>	<b>230</b>	<b>200</b>	<b>168</b>	<b>-16%</b>

\*See note about calculation of pending cases, p7

# Owners Corporations List

Almost all matters heard by members of 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.

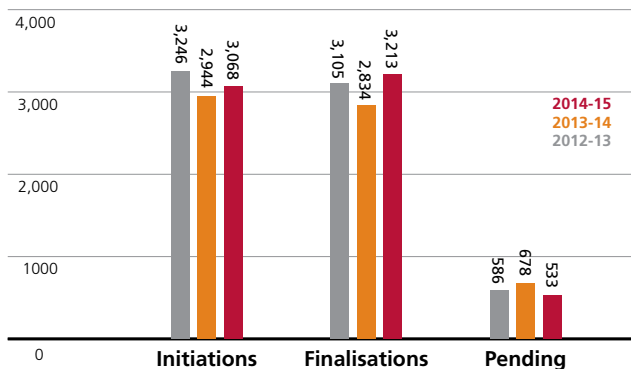
There were 3068 new applications to the Owners Corporations List in 2014-15 and it finalised 3213 applications, clearing 105 per cent of cases. We worked to reduce the number of cases pending, clearing a backlog from last year. Most cases were decided faster this year than in previous years.

We refined our data collection processes, which gave a more accurate picture of applications made under other enabling enactments. This accounts for the large variance reported below.

During the year, we also worked on developing an online application form, which will make it easier for people to apply to the list. For more about this project, see p21.

Changes to the VCAT Rules that came into operation on 31 October 2014 meant that we were able to make orders that help an owners corporation recover fees from a lot owner living overseas. For more information about the Rules changes, see p26.

## Caseflow



	2012-13	2013-14	2014-15	Variance
<b>Caseflow</b>				
Initiations	3,246	2,944	3,068	4%
Finalisations	3,105	2,834	3,213	13%
Pending*	586	678	533	-21%
Clearance Rate	96%	96%	105%	
	2012-13	2013-14	2014-15	Target
<b>Timeliness of Finalised Cases (Weeks)</b>				
Median	6	6	6	
80th Percentile	11	12	9	
Target				10
	2012-13	2013-14	2014-15	Variance
<b>Applications by Enabling Enactment</b>				
<i>Australian Consumer Law and Fair Trading Act 2012</i>	0	0	11	0%
<i>Owners Corporations Act 2006</i>	3,243	2,941	3,019	3%
Others	3	3	38	1167%
<b>Total</b>	<b>3,246</b>	<b>2,944</b>	<b>3,068</b>	<b>4%</b>
<b>Applications by claim amount</b>				
Small Claims: < \$10,000	2,677	2,573	2,710	5%
Standard Claims: \$10,000 - \$100,000	112	136	144	6%
Complex Claim: \$100,000 +	6	9	4	-56%
No Value	451	226	210	-7%
<b>Total</b>	<b>3,246</b>	<b>2,944</b>	<b>3,068</b>	<b>4%</b>

\*See note about calculation of pending cases, p7

# Planning and Environment List

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 EPA licensing and approvals, the valuation of land for rating purposes, and compensation arising from the compulsory acquisition of land.

The majority of 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.

In 2014-15, applications to the Planning and Environment List accounted for just over three per cent of VCAT's caseload, but it dealt with claims valued at \$7.25 billion in total (up 91 per cent on last year).

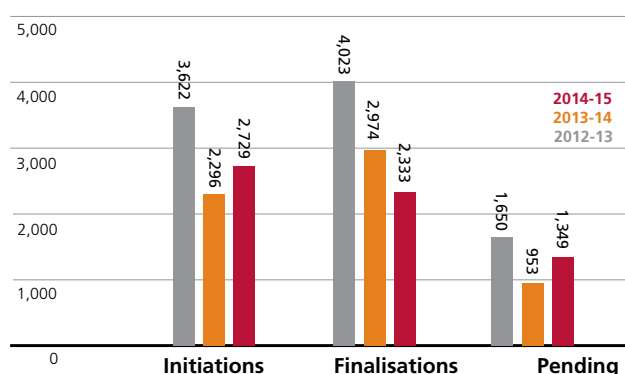
There has been a clear trend in the types of permit applications to much larger and more complex developments – we received 26 per cent more major case applications and 65 per cent more complex claims valued at more than \$20 million. Such developments are often controversial and their complexity can require more time and resources to determine. At the same time, we received 190 per cent more applications relating to claims valued at \$1 million to \$5 million. This resulted in a significant drop in the finalisation of cases and our clearance rate.

A drop in new applications and finalisations of land valuation matters is partly due to a cycle of local government property valuations for rates – these are conducted every two years, and there is a resulting time lag in applications to VCAT. These matters can also take a long time to finalise. Similarly, our land acquisition caseload recorded a significant drop, partly due to the small number of applications made under this legislation and because it is sensitive to government land acquisition activities.

Responding to feedback from people using our services, we introduced a fresh approach to listing Planning and Environment List cases (see p16). These changes were introduced in February 2015 and more time will be needed to assess their impact.

There were also changes to the *Planning and Environment Act 1987* and the *Victorian Civil and Administrative Tribunal Act 1998* during the year, that aim to reduce the amount of unnecessary and unwanted correspondence to people who lodge a statement of grounds – see p19.

## Caseflow



	2012-13	2013-14	2014-15	Variance
<b>Caseflow</b>				
Initiations	3,622	2,296	2,729	19%
Finalisations	4,023	2,974	2,333	-22%
Pending*	1,650	953	1,349	42%
Clearance Rate	111%	130%	85%	
<b>Timeliness of Finalised Cases (weeks)</b>				
Median	27	22	23	
80th Percentile	42	31	30	
<b>Initiations</b>				
Planning and Environment	3,443	2,186	2,631	20%
Land Valuation	179	110	98	-11%
<b>Total</b>	<b>3,622</b>	<b>2,296</b>	<b>2,729</b>	<b>19%</b>
<b>Finalisations</b>				
Planning and Environment	3,906	2,796	2,248	-20%
Land Valuation	117	178	85	-52%
<b>Total</b>	<b>4,023</b>	<b>2,974</b>	<b>2,333</b>	<b>-22%</b>
<b>Pending*</b>				
Planning and Environment	1,514	897	1,280	43%
Land Valuation	136	56	69	23%
<b>Total</b>	<b>1,650</b>	<b>953</b>	<b>1,349</b>	<b>42%</b>

\*See note about calculation of pending cases, p7



	2012-13	2013-14	2014-15	Variance
<b>Applications by Enabling Enactment</b>				
<i>Environment Protection Act 1970</i>	11	12	11	-8%
<i>Planning and Environment Act 1987</i>	3,406	2,162	2,606	21%
<i>Land Acquisition and Compensation Act 1986</i>	25	14	9	-36%
<i>Valuation of Land Act 1960</i>	152	78	86	10%
Others	28	30	17	-43%
<b>Total</b>	<b>3,622</b>	<b>2,296</b>	<b>2,729</b>	<b>19%</b>
<b>Applications by Type (Planning and Environment applications)</b>				
Major Cases	202	178	225	26%
Standard Claims	2,983	2,008	2,406	20%
Short Cases	258	0	0	0%
<b>Total</b>	<b>3,443</b>	<b>2,186</b>	<b>2,631</b>	<b>20%</b>
	2012-13 (\$m)	2013-14 (\$m)	2014-15 (\$m)	Variance
<b>Applications by claim amount (Planning and Environment applications)</b>				
Small Claims: < \$10,000	516	75	106	41%
Standard Claims: \$10,000 - \$100,000	105	26	43	65%
Complex Claim: \$100,000 - \$1m	857	207	458	121%
Complex Claim: \$1m - \$5m	379	79	229	190%
Complex Claim: \$5m - \$20m	228	129	157	22%
Complex Claim: \$20m +	88	49	81	65%
No Value	1,270	1,621	1,557	-4%
<b>Total</b>	<b>3,443</b>	<b>2,186</b>	<b>2,631</b>	<b>20%</b>
<b>Approximate Total Value (\$billion)</b>	<b>\$8.62</b>	<b>\$3.80</b>	<b>\$7.25</b>	<b>91%</b>

	2012-13	2013-14	2014-15	Variance
<b>Top 20 Councils - Number of applications by Council</b>				
Boroondara City Council	184	138	199	44%
Glen Eira City Council	150	85	162	91%
Bayside City Council	145	94	141	50%
Moreland City Council	126	95	125	32%
Yarra City Council	229	119	120	1%
Whitehorse City Council	71	79	107	35%
Melbourne City Council	88	54	105	94%
Port Phillip City Council	160	95	104	9%
Darebin City Council	120	100	101	1%
Stonnington City Council	137	87	101	16%
Monash City Council	107	65	99	52%
Banyule City Council	110	70	89	27%
Mornington Peninsula Shire Council	119	99	81	-18%
Moonee Valley City Council	77	62	74	19%
Maroondah City Council	63	45	65	44%
Hobsons Bay City Council	85	49	63	29%
Whittlesea City Council	59	59	55	-7%
Casey City Council	100	40	54	35%
Kingston City Council	76	42	54	29%
Maribyrnong City Council	64	48	53	10%
<b>Number of applications by Suburb</b>				
Melbourne	29	19	39	105%
Kew	26	24	38	58%
Brighton	45	31	37	19%
Richmond	67	32	36	13%
South Yarra	34	24	33	38%
Camberwell	27	23	31	35%
Hawthorn	33	22	31	41%
Bentleigh East	29	1	30	2900%
Brunswick	35	27	28	4%
Frankston	24	11	28	155%
Reservoir	33	14	27	93%
Bentleigh	15	8	26	225%
Carnegie	18	11	26	136%
Coburg	25	15	26	73%
Blackburn	15	14	23	64%
Mitcham	11	10	23	130%
Williamstown	44	23	23	0%
Mount Waverley	25	11	22	100%
Brighton East	20	11	21	91%
Burwood	9	16	21	31%

# Residential Tenancies List

This year we created the Residential Tenancies Division, recognising the importance of this area of our business.

The Residential Tenancies List is our busiest list, accounting for nearly 70 per cent of new applications to VCAT this year. It 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 attending the hearing.

The List handles disputes between:

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

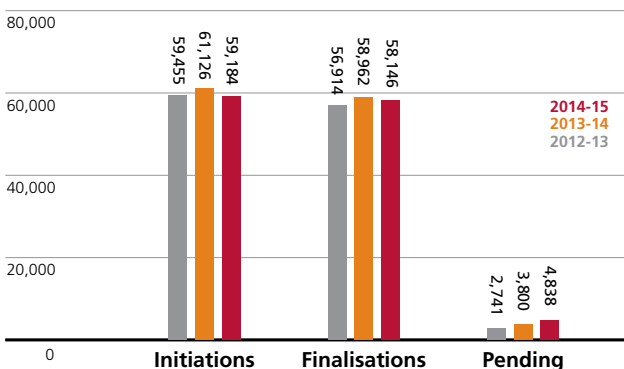
This year we received 59,184 new applications and finalised 58,146 matters. We recorded fewer possession applications and applications from the Director of Housing. To deal with a spike in cases waiting to be finalised (pending) during the year, we established a working group in April 2015, chaired by VCAT’s President. It investigated possible causes, such as listing practice, venue access, circuit policy, case mix and case complexity. As a result, the number of pending cases was reduced to less than 5000 cases by 30 June 2015.

Applications made to this list under other enabling enactments recorded a large variance. This is not as significant as it appears, due to the relatively small number of cases involved.

We also held user groups and forums across the state. For more about this, see p11.

To find out more about the creation of the Residential Tenancies Division, see p27.

## Caseflow



	2012-13	2013-14	2014-15	Variance
<b>Caseflow</b>				
Initiations	59,455	61,126	59,184	-3%
Finalisations	56,914	58,962	58,146	-1%
Pending*	2,741	3,800	4,838	27%
Clearance Rate	96%	96%	98%	

	2012-13	2013-14	2014-15	Target
<b>Timeliness of Finalised Cases (Weeks)</b>				
Median	2	2	3	
80th Percentile	4	5	7	
Target				6

	2012-13	2013-14	2014-15	Variance
<b>Applications by Enabling Enactment</b>				
<i>Residential Tenancies Act 1997</i>	56,498	58,091	56,048	-4%
<i>Victorian Civil and Administrative Tribunal Act 1998</i>	2,912	3,018	3,130	4%
Others	45	17	6	-65%
<b>Total</b>	<b>59,455</b>	<b>61,126</b>	<b>59,184</b>	<b>-3%</b>

	2012-13	2013-14	2014-15	Variance
<b>Applications by Case Type</b>				
Bond - unpaid rent and loss or damage or both (Landlord)	9,761	9,877	9,973	1%
Bond and compensation (Landlord)	6,656	6,635	6,696	1%
Possession and rent	14,165	13,901	12,586	-9%
Possession, rent and bond (Landlord)	6,263	6,169	5,873	-5%
Others	22,610	24,544	24,056	-2%
<b>Total</b>	<b>59,455</b>	<b>61,126</b>	<b>59,184</b>	<b>-3%</b>

	2012-13	2013-14	2014-15	Variance
<b>Applications by Applicant Type</b>				
Director of Housing	12,161	14,396	12,936	-10%
Landlords represented by estate agents or property managers	39,654	39,302	38,794	-1%
Private landlords	2,705	2,653	2,537	-4%
Tenants or residents	4,098	3,954	3,931	-1%
Others	837	821	986	20%
<b>Total</b>	<b>59,455</b>	<b>61,126</b>	<b>59,184</b>	<b>-3%</b>

\*See note about calculation of pending cases, p7

# Review and Regulation List

The Review and Regulation List hears matters in relation to more than 80 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.

The List also conducts inquiries into the professional conduct of various professionals, including a broad range of health professionals, as part of its 'original' jurisdiction - that is, its power to hear matters not under review but related to the laws it is responsible for administering.

The variety of matters commonly dealt with include:

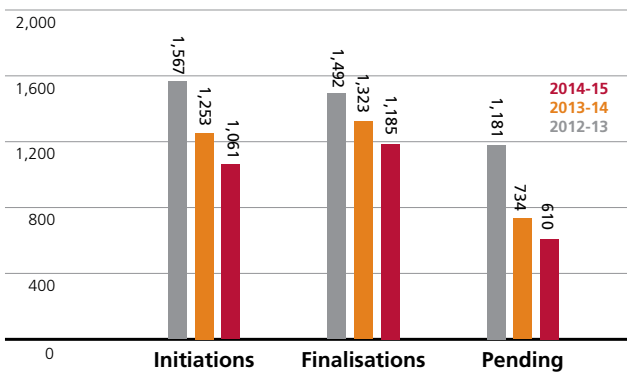
- building practitioner (disciplinary and registration) matters
- child welfare
- domestic animals (restricted breed dogs and dangerous dogs)
- estate agent disciplinary matters
- Freedom of Information (FOI) reviews
- health practitioners disciplinary and registration matters
- disciplinary reviews in the private security and racing industries
- taxation matters
- Transport Accident Commission matters
- victims of crime matters, and
- working with children reviews.

Legislative and procedural changes contributed to the significant drop in TAC applications this year. From October 2014, legislation no longer required TAC applicants to automatically apply to VCAT even though they were still negotiating their case. TAC cases also formed the basis for our pilot of an electronic case management system. For more information about this, see p21.

The significant decrease in FOI applications continued from last year, largely due to the creation of the Office of the Freedom of Information Commissioner in late 2012. People and organisations who make freedom of information requests to government departments can seek independent review from the Commissioner. While people who are unhappy with the Commissioner's decision can seek further review at VCAT, in many instances the dispute is resolved by the Commissioner.

We continued to focus on timely resolution of matters through alternative dispute resolution. Many of the matters heard by the List are now resolved this way, including registration cases in the building and health professions and many disciplinary proceedings.

## Caseflow



	2012-13	2013-14	2014-15	Variance
<b>Caseflow</b>				
Initiations	1,567	1,253	1,061	-15%
Finalisations	1,492	1,323	1,185	-10%
Pending*	1,181	734	610	-17%
Clearance Rate	95%	106%	112%	
	2012-13	2013-14	2014-15	Target
<b>Timeliness of Finalised Cases (Weeks)</b>				
Median	29	29	26	
80th Percentile	58	61	63	
	2012/13	2013/14	2014-15	Variance
<b>Initiations (Details)</b>				
<i>Freedom of Information Act 1982</i>	204	117	86	-26%
<i>Transport Accident Act 1986</i>	845	668	453	-32%
Others	518	468	522	12%
<b>Total</b>	<b>1,567</b>	<b>1,253</b>	<b>1,061</b>	<b>-15%</b>
<b>Finalisations (Details)</b>				
<i>Freedom of Information Act 1982</i>	194	133	103	-23%
<i>Transport Accident Act 1986</i>	812	745	581	-22%
Others	486	445	501	13%
<b>Total</b>	<b>1,492</b>	<b>1,323</b>	<b>1,185</b>	<b>-10%</b>
<b>Pending* (Details)</b>				
<i>Freedom of Information Act 1982</i>	76	56	39	-30%
<i>Transport Accident Act 1986</i>	864	433	305	-30%
Others	241	245	266	9%
<b>Total</b>	<b>1,181</b>	<b>734</b>	<b>610</b>	<b>-17%</b>

\*See note about calculation of pending cases, p7

# Appendices

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*VCAT has 213 members who regularly hear and decide cases at more than 46 venues across Victoria (see p45 and p49).*

APPENDICES

# Financial information

	Rounded	
	2013-14 \$m	2014-15 \$m
<b>FUNDING</b>		
<b>VCAT Funding Sources</b>		
Annual Appropriations	17.04	18.23
Section 29 Revenue Appropriations	-	
Planning and Environment	3.76	5.02
Civil Claims	1.41	1.53
Other	0.57	0.64
<b>Total Annual Appropriations</b>	<b>22.78</b>	<b>25.42</b>
Guardianship and Administration	1.86	2.00
Health Boards and Racing Authorities	0.89	0.53
Legal Services Board	1.45	1.48
Office of the Small Business Commissioner	0.35	0.35
Residential Tenancies Fund	11.67	12.24
Domestic Building Fund	3.03	3.26
Victorian Property Fund	1.82	1.76
Other	1.16	0.12
<b>Total Funding Other Sources</b>	<b>22.23</b>	<b>21.75</b>
<b>TOTAL (see Note 1)</b>	<b>45.01</b>	<b>47.17</b>
<b>EXPENDITURE</b>		
<b>VCAT operational expenditure</b>		
Salaries to staff	11.48	10.91
Salaries to non-sessional members	11.74	9.94
Salaries to sessional members	6.42	8.31
Salary related on-costs	6.47	6.39
Operating costs	10.20	12.44
<b>TOTAL (see Note 2)</b>	<b>46.31</b>	<b>47.99</b>
<b>VCAT Expenditure allocation by List</b>		
Planning and Environment	12.73	11.46
Guardianship	5.83	6.64
Review and Regulation	3.49	2.40
Human Rights	0.86	0.99
Residential Tenancies	11.27	12.99
Building and Property (see Note 3)	3.89	4.16
Owners Corporations	2.07	1.80
Civil Claims	4.59	5.65
Legal Practice	1.57	1.91
<b>Total</b>	<b>46.30</b>	<b>47.99</b>

## Funding

Victorian Government appropriation revenue of \$25.42 million in 2014-15 was received by CSV for the purposes of VCAT's functions, an increase of \$2.64 million or 11.6 per cent compared to the previous financial year.

This mainly reflects increased fee revenue earned under section 29 of the *Financial Management Act 1994* and increased Special Appropriation funding.

During 2014-15, fee revenue increased to \$7.19 million – up \$1.443 million or 25 per cent compared to 2013-14.

Special Appropriation funding increased to \$14.69 million, up \$7.853 million or 115 per cent compared to 2014-15. This reflects the December 2013 change, reported last year, to funding member salaries from Special Appropriations instead of General Appropriations. This year was the first full year of operation under the new arrangement.

Special Appropriation revenue contributed funding to most of VCAT's lists, except for those wholly funded from other sources. These include the:

- Residential Tenancies List funded by the Residential Tenancies Trust Fund, established under the *Residential Tenancies Act 1997*
- Domestic Building 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*.

In addition to receiving appropriation revenue, some lists recover part of their costs from other sources, including the:

- Guardianship List, which partially recovers cost from the Guardianship and Administration Fund established under the *Guardianship and Administration Act 1986*
- Review and Regulation List, which partially recovers cost from the Australian Health Practitioner Regulation Agency and Victoria's Racing Regulation Agencies (Harness Racing, Greyhound Racing and Racing Victoria).

## Expenditure

In 2014-15, VCAT's recurrent expenditure rose to \$47.99 million, which is \$1.68 million or four per cent higher than last year.

This reflects an increase in our accommodation lease cost following lease renewal and refurbishment works at 55 King St, and work to provide additional hearing venues in Moe and Preston. These initiatives will improve customer access and VCAT's service delivery. There were also costs associated with several one-off reviews to improve our services. We pursued these initiatives during 2014-15 because they are critical to support the delivery of our *Building a Better VCAT: Strategic Plan 2014-17*.

## Audited accounts

VCAT's accounts will be published as part of CSV's audited accounts in the Court Services Victoria Annual Report 2014-15. To view the CSV annual report, visit [courts.vic.gov.au](http://courts.vic.gov.au).

## Notes to the financial information

### Note 1 - Funding

VCAT's total funding includes funding from other authorities to offset our costs in resolving disputes on their behalf. Such services are provided under agreements we have with these authorities. We have recognised this as funding in this and previous reports. In the CSV annual report, funding by other authorities is recognised as cost offsets.

2014-15	\$M
Funding as reported by CSV	42.68
<b>Add cost offsets</b>	
Guardianship and Administration	2.00
Health Boards and Racing Authorities	0.53
Legal Services Board	1.48
Office of the Small Business Commissioner	0.35
Department of Human Services	0.13
<b>Funding reported by VCAT</b>	<b>47.17</b>

As part of a funding review in 2015-16, VCAT is investigating more efficient ways of organising these funding arrangements, which we anticipate will be part of a new fee schedule due to start on 1 July 2016 when the existing fee regulations expire.

### Note 2 - Expenditure

VCAT's total reported expenditure excludes cost offsets from other authorities for the dispute resolution services that are undertaken on their behalf. Total expenditure as reported by CSV is \$43.5 million. Refer to Note 1 for the reconciling adjustments.

### Note 3 – Building and Property List

The Building and Property List started on 1 July 2014, merging the Domestic Building, Retail Tenancies and Real Property lists reported in previous annual reports.



# Allocation of functions

## Enabling Enactments as at 30 June 2015

<i>Aboriginal Heritage Act 2006</i>	<i>Domestic Animals Act 1994</i> sections 98(1) (registration of premises to conduct a domestic animal business) and 98(2) (declaration and registration of dangerous dogs)	<i>Meat Industry Act 1993</i> section 24 (licences to operate meat processing facilities, alteration of buildings)	<i>Road Safety Act 1986</i>
<i>Accident Compensation Act 1985</i>	<i>Domestic Building Contracts Act 1995</i>	<i>Medical Treatment Act 1988</i> section 5C (enduring powers of attorney)	<i>Sale of Land Act 1962</i> section 44
<i>Accident Towing Services Act 2007</i>	<i>Drugs, Poisons and Controlled Substances Act 1981</i>	<i>Melbourne and Metropolitan Board of Works Act 1958</i>	<i>Seafood Safety Act 2003</i> section 60
<i>Adoption Act 1984</i> sections 129A(1)(a) (decisions regarding fitness to adopt and approval to adopt), 129A(1)(b) (decisions regarding approval of adoption agencies) and 129A(1)(c) (decisions regarding accreditation of bodies)	<i>Education and Care Services National Law Act 2010</i>	<i>Mental Health Act 2014</i>	<i>Second-Hand Dealers and Pawnbrokers Act 1989</i> sections 9B, 14 and 18A
<i>Agricultural and Veterinary Chemicals (Control of Use) Act 1992</i>	<i>Education and Training Reform Act 2006</i>	<i>Metropolitan Fire Brigades Act 1958</i>	<i>Sex Work Act 1994</i>
<i>Architects Act 1991</i>	<i>Electoral Act 2002</i>	<i>Mineral Resources (Sustainable Development) Act 1990</i>	<i>Small Business Commissioner Act 2003</i> section 11A
<i>Assisted Reproductive Treatment Act 2008</i>	<i>Electricity Safety Act 1998</i>	<i>Motor Car Traders Act 1986</i>	<i>State Employees Retirement Benefits Act 1979</i>
<i>Associations Incorporation Reform Act 2012</i>	<i>Emergency Management Act 1986</i>	<i>Occupational Health and Safety Act 2004</i>	<i>State Superannuation Act 1988</i>
<i>Australian Consumer Law and Fair Trading Act 2012</i>	<i>Emergency Services Superannuation Act 1986</i>	<i>Occupational Health and Safety Regulations 2007</i>	<i>Subdivision Act 1988</i>
<i>Biological Control Act 1986</i>	<i>Environment Protection Act 1970</i>	<i>Owner Drivers and Forestry Contractors Act 2005</i>	<i>Superannuation (Portability) Act 1989</i>
<i>Births, Deaths and Marriages Registration Act 1996</i>	<i>Equal Opportunity Act 2010</i>	<i>Owners Corporations Act 2006</i>	<i>Supported Residential Services (Private Proprietors) Act 2010</i>
<i>Building Act 1993</i> Division 12 of Part 12A and sections 25J and 182A and clause 10(3) and (4) of Part 2 of Schedule 7	<i>Equipment (Public Safety) Act 1994</i>	<i>Parliamentary Salaries and Superannuation Act 1968</i>	<i>Surveying Act 2004</i> section 33 (review of decision, finding or determination)
<i>Bus Safety Act 2009</i>	<i>Estate Agents Act 1980</i>	<i>Petroleum Act 1998</i>	<i>Taxation Administration Act 1997</i>
<i>Business Franchise Acts - the Business Franchise (Petroleum Products) Act 1979, Land Tax Act 2005, Payroll Tax Act 2007, First Home Owner Grant Act 2000, Unclaimed Money Act 2008, Planning and Environment Act 1987, Stamps Act 1958, and Taxation Administration Act 1997</i>	<i>Firearms Act 1996</i> section 182 (decisions of Firearms Appeals Committee)	<i>Pharmacy Regulation Act 2010</i> section 62	<i>Therapeutic Goods (Victoria) Act 2010</i> section 30
<i>Catchment and Land Protection Act 1994</i> section 48 (land use conditions and land management notices)	<i>First Home Owner Grant Act 2000</i>	<i>Pipelines Act 2005</i>	<i>Traditional Owner Settlement Act 2010</i>
<i>Cemeteries and Crematoria Act 2003</i>	<i>Fisheries Act 1995</i>	<i>Planning and Environment Act 1987</i>	<i>Transport (Compliance and Miscellaneous) Act 1983</i>
<i>Children, Youth and Families Act 2005</i>	<i>Flora and Fauna Guarantee Act 1988</i> sections 34(3), 41, 41A (interim conservation orders) and 43(12) (claims for compensation)	<i>Plant Biosecurity Act 2010</i> sections 48 (accreditation to issue assurance certificates) and 59 (review of the Minister's determination on costs)	<i>Transport Accident Act 1986</i>
<i>Children's Services Act 1996</i>	<i>Freedom of Information Act 1982</i>	<i>Prevention of Cruelty to Animals Act 1986</i> section 33 (licensing of scientific establishments and breeding establishments)	<i>Transport Superannuation Act 1988</i>
<i>Climate Change Act 2010</i>	<i>Fundraising Act 1998</i>	<i>Privacy and Data Protection Act 2014</i>	<i>Travel Agents Act 1986</i> - Note that on the repeal of the <i>Travel Agents Act 1986</i> by the <i>Travel Agents Repeal Act 2014</i> , section 4 of the <i>Travel Agents Repeal Act</i> continues rights in relation to the compensation scheme
<i>Company Titles (Home Units) Act 2013</i>	<i>Gambling Regulation Act 2003</i>	<i>Private Security Act 2004</i> Part 7	<i>Trustee Companies Act 1984</i>
<i>Conservation, Forests and Lands Act 1987</i> section 76 (variation and termination of land management co-operative agreements)	<i>Gas Safety Act 1997</i>	<i>Professional Boxing and Combat Sports Act 1985</i> (licences, permits and registration)	<i>Unclaimed Money Act 2008</i> sections 59, 61 and 63
<i>Conveyancers Act 2006</i> sections 33 (inquiries into the conduct of licensees), 34 (determination on inquiry), 146 and 187	<i>Guardianship and Administration Act 1986</i>	<i>Property Law Act 1958</i> Part IV	<i>Urban Renewal Authority Victoria Act 2003</i>
<i>Co-operatives Act 1996</i>	<i>Health Practitioner Regulation National Law Part 8, Divisions 12 and 13</i>	<i>Public Health and Wellbeing Act 2008</i>	<i>Valuation of Land Act 1960</i> Part III (disputes on the value of land)
<i>Co-operatives National Law Application Act 2013</i>	<i>Health Records Act 2001</i>	<i>Racial and Religious Tolerance Act 2001</i>	<i>Veterinary Practice Act 1997</i> section 55 (registration and discipline)
<i>Country Fire Authority Act 1958</i>	<i>Health Services Act 1988</i>	<i>Racing Act 1958</i>	<i>Vexatious Proceedings Act 2014</i>
<i>Credit Act 1984</i>	<i>Heritage Act 1995</i>	<i>Rail Safety Act 2006</i> Part 7	<i>Victims of Crime Assistance Act 1996</i>
<i>Dairy Act 2000</i>	<i>House Contracts Guarantee Act 1987</i>	<i>Rail Safety (Local Operations) Act 2006</i>	<i>Victoria State Emergency Service Act 2005</i>
<i>Dangerous Goods Act 1985</i>	<i>Housing Act 1983</i>	<i>Rail Safety National Law Application Act 2013</i>	<i>Victoria State Emergency Service Regulations 2006</i>
<i>Disability Act 2006</i>	<i>Information Privacy Act 2000</i>	<i>Relationships Act 2008</i> Part 2.4 of Chapter 2	<i>Victorian Plantations Corporation Act 1993</i>
	<i>Instruments Act 1958</i> Division 6 of Part XI	<i>Residential Tenancies Act 1997</i>	<i>Water Act 1989</i>
	<i>Land Acquisition and Compensation Act 1986</i>	<i>Retail Leases Act 2003</i>	<i>Wildlife Act 1975</i>
	<i>Landlord and Tenant Act 1958</i>	<i>Retirement Villages Act 1986</i>	<i>Working with Children Act 2005</i>
	<i>Legal Profession Act 2004</i>	<i>Road Management (General) Regulations 2005</i>	<i>Workplace Injury Rehabilitation and Compensation Act 2013</i>
	<i>Liquor Control Reform Act 1998</i>	<i>Road Management Act 2004</i>	
	<i>Livestock Disease Control Act 1994</i>	<i>Road Safety (Vehicles) Regulations 2009</i> - regulations 128 (external review of decisions relating to registration of vehicles) and 215	
	<i>Local Government Act 1989</i>		
	<i>Major Sporting Events Act 2009</i>		
	<i>Major Transport Projects Facilitation Act 2009</i>		

# VCAT member directory

## President

The Hon. Justice Garde AO RFD, Greg

## Vice Presidents

Her Honour Judge Davis, Sandra

His Honour Judge Dean, Mark

His Honour Judge Grant, Paul

Her Honour Judge Hampel, Felicity

Her Honour Judge Harbison, Marilyn

His Honour Judge Hicks, Graeme

Her Honour Judge Jenkins, Pamela

His Honour Judge Lacava, Paul

His Honour Judge Macnamara, Michael

Her Honour Judge Millane, Frances

His Honour Judge Misso, Philip

Her Honour Judge Morrish, Jeanette

Her Honour Judge Pullen, Susan

## Deputy Presidents

Ms Aird, Catherine

Ms Barker, Heather

Mr Dwyer, Mark

Ms Gibson, Helen

Ms Lambrick, Heather

Mr Lulham, Ian

Ms Nihill, Genevieve

## Senior Members

Ms Baird, Margaret

Ms Burdon-Smith, Susan

Mr Butcher RFD, Gerard

Mr Davis, Robert

Mr Farrelly, Mark

Mr Hewet, Laurie

Ms Moraitis, Stella

Mr Proctor, Ian

Mr Riegler, Eric

Ms Rickards, Jeanette

Mr Smithers, Jonathan

Mr Vassie, Alan

Ms Steele, Bernadette

Mr Wright QC, Michael

## Senior Members, sessional

Mr Byard, Russell

Ms Coghlan, Anne

Mr Fanning, David

Mr Levine, Michael

Mr Liston, Anthony

Ms Lothian, Margaret

Ms Megay, Noreen

Ms Preuss, Jacqueline

Mr Scott, Robert

Mr Walker, Rohan

Mr Williams, Roland

## Members

Ms Barrant, Pamela

Mr Bennett, John

Ms Bensch, Elizabeth

Ms Campana, Kylea

Ms Carew, Megan

Mr Code, Geoffrey

Ms Cook, Dalia

Ms Dea, Anna

Mr Deidun, Michael

Mr Edquist, Christopher

Ms Good (Keon-Cohen), June

Ms Grainger, Julie

Mr Hoysted, Brendan

Ms Jacono, Justine

Mr Kincaid, Andrew

Ms Liden, Susanne

Mr Martin, Philip

Ms Naylor, Rachel

Mr Nelthorpe, Michael

Mr Potts, Ian

Ms Price, Charlene

Ms Rowland, Linda

Mr Rundell, Geoffrey

Mr Sibonis, Bill

Ms Tilley, Anne-Marie

Dr Treble, Andrea

Mr Tyler, Peter

Mr Warren, Lindsay

Ms Wentworth, Elisabeth

Mrs Wilson, Silvana

## Members, sessional

Dr Alexander, George

Ms Anderson, Diane

Ms Archibald PSM, Mary

Mr Au-Yeung, Dominic

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Mr Cimino, Sam

Mr Clampett, John

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Ms Cogley, Vicki

Dr Collopy, Brian

Ms Crawford, Gwenneth

Ms Cremean, Bernadette

Ms Crocker, Lara

Mr David, Graeme

Mr Davies, Hugh

Ms Davies, Vicki

Dr Davis, Bruce

Mr Dawson, Frank

Ms Delany, Clare

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Mr El Moussalli, Michael  
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 Dr Farhall, John  
 Dr Farrelly, Peter  
 Mr Fler, Frank  
 Ms Fleming, Natalie  
 Ms Fong, Christina  
 Ms French, Rebecca  
 Mr Fry, Sydney  
 Ms Galvin, Danielle  
 Mr Gilbert, Jayce  
 Dr Gleeson, John  
 Dr Glover, John  
 Ms Glynn, Alison  
 Ms Goulding, Megan  
 Mr Gray, Peter  
 Mr Gu, Xu  
 Mr Gymer, Raymond  
 Mr Gysslink, Paul  
 Mr Hadjigeorgiou, Nicholas  
 Ms Hally, Mary  
 Ms Hancock, Elizabeth  
 Ms Harrison, Fiona  
 Ms Harper, Patricia  
 Dr Hart, Christopher  
 Ms Hartsias, Joanna  
 Mr Harty, Christopher  
 Ms Harvey, Margaret  
 Mr Horan, Anthony  
 Ms Hughes, Elizabeth  
 Ms Hynes, Jennifer  
 Mr Jones, Leslie  
 Dr Johnston, Alan  
 Mr Josephs, Barry  
 Ms Keddie, Ann  
 Ms Kefford, Jacquellyn

Dr King AM, Ross  
 Ms Kirmos, Kay  
 Ms Klingender, Jessica  
 Ms Kominos, Angela  
 Ms Leshinsky, Judith  
 Mr Lightfoot, Brian  
 Ms Lipe, Shelley  
 Mr Malbon, Alan  
 Ms Manning, Carolyn  
 Ms Marks, Felicity  
 Ms Marshall, Simone  
 Mr McCabe, Edmund  
 Ms McClintock, Kathleen  
 Ms McKeown, Patricia  
 Professor McMeeken, Joan  
 Mr McNamara, Kenneth  
 Ms Metcalf, Katherine  
 Dr Molloy, Trish  
 Mr Moloney, Peter  
 Ms Moon, Anne  
 Ms Nagle, Kathleen  
 Ms Neill, Diane  
 Ms Norman, Kathryn  
 Dr O'Brien, Elissa  
 Mr Page, Rodney  
 Ms Paterson, Katherine  
 Ms Pearson, Rosslyn  
 Mr Pennell, Jason  
 Mr Perera, Christopher  
 Mr Phillips, Robert  
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 Dr Reggars, John

Ms Ridgwell, Barbara  
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 Mr Sharkie, John  
 Mr Sharpley, Gregory  
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 Ms Slee, Felicity  
 Dr Story AM RFD, Rowan  
 Mr Sweeney, Michael  
 Dr Tan, Eng-Seong  
 Ms Tantau, Anna  
 Ms Taranto, Mary-Anne  
 Mr Thomas, Bryan  
 Dr Triglia, Maria  
 Mr Wiseman, Jack  
 Ms Walsh, Jill  
 Dr Waterhouse, John  
 Ms Watson, Tracy  
 Ms West, Lynda  
 Ms Whitney, Susan  
 Ms Wilson, Catherine  
 Ms Wilson, Cindy  
 Mr Zheng, Samuel

#### Number of VCAT members

Judicial Members	14
Deputy Presidents	7
Senior Members	14
Senior Members, sessional	11
Members	30
Members, sessional	137
<b>Total</b>	<b>213</b>

## APPENDICES

# Glossary

### **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

### **ASIC**

Australian Securities and Investments Commission

### **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

### **Directions**

Directions are orders made by VCAT to promote the fair and expeditious hearing of a case - for example, 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**

The Victorian Civil and Administrative Tribunal has four divisions – Civil, Administrative, Residential Tenancies and Human Rights

### **80th Percentile**

VCAT aims to have eighty percent of applications finalised within a certain number of weeks. The number of weeks varies between different types of case.

### **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.

### **EPA**

Environment Protection Authority

### **Finalisations**

The number of applications finalised by VCAT

### **Initiations (applications commenced/ lodged)**

The number of applications commenced by VCAT

### **Injunction**

A type of order that directs a person to do, or not to do, something.

### **Jurisdiction**

The legal authority given to VCAT to hear and decide certain types of cases.

### **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 may be appointed on a sessional or non-sessional basis through the Governor-in-Council

### **Objector**

A person who has lodged an objection to a proposed planning permit with the responsible authority.

### **Order**

VCAT's written instructions or final decision in a case.

### **Original jurisdiction**

VCAT's jurisdiction, other than its review jurisdiction

### **Party**

A person or organisation that has applied to VCAT or who is defending claims made against them, or who VCAT joins as a party.

### **Pending**

The number of applications that have been commenced and are not yet finalised

### **Practice Note**

Official VCAT guidance about our procedures to people using our services

### **Registry**

The administrative section of VCAT that coordinates the exchange of information between VCAT and the parties, and supports the members in their duties. Registry staff also handle enquiries about cases.

### **Respondent**

The party against who 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**

The jurisdiction to review decisions made by other decision-makers.

### **Settlement**

An agreement between parties that finalises some or all of their dispute, so that VCAT does not have to decide it for them.

### **Submission**

A written outline of a parties argument as to why they VCAT should decide the case in a certain way

### **Target**

A standard against which performance is measured, for example, weeks or numbers of cases.

### **Tribunal**

The Victorian Civil and Administrative Tribunal established under Part 2 of the *Victorian Civil and Administrative Tribunal Act 1998*

### **Variance**

Percentage difference between the current and previous financial year

### **VCAT**

Victorian Civil and Administrative Tribunal

## APPENDICES

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# Hearing Locations

VCAT heard cases at 67 venues across Victoria in 2014-15.

We held hearings at 46 venues on a regular basis (for more than four months) - these are listed below. Magistrates' Court locations are marked with an \*.

## Melbourne CBD

### 55 King Street

William Cooper Justice Centre,  
Level 5, 223 William Street

222 Exhibition St (until April 2015)

## Suburban

### Broadmeadows

Hume Global Learning Centre  
Pascoe Vale Road

### Collingwood

Neighbourhood Justice Centre  
Wellington Street

### Dandenong\*

Cnr Foster and Pultney Streets

### Frankston\*

Fletcher Road

### Heidelberg\*

Jika Street  
(until February 2015)

### Moorabbin\*

Moorabbin Justice Centre  
Nepean Highway, Highett

### Preston

Darebin Intercultural Centre  
Roseberry Ave  
(from February 2015)

### Ringwood\*

Ringwood Street  
Springvale

### Greater Dandenong

City Council Chambers  
Springvale Rd  
(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

### Cobram\*

Cnr Punt Road and High Street

### Colac\*

Queen Street

### Dromana\*

Codrington Street

### Echuca\*

Heygarth Street

### Geelong\*

Railway Terrace

### Hamilton\*

Martin Street

### Horsham\*

Roberts Avenue

### Kerang\*

Victoria Street

### Korumburra\*

Bridge Street

### Mildura\*

Deakin Avenue

### Moe

Lloyd Street\* until October 2014  
then at Town Hall, Albert St

### 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

### Fairfield

Disability Forensic Assessment and Treatment  
Services  
100 Yarra Bend 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



# Contact details

## Main Office

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)

## Civil Claims List

Tel: 9628 9830  
1800 133 055 (within Victoria)  
Email: [vcat-civil@justice.vic.gov.au](mailto:vcat-civil@justice.vic.gov.au)

## Building and Property List

Tel: 9628 9999  
Email: [vcat-civil@justice.vic.gov.au](mailto:vcat-civil@justice.vic.gov.au)

## Guardianship List

Tel: 9628 9911  
1800 133 055 (within Victoria)  
Email: [vcat-hrd@justice.vic.gov.au](mailto:vcat-hrd@justice.vic.gov.au)

## Human Rights List

Tel: 9628 9900  
Email: [vcat-hrd@justice.vic.gov.au](mailto:vcat-hrd@justice.vic.gov.au)

## Legal Practice List

Tel: 9628 9081  
Email: [vcat-admin@justice.vic.gov.au](mailto:vcat-admin@justice.vic.gov.au)

## Owners Corporations List

Tel: 9628 1499  
Email: [vcat-civil@justice.vic.gov.au](mailto:vcat-civil@justice.vic.gov.au)

## Planning and Environment List

Tel: 9628 9777  
Email: [vcat-admin@justice.vic.gov.au](mailto:vcat-admin@justice.vic.gov.au)

## Residential Tenancies List

Tel: 9628 9800  
1800 133 055 (within Victoria)  
Email: [vcat-rt@justice.vic.gov.au](mailto:vcat-rt@justice.vic.gov.au)

## Review and Regulation List

Tel: 9628 9755  
Email: [vcat-admin@justice.vic.gov](mailto:vcat-admin@justice.vic.gov)