

**VCAT**  
**ANNUAL**  
**REPORT**  
2009/10

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

Dear Attorney-General

We are pleased to present our Annual Report on the performance and operations of the Victorian Civil and Administrative Tribunal (VCAT) from 1 July 2009 to 30 June 2010.

In accordance with the requirements of section 37 of the *Victorian Civil and Administrative Tribunal Act 1998*, the report includes:

- A review of the operations of VCAT and of the Rules Committee during the 12 months ended 30 June 2010; and
- Proposals for improving the operation of VCAT in the coming 12 month period.



**Justice Iain Ross AO**  
President  
Victorian Civil and Administrative Tribunal



**Andrew Tenni**  
Chief Executive Officer  
Victorian Civil and Administrative Tribunal

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# ABOUT VCAT

## WHO WE ARE

The Victorian Civil and Administrative Tribunal (VCAT) is established under the *Victorian Civil and Administrative Tribunal Act 1998* (the Act) and began operations on 1 July 1998, amalgamating 15 boards and tribunals to offer a “one-stop shop” dealing with a range of disputes.

In accordance with the Act, a Supreme Court judge leads VCAT as president, and County Court judges serve as vice presidents. Applications are heard and determined by deputy presidents (appointed on a full time basis), senior members and ordinary members (appointed on a full time, part time or sessional basis). Members have a broad range of specialised skills and qualifications that enable VCAT to hear and determine cases of varying complexity and subject matter.

Subject to the Act, the president, vice presidents, deputy presidents and members hold office for a period not exceeding five years. They are appointed by the Governor-in-Council on the recommendation of the Attorney-General. Deputy presidents and members are eligible for reappointment once their term has expired.

The Rules Committee approves rules of practice and procedure, and practice notes.

VCAT comprises three divisions:

The **Civil Division** deals with a range of civil disputes involving:

- credit;
- consumer matters;
- domestic building works;
- owners corporation matters;
- residential and retail tenancies;
- disputes between co-owners; and
- use or flow of water between properties.

The **Administrative Division** reviews decisions made by government agencies and local councils involving:

- land valuation;
- planning and environment;
- decisions made by bodies such as the Transport Accident Commission;
- state taxation;
- business licences such as motor trading, clubs and bars;
- legal practice matters; and
- health professionals such as medical practitioners, dentists and psychologist.

The **Human Rights Division** deals with matters relating to:

- guardianship and administration;
- discrimination;
- racial and religious vilification;
- health and information privacy; and
- decisions made by the Mental Health Review Board.

## WHAT WE DO

Since its inception, VCAT's purpose has been to provide Victorians with a low cost, accessible, efficient and independent tribunal delivering high quality dispute resolution.

VCAT hears approximately 85,000 cases a year. Since 1998 VCAT has acquired a number of new jurisdictions and has added Lists to its original structure. VCAT continues to acquire new jurisdictions through enabling enactments, and has functions conferred on it under various Acts, regulations and rules.

The highest volume jurisdictions of VCAT are in the Residential Tenancies, Civil Claims, Guardianship, and Planning and Environment Lists. A significant number of disputes are also resolved in other areas, including freedom of information, domestic building, professional and industry regulation and liquor licensing.

### ADR

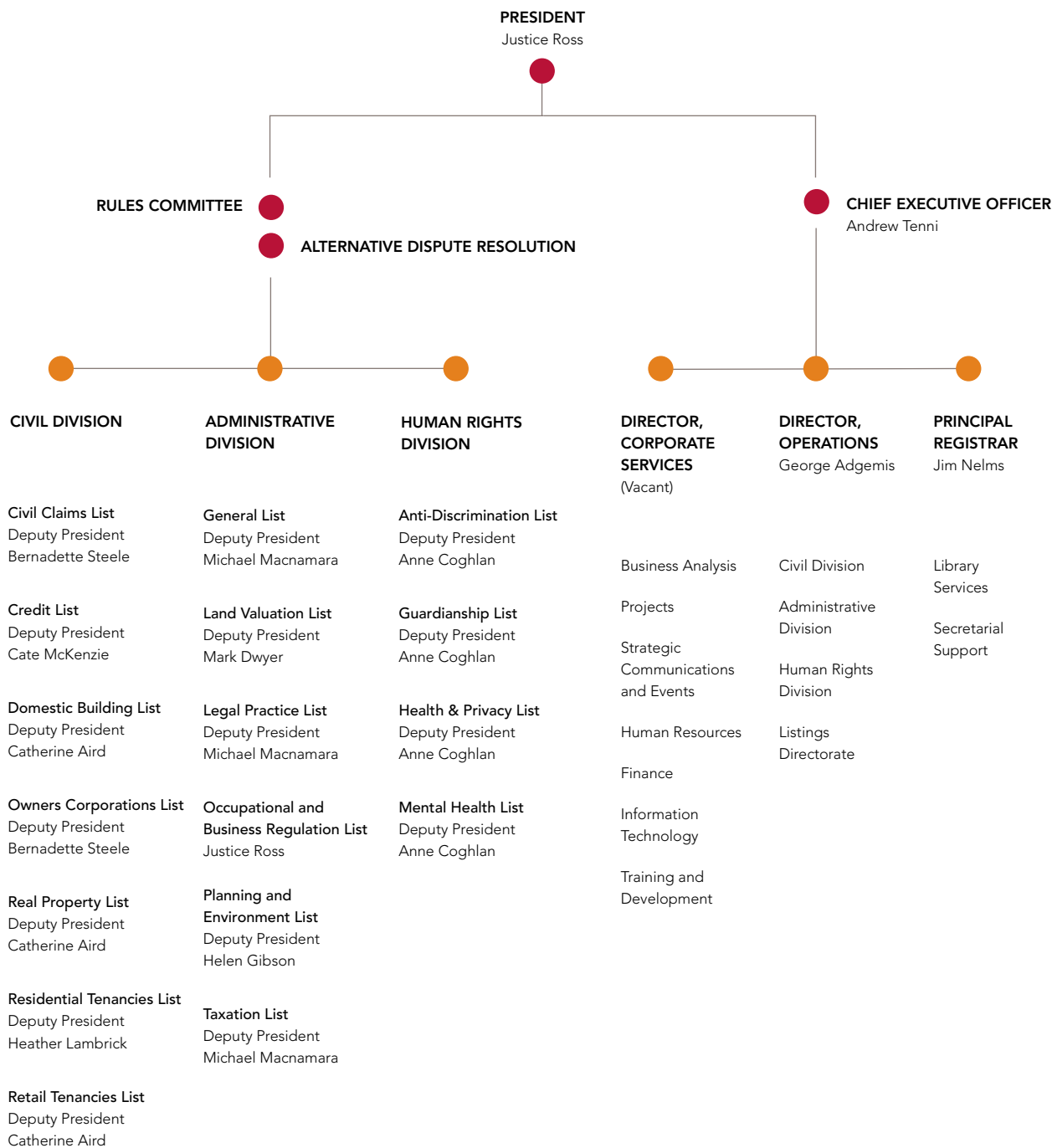
At VCAT, Alternative or Appropriate Dispute Resolution (ADR) processes have been used since the creation of the Tribunal in 1998. VCAT has a purpose built mediation centre on Level 2, 55 King Street comprising hearing rooms, meeting areas and mediation break out rooms.

VCAT is a Recognised Mediator Accreditation Body (RMAB) under the National Mediator Accreditation Scheme.

## OUR OBJECTIVES

1. **To achieve excellence in our service to users and the public by being:**
  - cost-effective
  - accessible and informal
  - timely
  - fair and impartial
  - consistent
  - quality decision-makers
2. **Effectively anticipate and meet the demands for dispute resolution by being:**
  - independent
  - responsible
  - responsive
3. **Invest in the development of flexible, satisfied and skilled members and staff by providing:**
  - a safe, challenging and team-oriented work environment
  - training and development
  - appropriate use of specialised expertise
4. **Continue to raise awareness of our services and improve service delivery through:**
  - user feedback
  - community engagement
  - education

# VCAT ORGANISATIONAL STRUCTURE



# YEAR AT A GLANCE

OVERVIEW	2008/09	2009/10	% change
Cases lodged	85,993	85,291	-1%
Cases finalised	81,186	84,806	4%
Cases pending	14,584	11,473	-21%
Overall mediation success rate %	69	57	-17%
Hearing venues used	99	65	-34%

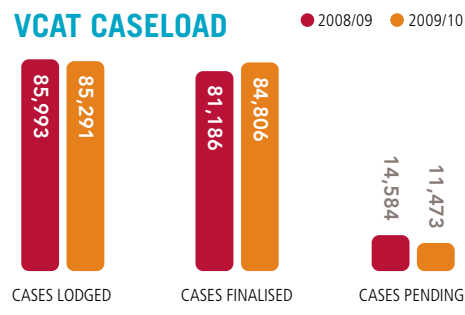
**Note:**

- Three new Lists were established in January 2010. They are: Owners Corporations List, Mental Health List and Health and Privacy List.
- Owners Corporations matters were heard in the Civil Claims List prior to 1 January 2010.
- The Major Cases List was established on 3 May 2010 and is part of the Planning and Environment List.

## LISTS

	Cases received per List			Timeliness per List		
	2008/09	2009/10	%change	Median	80th Ptle	Target
<b>HUMAN RIGHTS DIVISION</b>						
Guardianship	10,778	10,711	-1%	5	11	13
Health & Privacy	0	15	0%	5	6	5
Mental Health	0	12	0%	8	9	6
Anti-Discrimination	303	351	16%	10	23	23
<b>CIVIL DIVISION</b>						
Civil Claims	11,545	9,692	-16%	18	32	14
Owners Corporations	0	1,107	0%	5	7	10
Credit	552	443	-20%	3	9	16
Residential Tenancies	56,010	56,688	1%	2	3	6
Domestic Building	898	964	7%	16	38	35
Retail Tenancies	264	246	-7%	14	33	18
Real Property	154	163	6%	16	41	35
<b>ADMINISTRATIVE DIVISION</b>						
Planning and Environment	3,643	3,326	-9%	21	31	26
Land Valuation	289	130	-55%	28	48	40
General	1,047	926	-12%	35	64	56
Occupational and Business Regulation	302	339	12%	20	32	25
Taxation	8	58	625%	19	29	23
Legal Practice	200	120	-40%	15	28	40

## VCAT CASELOAD



## OUR PEOPLE

	2008/09	2009/10	%change
VCAT staff	196	210	7%
Judicial members	6	16	167%
Full-time members	41	41	0%
Part-time members	0	2	0%
Sessional members	180	164	-9%

## TWO YEAR FINANCIAL SUMMARY

FUNDING	2008/09	2009/10	%change
<b>VCAT FUNDING SOURCES</b>			
	\$m	\$m	
Output Appropriations	17.64	19.30	9%
Residential Tenancies Fund	10.15	10.74	6%
Domestic Building Fund	2.45	2.70	10%
Guardianship and Administration Trust Fund	1.80	1.45	-19%
Retail Tenancies List	0.34	0.35	3%
Legal Practice List	1.35	1.12	-17%
Victorian Property Fund	1.19	1.13	-5%
<b>TOTAL</b>	<b>34.92</b>	<b>36.79</b>	<b>5%</b>
<b>EXPENDITURE</b>			
	2008/09	2009/10	%change
<b>VCAT OPERATIONAL EXPENDITURE</b>			
	\$m	\$m	
Salaries to staff	8.51	9.69	14%
Salaries to full-time members	6.77	7.51	11%
Sessional members	5.20	5.98	15%
Salary related on-costs	4.16	4.59	10%
Operating costs	10.28	9.02	-12%
<b>TOTAL</b>	<b>34.92</b>	<b>36.79</b>	<b>5%</b>

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# PRESIDENT'S MESSAGE

## THE COMMUNITY TOLD US THAT IT WANTS A FAIR AND EFFICIENT DISPUTE RESOLUTION SERVICE FOR ALL VICTORIANS. THIS MEANS WE MUST IMPROVE THE QUALITY, CONSISTENCY AND ACCOUNTABILITY OF TRIBUNAL DECISION-MAKING.

This year the Tribunal commenced a change process to realise our vision of VCAT as 'an innovative flexible and accountable organisation which is accessible and delivers a fair and efficient dispute resolution service'. The change process began with a review by the former president, Justice Bell, which led to the release of the 'One VCAT' review report by the Attorney-General in February 2010.

I decided to respond to the issues raised in the review report by developing a three year strategic plan, called 'Transforming VCAT'.

In May 2010, I released a discussion paper setting out the initiatives I proposed to include in Transforming VCAT. It also addressed many of the recommendations made in the review report. The purpose of the discussion paper was to stimulate and promote consultation with VCAT's key stakeholders (including VCAT members and staff) and the Victorian community about the direction VCAT needs to take to meet the challenges of the next decade.

An extensive consultation process was undertaken in May and June 2010, including a range of public forums in metropolitan Melbourne and regional Victoria.

The community told us that it wants a fair and efficient dispute resolution service for all Victorians. This means we must improve

the quality, consistency and accountability of Tribunal decision-making. It also means finding new ways to make it quicker and easier for anyone in Victoria to access our services. We can deliver these changes by using technology more effectively, by being more flexible about where and when we conduct proceedings, by reviewing our case management, and by building on our successful alternative dispute resolution (ADR) processes.

We are moving quickly to implement these and other changes. Many strategic priorities have already been implemented, while others are close to finalisation. You can read about some of these changes in 'An Innovative Tribunal' (page 14 of this report).

Other initiatives are addressed throughout this report. For example:

- in May 2010 we launched a Major Cases List to deal with major planning cases (ie developments with a value of \$5 million or more). Major cases are usually referred to mediation and those which do not settle proceed to a hearing within 12 weeks of lodgement;
- the Guardianship List report details our expansion to non-traditional sitting venues, and our out-of-hours accessibility for urgent guardianship matters;





- in the Civil Claims List, accredited staff mediators, in addition to sessional mediators, now assist parties to reach settlement. This has increased our ability to offer ADR in that List;
- we are piloting new ADR techniques so we can more flexibly respond to parties' needs; and
- the Information Technology section reports on advances that have improved access, accountability and efficiency.

These innovations are the result of the sustained effort and dedication of our members and staff, operating within existing resources while continuing to accommodate increasing demands.

A number of important structural changes were made during the reporting period. In January 2010, three new Lists were created. Two of these, Mental Health, and Health and Privacy, were allocated to the Human Rights Division. Previously, such matters were heard in the General List. VCAT's Rules Committee decided they should be dealt with in the Human Rights Division to reflect the fact that decisions made in those jurisdictions affect applicants' personal rights and freedoms. The third new List, Owners Corporations, was created to deal with the particular attributes and increasing numbers of owners corporations matters, previously dealt with in the Civil Claims List.

With the creation of new Lists has come the movement of deputy presidents (page 4 of this report details the new arrangements). I welcome Heather Lambrick, our new deputy president and head of the Residential Tenancies List. Previously a senior member of the Tribunal, Deputy President Lambrick was instrumental in the development of a range of initiatives to improve Tribunal access for residential tenants. Deputy President Bernadette Steele, who previously led the Residential Tenancies List, will continue as head of the Civil Claims List and the new Owners Corporations List.

Cate McKenzie AM retires as deputy president and head of the Credit List after many years of dedicated service, not only to that List but also to the area of anti-discrimination. Ms McKenzie will continue to serve the Tribunal as a senior sessional member. Pursuant to the new Commonwealth consumer credit legislation, jurisdiction over matters heard in the Credit List has been transferred from VCAT to the courts. VCAT will, however, continue to hear and finalise Credit List matters pending before 1 July 2010.

I also acknowledge the contribution of Margaret Lothian, senior member and principal mediator who is also stepping down from a full time role. Ms Lothian has actively developed, promoted and supported use of the ADR processes at the Tribunal. Ms Lothian will continue to serve the Tribunal as a senior sessional member.

Finally, I thank the former president Justice Bell, whose comprehensive review assisted in the development of a new vision for VCAT, and former chief executive officer, Terry O'Donoghue for successfully steering the Tribunal's operations through this period of significant change.

The next 12 months promise to be invigorating and exciting. I look forward to working with VCAT's new chief executive officer, Andrew Tenni, and all of VCAT's members, mediators, managers and staff, as together we begin the process of 'Transforming VCAT'.

Justice Iain Ross AO  
President

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# CHIEF EXECUTIVE OFFICER'S MESSAGE

**I TAKE THIS OPPORTUNITY TO THANK VCAT STAFF FOR THEIR COMMITMENT TO PROVIDING HIGH STANDARDS OF SERVICE, THEIR DEDICATION TO CONTINUAL IMPROVEMENT, AND THEIR CONTRIBUTION TO VCAT'S CULTURE.**

It has been an eventful and transformative year at VCAT. Significantly, Justice Kevin Bell delivered his review of the Tribunal, which took in the past 10 years of operation, before he concluded his term as president on 31 March 2010. Justice Iain Ross then commenced as president and, with his discussion paper and proposed strategic plan, 'Transforming VCAT', immediately set a clear direction for the Tribunal.

As well as looking at our past and future, we continued to improve our service provision. Most of the Tribunal's Lists introduced new measures to increase efficiency, accessibility and flexibility, with VCAT staff instrumental in supporting many of these changes.

In the Planning and Environment List, for example, Registry staff observed hearings and participated with members in feedback sessions in order to better understand how they can contribute to the efficient conduct of proceedings. A number of staff also undertook training to become accredited mediators, assisting in the speedy resolution of Civil Claims matters. In the Guardianship List, staff worked with members to streamline processes and now play an increasingly significant role in file management and preparation.

We also undertook several exciting and innovative projects this year. Many of these

involved technological advances to improve our customer service and increase our efficiency (see 'An Innovative Tribunal' on page 14 for more details). I want to recognise the effort and dedication of staff involved in two such projects, the 'Taking it to VCAT' DVD and information booklet, and the development of the Caseworks database training manual. These projects highlight how staff, working both individually and together in their day-to-day tasks, have contributed creatively – and significantly – to VCAT's success in serving our community.

Our staff are also committed to maintaining the positive culture we have here at VCAT. They have shown great initiative in collaborating with members on projects that go beyond delivering VCAT's core functions, and our new Environment Group (see page 54 of this report) is just one example. It demonstrates that our staff seek to express their values in their work lives, and are strongly motivated to improve their workplace and wider environment.

All staff are encouraged to show initiative and to innovate to improve VCAT's performance. I take this opportunity to thank VCAT staff for their commitment to providing high standards of service, their dedication to continual improvement, and their contribution to VCAT's culture.



I commenced as chief executive officer in June 2010, taking over from Terry O'Donoghue. I would like to pay tribute to Terry for the leadership he provided during his time in the role, and the significant contribution he made to VCAT. I aim to continue the great work Terry has started and build on the solid foundation he established.

Looking to the future, our 'Transforming VCAT' priorities will include:

- providing greater community access to the Tribunal and its services;
- enhancing stakeholder and community engagement;
- further developing ADR and more efficient dispute resolution;
- enabling the digital recording of proceedings in all locations;
- addressing our funding issues;
- supporting and developing our people; and
- enhancing staff flexibility.

It will take a team effort to explore these themes and meet the challenges they present. VCAT will adopt a project management approach to implementing initiatives, supported by a dedicated Program Office. Again, I encourage and invite all staff to participate in projects and build on the success we have already achieved in serving the community.

I want to also thank John Griffin, Executive Director, Courts, and the Courts and Tribunals Unit staff, for their support. Their assistance has enabled us to achieve many of our goals and objectives.

I conclude by thanking Justice Ross for supporting and encouraging me in my transition to the role of VCAT's chief executive officer, and I join with him in looking forward to working with staff and members in realising a new vision for the Tribunal.

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

**Andrew Tenni**  
Chief Executive Officer

# TRANSFORMING VCAT

A year of planning, consulting and innovating means VCAT is well positioned to meet the **future needs of the community**.

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## A NEW VISION FOR VCAT

### AT THE CORE OF 'TRANSFORMING VCAT' IS A NEW VISION FOR VCAT AS: 'AN INNOVATIVE, FLEXIBLE AND ACCOUNTABLE ORGANISATION WHICH IS ACCESSIBLE AND DELIVERS A FAIR AND EFFICIENT DISPUTE RESOLUTION SERVICE'.

On 4 May 2010, Justice Ross launched a discussion paper as part of a change process at VCAT. The change process began with a review by the former president which led to the release of a report by the Attorney-General in February 2010. The purpose of the discussion paper was to respond to the issues raised in the review report by developing and implementing a three year strategic plan, which will be called 'Transforming VCAT'.

The discussion paper sets out the initiatives Justice Ross proposes to include in Transforming VCAT. It also addresses many, but not all, of the recommendations made in the review report.

The purpose of the discussion paper was to stimulate and promote consultation with VCAT's key stakeholders (including VCAT members and staff) and the community about the direction VCAT needs to take to meet the challenges of the next decade. The consultations were not

limited to the ideas set out in the discussion paper. Justice Ross was interested in any idea which could make VCAT more effective in meeting community expectations.

The consultations ensured that stakeholders and the Victorian community had an opportunity to comment on the proposals put forward in Transforming VCAT, which formed a vital part of developing VCAT's three year strategic plan. They included meetings between VCAT and its stakeholders and a series of regional and metropolitan community events held at the following locations –

**Regional:** Mildura, Geelong, Ballarat, Bendigo, Shepparton, Morwell, Wangaratta, Wodonga and Warrnambool.

**Metropolitan:** Melbourne CBD, Dandenong, Frankston, Ringwood, Werribee, Reservoir and Footscray.

Justice Ross would like to thank VCAT members, staff, key stakeholders and members of the community who participated in the consultations and provided valuable input.

A final version of Transforming VCAT will be published in September 2010. In each subsequent year VCAT will publish a 'report card' detailing the progress made in implementing the initiatives set out in Transforming VCAT.

To find out more about Transforming VCAT, please visit the website:

**[www.transformingvcat.com.au](http://www.transformingvcat.com.au)**

A number of strategic priorities were identified in the discussion paper which are listed overleaf.



## STRATEGIC PRIORITIES

STRATEGIC PRIORITIES	OBJECTIVES
1. THE VISION	An innovative, flexible and accountable organisation which is accessible and delivers a fair and efficient dispute resolution service
2. INVESTING IN EXCELLENCE AND ENCOURAGING INNOVATION	Our people – enhancing capabilities and communicating expectations  Encouraging innovation
3. INCREASING ACCOUNTABILITY	An effective complaints mechanism  Enhanced disclosure  Digital recording of VCAT proceedings  An Oath or Affirmation of Office
4. INCREASING FLEXIBILITY	Enhancing Member and staff flexibility  An ADR centre of excellence
5. GOVERNANCE AND FUNDING	A new leadership model  The role and powers of the President  Engaging with the community  Address funding issues
6. FAIR AND ACCESSIBLE	Provide all Victorians with access to a fair hearing
7. IMPROVING EFFICIENCY	Provide efficient dispute resolution

## PROPOSED ACTION

- Develop competency standards
  - Develop a code of conduct for Members and a Customer Service Charter
  - Introduce formal appraisal for Members
  - Deliver an effective professional development program
  - Develop a strategic approach to the allocation of professional development resources
  - Put in place a fairer and more transparent process for reappointment
- Explore ways in which we can encourage innovation at VCAT
  - Implement an automated order entry system in Civil Claims and Owners Corporation matters
- All complaints about Members are investigated and responded to within set timelines
- Publish an annual report card detailing the progress of implementing *Transforming VCAT*
  - Upgrade VCAT's website
- All VCAT proceedings to be recorded
  - Access to the recording of a hearing should usually be as of right, for a small fee.
- Introduce an oath of office for Members
- Improve access to Alternate Dispute Resolution (ADR) processes
  - Implement the measurement of outcomes of ADR processes
  - Conduct qualitative surveys of parties to ADR processes
  - Improve ADR outcomes
- Pilot the use of telephone mediation and case conferencing in Residential Tenancies (RT) and small Civil Claims matters
  - Implement VCAT's ADR strategy
- Implement a new leadership structure
- The President be given broad statutory powers in relation to the practice and procedure of the Tribunal
  - That the President have a determinative role in the appointment of the CEO
- Establish a Community Consultative Council
  - Undertake a community engagement process every two years
  - Survey parties on their experience at VCAT
  - Develop a 'schools kit'
  - Encourage school visits to VCAT
  - Implement 'adopt a school' program
- Review VCAT's relationship with funding bodies to ensure expectations are met
- Develop a 'litigant in person' management plan
  - Develop material to further explain what VCAT does
  - Expand the provision of pro bono legal services
  - Substantially upgrade VCAT website
  - Pilot twilight hearings
  - Pilot the delivery of our services in non-traditional settings
  - Develop an engagement strategy for CALD and Koorie communities
  - Develop a regional engagement strategy
- Set time basis benchmarks for key tasks
  - Set performance benchmarks for the timely production of decisions
  - Conduct comparative benchmarking with other jurisdictions

## AN INNOVATIVE TRIBUNAL

VCAT's purpose is to provide an accessible, efficient and effective dispute resolution service. To do that we must continually innovate to meet the changing needs of the Victorian community.

VCAT has a strong track record of innovative service provision. Examples include our use of SMS technology to remind parties in residential tenancies matters of their hearing dates and times, and our concurrent evidence procedures in domestic building disputes which provide significant time and cost savings for all involved.

A relatively informal and flexible organisation, VCAT is well placed to explore, pilot and implement new ways of providing its services to keep pace with community expectations. In recognition of this, innovation is a key to our vision for 'Transforming VCAT'.

The following are highlights from our recent achievements in innovation and plans for exciting future developments:

### 'TAKING IT TO VCAT'

Launched in October 2009, this DVD and information booklet helps self-represented parties to make a claim and present their case. The overwhelmingly positive feedback and demand for the resource has seen us distribute 7,500 copies to more than 1,500 organisations, including community health and legal centres, libraries, schools and various social support services.

Focussing on selected high volume jurisdictions (Residential Tenancies, Civil Claims and Owners Corporation disputes), 'Taking it to VCAT' demystifies the process of bringing an application to the Tribunal, or responding to one. A team comprising the relevant Lists' deputy presidents, members and staff worked together on this successful project.

The DVD features mock hearings and mediations at VCAT, and demonstrates how parties can attempt to resolve their disputes without recourse to the Tribunal. The DVD can be freely viewed or downloaded from VCAT's website, and it also screens continuously in VCAT's ground floor visitor area and main hearing room foyer.

The plain-language booklet features checklists for applicants and respondents to help them follow VCAT's processes, diagrams of hearing room layouts, and a contact list of useful organisations and resources.

We look forward to expanding 'Taking it to VCAT' to assist parties in other Lists.

### GROUND FLOOR REFURBISHMENT AND SMARTQUEUE

We recently redesigned VCAT's ground floor visitor area at 55 King Street, making it more inviting and comfortable. The visitor area now functions more effectively as a central gathering place for parties. They can browse through forms and other information about VCAT, watch informative DVDs or prepare for hearings and mediations.

Our new 'SmartQueue' ticketing system helps us serve customers in a more efficient and systematic way. Customers take a numbered ticket relevant to their query type, after which they are called to the service counter by a customer service officer with knowledge pertinent to their enquiry. Customers can take a seat until they are called, reducing the anxiety and discomfort of standing in a queue. SmartQueue also collects information about query types, enabling us to focus our services on the most frequent queries and concerns.

Additionally, we recently introduced a concierge service on VCAT's ground floor during peak times. This ensures members of the public feel welcomed and that they are helpfully directed to the appropriate service area.

In the coming months we will install public access computer workstations in the visitor area, enabling customers to complete and lodge application forms online, or search through government websites and other helpful resources.

### CIVIL CLAIMS SMARTFORM

Launched in December 2009 as a joint project of VCAT and the Department of Industry, Innovation and Regional Development, the SmartForm allows civil claim applicants to complete, lodge and pay for their VCAT applications online. Accompanied by an updated guide, the SmartForm assist applicants to provide the correct information by using prompts and mandatory response fields. It has links to various websites that applicants can refer to when responding to prompts.

The SmartForm was developed in response to feedback from a range of internal and external stakeholders, and has greatly improved overall efficiency. Fewer forms are returned and, as a result of the improved quality and clarity of the

information we receive, there are now fewer procedural complications.

We look forward to developing similar online application forms for other Lists within VCAT.

### 'SHAREPOINT' CASE MANAGEMENT

During 2009 VCAT conducted a proof of concept in the use of SharePoint, an information technology innovation that, when implemented, will revolutionise the way VCAT interacts with the public.

SharePoint is an online portal that will enable the Tribunal and parties to more effectively communicate with each other, and easily file, exchange, store and access case documents and information. The facility will also enable the Tribunal to provide instructions and directions for parties, as well as hearing dates, party details, case milestones and document libraries, all online.

Accessible 24 hours a day, it is anticipated that SharePoint will reduce the number of telephone, paper and in-person queries related to the conduct of a case. This will make it much easier and less costly for parties to participate in matters. The system will have prompts so that Registry staff and other users will know if a document has been lodged or a due date has arrived, promoting the active management of cases.

Following the successful proof of concept, we are proposing to conduct a live pilot of SharePoint in the Planning and Environment Major Cases List. The multiple parties and complex issues involved in those cases will comprehensively demonstrate SharePoint's benefits and possibilities. If the pilot is successful, there will be numerous opportunities to extend the use of SharePoint across all Lists.

### 'SPEAR'

VCAT's high-volume Planning and Environment List is in the process of joining other government bodies and local councils on the SPEAR network (Streamlined Planning through Electronic Applications and Referrals). This State Government initiative reduces the current reliance on paper, as well as the effort involved in sending and tracking applications through the subdivision and planning processes.

A number of years in development, SPEAR allows subdivision and planning permit applications to be compiled, lodged, managed, referred,





approved and tracked online at anytime. When VCAT joins SPEAR there will be a seamless flow of information from decision-making authorities to VCAT in the event of a planning appeal. SPEAR will provide access to the original planning permit application materials, electronic copies of plans, referral authority decisions, and information about objections. This will eliminate the need for VCAT and parties to create or obtain hard copies of documents for the VCAT file.

In addition, we will be able to access SPEAR's mail out facilities, creating a greater – and simpler – flow of information between VCAT and parties. SPEAR will allow us to distribute important notices, such as notices for hearings, orders and substitution of plans. These and many other VCAT processes will be searchable and viewable online, and parties will also be able to undertake a range of other processes online, such as lodging appeals and filing expert evidence.

SPEAR technology will also assist us in hearing rooms. Using our advanced audiovisual hearing room equipment, we will be able to display on overhead screens electronic versions of plans or aerial photographs directly from SPEAR. Links to Google Street View will assist the visual assessment of neighbourhood and landscape values.

VCAT will pilot a limited version of the SPEAR technology in the Planning and Environment Major Cases List. We expect to be fully integrated into the SPEAR network by October 2011.

# SERVING OUR CUSTOMERS

VCAT's customer service charter and support services ensure that customers get the right assistance to **more easily access VCAT**.

## CUSTOMER SUPPORT SERVICES

### MELBOURNE OFFICE

At VCAT's Melbourne office, there are three distinct service areas:

#### Ground floor (counter services)

Here we provide customers with general advice and information about VCAT's operations and hearing procedures. Staff members help applicants to lodge their application forms and provide assistance when they arrive for a hearing. A concierge service is available from 9.15 to 10.15 am, and from 1.45 to 2.15 pm, to meet and greet customers at the ground floor lifts and direct them where necessary. The modern customer service environment provides user-friendly facilities, including a spacious file inspection room which allows multiple users to inspect VCAT files.

In December 2009, VCAT launched the multimedia queue management system, SmartQueue. The system allows customers to be served by appropriate and qualified staff in a timely manner. The ground floor counter services area also includes multimedia LCD screens displaying resource DVDs, which assist users to understand some of the disputes that are heard at VCAT.

Hours of operation are Monday to Friday, from 9.00am to 4.30pm (closed on public holidays).

#### Mediation centre

Located on the second floor, the mediation centre provides parties with comfortable amenities conducive to achieving settlements at mediation. The centre comprises dedicated hearing rooms, meeting areas, a computer and printer, and a suite of mediation breakout rooms.

#### Fifth floor

Here we welcome parties arriving for the many hearings that take place each day. Staff record party arrivals and direct them to hearing rooms. Screens display resource DVDs, which assist users to understand how their dispute may be handled in the hearing.

Other services located at VCAT include:

#### Victoria Legal Aid duty lawyer

Located on the ground floor, the duty lawyer provides unrepresented parties with free and confidential legal advice. In addition, the duty lawyer provides a valuable legal resource for VCAT staff in day-to-day dealings with customers, particularly in relation to complex matters.

#### Court Network

The volunteer statewide Court Network offers a valuable service for customers. Located on the fifth floor, specially trained volunteers are in attendance most days. They offer friendly support, information and referral for people attending mediations and hearings.

#### Video and telephone links

If parties are unable to physically attend a hearing, they may link in via video or telephone (VCAT can arrange video links to locations around Australia and overseas). In addition to providing added convenience for parties, these hearings assist members to more efficiently manage hearing times, especially when dealing with urgent matters in rural areas.

#### Access for the hearing impaired

VCAT offers hearing loop access in all hearing rooms located at 55 King Street, Melbourne. In addition, a DVD player is available for use by parties upon request, allowing them to present their cases in a format designed to assist them and members. Six hearing rooms at VCAT have permanent audiovisual equipment.

### SUBURBAN AND REGIONAL CENTRES

VCAT conducts hearings at various suburban and regional locations as identified on the back inside cover of this report. VCAT employs bench clerks at a number of these locations to coordinate appearances and assist parties with general VCAT queries.

# CUSTOMER SERVICE CHARTER

**1. When you contact VCAT, you can expect:**

- Answers to queries about our jurisdictions and processes;
  - Appropriate forms, brochures and information guides;
  - Assistance in completing VCAT application forms; and
  - Appropriate contacts for other government agencies, if required.
- 

**2. We aim to assist you, but there are certain things we cannot do:**

- Provide advice about what to say in a VCAT hearing;
  - Give legal advice;
  - Complete a VCAT application form on your behalf; and
  - Speak to VCAT Members on your behalf.
- 

**3. We exist to serve the community and we aim to:**

- Serve 95 per cent of our customers within five minutes of them attending the front counter;
  - Respond to 95 per cent of our customers within two minutes of them contacting our call centre;
  - Greet customers in a polite and courteous manner;
  - Deal with enquiries professionally; and
  - Provide clear and accurate information and advice.
- 

**4. VCAT respects your right to receive:**

- Fair and helpful assistance, including appropriate arrangements for people with disabilities, those with special access needs or other cultural requirements;
  - An interpreter if necessary;
  - Privacy – we keep your information confidential, unless disclosure is authorised by the law (visit [www.vcat.vic.gov.au](http://www.vcat.vic.gov.au) for our privacy policy);
  - Respectful and equitable treatment in accordance with the Victorian Charter of Human Rights and Responsibilities;
  - A fair and just mediation and/or hearing in a safe environment; and
  - Timely decisions.
- 

**5. To allow us to deliver a high quality service, VCAT users must meet their responsibilities by:**

- Providing us with complete and accurate information to the level appropriate to their situations;
  - Complying with any VCAT directions or orders; and
  - Behaving courteously and peaceably in and around VCAT venues.
- 

**6. We value your feedback.**

We aim to continually deliver a high level of service to the community and we welcome your comments and suggestions. Contact VCAT in person or by telephone, fax, mail or email (see contact details on inside back cover).

## HOW CASES ARE RESOLVED



The process of resolving cases begins when a person or party lodges an application with Registry and pays the prescribed fee. Some disputes are settled using Alternative Dispute Resolution (ADR) processes. Many cases, however, proceed directly to full hearing.

In certain disputes, the parties involved may agree at any time to settle their differences without ADR or a hearing. If the case does proceed to a hearing, there is still an opportunity to settle prior to the hearing and determination of the case.

A full hearing may take from 15 minutes to an hour in small civil disputes, owners corporation and residential tenancies matters. In other jurisdictions, hearings can take up to a day or more to resolve a case. In more complicated cases, a hearing may be held over several days due to the nature of the issues involved.

Hearings give parties the opportunity to call for or give evidence, ask questions of witnesses, and make submissions. At the end of a hearing, the member can either deliver a verbal decision and provide the order immediately after the decision, or reserve the decision and provide written reasons.

There is no general provision in the VCAT Act for a matter to be reconsidered or re-opened by the Tribunal once an order has been made. Where a party in a proceeding believes they have not been afforded procedural fairness or is otherwise dissatisfied with the decision of the Tribunal, the VCAT Act does provide appeal rights, on questions of law only, to the Supreme Court of Victoria.

### HOW TO APPLY

You can obtain a VCAT application form by:

- phoning or writing to VCAT (details on inside back cover);
- logging on to [www.vcat.vic.gov.au](http://www.vcat.vic.gov.au); or
- visiting VCAT at 55 King Street, Melbourne, Victoria

### HEARING LOCATIONS

Hearings are conducted at various suburban locations, such as Dandenong, Frankston, Heidelberg, Moorabbin, Collingwood, Ringwood, Sunshine and Werribee.

In addition, VCAT conducts hearings at various regional locations which are listed on the inside back cover. Details concerning regional sittings are contained in the law calendar, which is produced by the court services section of the Department of Justice [www.justice.vic.gov.au](http://www.justice.vic.gov.au)

# THE TRIBUNAL AT WORK

The Tribunal's Lists dealt with more than 85,000 applications across a wide range of jurisdictions. The Lists are divided into three divisions: **Civil, Administrative** and **Human Rights**. To increase customer satisfaction, VCAT continued to improve and expand its ADR services across all Lists.

## VCAT'S ADR SERVICES

VCAT is a leader in the use of alternative or appropriate dispute resolution (ADR). ADR is an umbrella term for a range of processes, other than judicial determination, in which an impartial person assists in the resolution of disputes between parties.

ADR includes mediation, conferencing, conciliation and facilitation. These and other processes give parties the best opportunity to settle their differences as early as possible, avoiding high litigation costs and achieving more tailored solutions. The Act provides for mediation and compulsory conference procedures. Additionally, we use informal ADR processes wherever appropriate, with new approaches being developed where the need is identified.

VCAT has a purpose-built mediation centre, comprising hearing rooms, meeting areas and break out mediation rooms. We provide a computer and printer so that parties can, using VCAT's template, prepare, print and sign their own terms of settlement.

Member Genevieve Nihill, and Principal Mediator Ian De Lacy share responsibility for ADR at VCAT. Member Nihill is primarily responsible for implementing the ADR Strategy, including coordinating the development of new ADR

initiatives and establishing processes for its ongoing evaluation. Principal Mediator De Lacy is responsible for the professional development and support of VCAT's mediators.

### ADR STRATEGY

In 2009–10, VCAT continued to implement its ADR Strategy, the chief components of which are:

- enhancing capabilities;
- measuring success; and
- improving outcomes.

'Enhancing capabilities' relates to the ongoing professional development and accreditation of VCAT's members, mediators and staff, to increase the availability of ADR opportunities for parties. It also relates to enhancing parties' access to ADR.

'Measuring success' refers to evaluating the quality of ADR processes and outcomes. Apart from recording settlement rates, we also seek to identify where ADR has assisted parties to resolve some of their issues, reduced hearing times and expenses, and increased parties' satisfaction.

'Improving outcomes' means we identify and implement best practice in the Tribunal, and pilot new ideas to improve ADR outcomes.

### ENHANCING CAPABILITIES

VCAT is a Recognised Mediator Accreditation Body (RMAB) under the National Mediator Accreditation Scheme. This allows us to deliver training to enable our staff and members to become accredited mediators and fulfill their on-going accreditation requirements.

In the reporting period, eleven VCAT members and eight staff became accredited mediators after participating in a five-day LEADR mediation course conducted at VCAT's Learning Centre. VCAT now has access to a number of accredited mediators. These comprise of VCAT members and staff, and a panel of sessional mediators.

Having access to accredited staff mediators, in addition to our sessional mediators, means that staff can return to their other duties between mediations. This results in efficient use of their time and increases our ability to offer mediations.

Mediators participated in a monthly lunchtime professional development program, alternating between seminars led by guest speakers, and 'Journal Club', in which VCAT mediators led discussions on current ADR journal articles. Some members attended Judicial College of Victoria training with a particular focus on the use of ADR as an adjunct to judicial determination.





## MEASURING SUCCESS

In 2009–10 more than 520 cases were finalised via mediation. To inform future planning and development, mediators completed and filed reports after each formal mediation. In the coming year, reporting will be extended across additional Lists and ADR processes.

Many of VCAT's Lists have developed informal ADR methods over the years to suit the particular needs of parties appearing in those Lists. Informal ADR refers to any ADR alternatives offered by presiding members to parties at hearings. This means hearings are avoided and parties settle by compromise instead of having orders imposed upon them.

To measure settlement rates achieved through informal ADR, we recently commenced collecting data from all hearings in the Civil Claims and Residential Tenancies Lists. The data is collected via a 'tick box' form attached to each file, for completion by the member who conducts the hearing. We will obtain from the data the following information:

- the proportion of matters defended;
- the proportion of matters for which ADR was attempted;
- any reasons why, when ADR was not used;
- the proportion of matters settled or partly settled through ADR;
- methods of ADR used and comparative results; and
- the impact of ADR on the overall time taken to resolve matters.

The results of this survey will be used to improve ADR outcomes and processes.

## IMPROVING OUTCOMES

VCAT developed and piloted a number of new ADR initiatives in the reporting period, and modified current approaches. (Many of these are documented in the List reports in this annual report.)

We have a current focus on ADR in the Civil Claims List, due to its high volume case load and broad community contact. Our ADR innovations aim to:

- settle more matters;
- decrease waiting times;
- maintain or increase customer satisfaction; and
- maintain or decrease cost per case.

We piloted a form of ADR called 'case conferencing' in the Civil Claims List. During the pilot, parties could, with a view to settling, choose to be assisted by accredited mediators to discuss their disputes. If matters did not settle, parties were offered immediate hearings. This avoided the need for parties to attend the Tribunal more than once, saving parties' costs and potential inconvenience. We listed an additional 16 to 18 cases each day, finalising 65 extra cases over the four-day pilot period. Approximately half the defended cases settled in case conferences.

Based on the 'case conferencing' pilot outcomes, we will soon conduct a 12-week 'short mediation' pilot, during which we will list extra cases one day per week and offer parties mediations. Two accredited staff mediators will be specifically trained to conduct these mediations. Matters that do not settle will be finalised at hearing on the same day. We will telephone parties prior to the mediation to clarify the process.

Through the pilot, we hope to discover:

- whether the short mediation settlement rate is higher than we currently achieve through informal ADR;
- whether our prior telephone calls effectively prepared parties for mediation;
- whether the mediation process decreases or increases the overall cost per case and the amount of time parties spent in Tribunal attendance; and
- parties' level of satisfaction with the mediation process.

In 2009–10, we also piloted a 'cooling off' period for mediations conducted by panel mediators, where parties were not legally represented. We conducted 222 such mediations over a nine-month period. In five cases (or less than two per cent), parties took advantage of the cooling off period, revoking their settlement agreements.

Although very few people revoked their agreements, our preliminary investigations suggest that the cooling off option may have reduced pressure so that some people felt less anxious about settling. We will undertake further analysis of results before making any formal findings in relation to the pilot.

## COMMUNITY ENGAGEMENT

ADR features frequently in VCAT's community and education activities. VCAT's members and mediators have ongoing engagement with other ADR practitioners and organisations such as universities, the Law Institute of Victoria and the Victorian Bar Council.

During Law Week, VCAT members and mediators presented 'Litigation Self Rescue', a public seminar on do-it-yourself dispute resolution. Additionally, Senior Member Lothian addressed the Australian Institute of Judicial Administration's 'Non-Adversarial Justice Conference' on the topic of Concurrent Evidence in Building Disputes.

## THE FUTURE

We will continue to coordinate ADR projects, research, professional development and community education consistent with the ADR Strategic Plan. Our aim is to improve customer satisfaction by reducing costs and time spent resolving disputes, and by assisting parties to have some control over outcomes. This generally also results in the efficient use of Tribunal resources.

Apart from the pilot projects forecast in this report, other ways in which we plan to improve ADR include:

- considering how to best offer ADR as an option in residential tenancies cases;
- conducting post-ADR surveys;
- continuing to survey ADR use in other jurisdictions to learn from approaches used elsewhere; and
- continuing to develop training, mentoring, professional development and practice standards for all mediators, including member, staff and sessional mediators.





**MEDIATION STATISTICS**

List	Cases finalised prior to mediation (No)				Cases finalised at mediation (No)				Mediation success rate (%)			
	2009/10	2008/09	2007/08	2006/07	2009/10	2008/09	2007/08	2006/07	2009/10	2008/09	2007/08	2006/07
Anti-Discrimination List	8	4	17	6	33	96	87	90	48	68	72	65
Civil Claims List	3	5	0	0	22	15	16	0	70	33	0	0
Credit List	3	3	4	2	11	28	16	29	55	56	62	70
Domestic Building List	40	26	16	33	167	268	222	260	56	64	64	72
Legal Practice List	1	0	2	3	10	13	34	47	80	77	68	78
Owners Corporations List	0	0	0	0	4	0	0	0	57	0	0	0
Planning and Environment List	46	42	20	36	130	294	170	240	65	67	70	69
Real Property List	4	4	1	3	17	27	24	21	44	56	40	60
Retail Tenancies List	2	2	3	2	19	33	35	32	71	53	62	59
<b>Total</b>	<b>107</b>	<b>86</b>	<b>63</b>	<b>85</b>	<b>413</b>	<b>774</b>	<b>604</b>	<b>719</b>	<b>57</b>	<b>65</b>	<b>70</b>	<b>53</b>

# CIVIL DIVISION

## CIVIL CLAIMS LIST

Civil Claims deals with two kinds of disputes under the *Fair Trading Act 1999*: disputes between buyers and sellers of goods or services, and claims for damages for breaches of the Act, such as misleading and deceptive conduct.

### YEAR IN REVIEW

#### Cases

There was a slight decrease in applications in 2009–10, in contrast to steady increases in previous years. The decline can partly be attributed to the fact that some finance companies have stopped using VCAT for small-loan debt recovery. Their decision is likely due to an increase in Tribunal waiting times for debt recovery compared to waiting times in the Magistrates' Court. Whereas last year we were resourced to hold more debt 'blitz' days, in 2009–10 we did not have those additional resources.

Statistics show that more cases were finalised in 2009–10. Apart from new efficiency measures discussed below, VCAT undertook a 'data integrity' project, which resulted in a number of closed matters being finalised on the system, largely accounting for increased finalisation.

#### Flexibility

Most applications are for claims of less than \$10,000. We cannot make costs orders for these claims so we are conscious of the need to minimise parties' expenses while still providing a fair outcome. We therefore aim to resolve small claims in a single visit. We continue to explore ways to shape our ADR methods to suit small claims and achieve this end.

During the reporting period we piloted a shortened form of compulsory conference called 'case conferencing'. Here the conference convenor plays an evaluative role and facilitates direct negotiation to assist parties to achieve speedier settlement than they might in traditional mediation. This suits small claims where the amount in dispute does not justify the mediation time, but where parties still want some control over the outcome and wish to avoid the risk of outright loss at a hearing.

During the pilot, parties were notified that they would be offered a case conference, but if the matter did not settle it would be heard on the same day. We finalised 65 extra cases over the four-day pilot, with

approximately half the defended cases settling in case conferences. We plan to improve and increase the use of case conferencing, testing different models to find an approach most likely to increase customer satisfaction.

We continued to hold some debt 'blitz' days where large numbers of debt recovery cases were listed in the knowledge that they could be quickly resolved. Parties were offered prior mediation, again with the safety of knowing the matter would be heard on the same day if it didn't settle. When a critical mass of applications was reached, we conducted blitz days in regional areas, making it efficient to visit those areas and finalise applications quickly.

#### Efficiency

During the year, our waiting lists fell further behind targets, as resources did not meet demand. In addition to the ADR strategies noted above, we addressed timeliness by:

- introducing the online application 'SmartForm' (covered elsewhere in this report) accompanied by an updated guide. This has greatly improved overall efficiency and accessibility. Fewer forms are returned and, as a result of the improved quality and clarity of the information we receive, there are now fewer procedural complications;
- listing more cases for hearing towards the end of the day to maximise member availability; and
- improving the way orders are written and processed. Parties now receive them on the spot or shortly after hearing.

The transfer of owners corporation matters to the new Owners Corporations List will assist timeliness targets by releasing more of our resources for Civil Claims matters. We will also pilot increasing the number of cases listed for hearing each day, taking care to ensure this does not lead to increased waiting times.

#### Access to Justice

We undertook the following initiatives to improve accessibility and provide fairer outcomes:

- 'Taking it to VCAT' launched (covered elsewhere in this report);
- increased the use of telephone hearings and video conferencing, particularly for claims involving more than one hearing;

- at member conferences, we evaluated public feedback about Tribunal experiences, and discussed how to make improvements based on that feedback;
- we worked with Registry to minimise the number of applications returned to applicants due to lack of information or clarity; and
- wherever possible, we referred public VCAT users to other services to resolve their non-legal issues.

#### Community Engagement

The user group met twice in the reporting period. It comprises representatives from Consumer Affairs Victoria, Consumer Action Law Centre, and the Victorian Small Business Commissioner, among others.

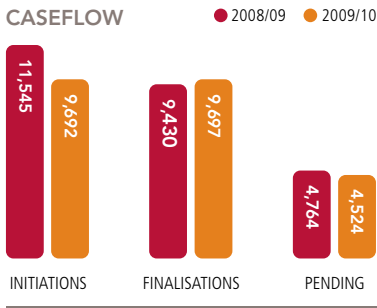
During Law Week, members participated in well-attended moot courts in Bendigo and Mildura, organised by Consumer Affairs Victoria. Deputy President Bernadette Steele gave a presentation in Swan Hill, and others were given at local libraries and Rotary Clubs.

We also partnered with a community legal centre, allowing use of VCAT's Learning Centre for their civil claims workshops. Participants benefited from having the opportunity to become familiar with the Tribunal environment.

#### THE FUTURE

We look forward to undertaking a major ADR project next year. This will involve documenting and improving our existing informal ADR processes, and developing and piloting some new ADR techniques.

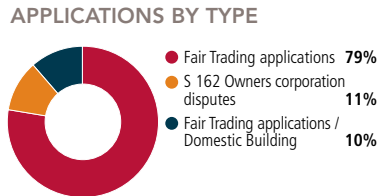
The aims of the project include creating a better understanding of the benefits of ADR, while facilitating it to settle more matters, decrease waiting times, maintain or increase customer satisfaction and minimise costs.



**Note:** The variance between the two years in this table is affected by removal of Owners Corporations matters to a separate List from 1 January 2010.

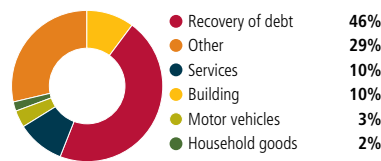
**TIMELINESS OF FINALISED CASES (WEEKS)**

	2008/09	2009/10	Target
Median	11	18	
80th Percentile	22	32	
Target			14



**Note:** Due to an enhanced focus on data quality it has been identified that a number of matters have been initiated incorrectly. This situation is being rectified and has led to the significant increase in Fair Trading/Domestic Building Applications.

**APPLICATIONS BY CLAIM TYPE**



**APPLICATIONS BY CLAIM AMOUNT**

	2008/09	2009/10	Variance
Small Claim: < \$10,000	9,808	7,710	-21.4%
Standard Claim: \$10,000 - \$100,000	1,156	889	-23.1%
Complex Claim: \$100,000 - \$1m	91	66	-27.5%
Complex Claim: \$1m +	10	8	-20.0%
No value	480	1,019	112.3%
<b>TOTAL</b>	<b>11,545</b>	<b>9,692</b>	

**Note:** The variance between the two years in this table is affected by the removal of Owners Corporations claims to a separate List from 1 January 2010.

**CASE STUDY: VCAT ORDERS NEW CARPET FOLLOWING INSPECTION**

Ray and Catherine purchased carpet and had it laid in their house at Kinglake. They were unhappy with the appearance of the carpet in the lounge room, as it appeared to be paler on one side of the room. They claimed the manufacturer was liable under the warranty, and applied for an order that it replace the carpet in that room.

At the first hearing in December 2008, the manufacturer’s customer service manager gave evidence that he had inspected the carpet and found that the variation in colour was an illusion caused by the way the retailer had laid it, with a join where the colour appeared to change, exaggerated by the light from a window.

The case was adjourned so that the retailer could be joined as a respondent, and the Tribunal member could inspect the carpet.

Following the 2009 bushfires, access to Kinglake was restricted. Finally in August 2009 the Tribunal member was able to inspect the carpet. The member found no evidence of a join in the carpet as claimed by the manufacturer, and that the change in colour was constant across the room and not just near the window.

The Tribunal ordered the manufacturer to replace the carpet.

## CREDIT LIST

The List mainly hears two types of application, being applications for repossession, and for relief from hardship.

Repossession applications are made when a loan contract is secured by a mortgage over goods, and the lender needs Tribunal consent to enter premises to seize the goods.

Debtors experiencing hardship can make applications to change their loan contracts by reducing or postponing repayments.

### YEAR IN REVIEW

#### Cases

Fewer applications were made in 2009–10, in contrast to the 46 per cent increase in 2008–09 and steady increases in previous years.

Anecdotal reports from our regular users show that lenders are being more proactive in settling disputes and altering loan contracts in favour of debtors, and that this may be a reason for fewer applications to the List. Other reasons may be:

- growing lender awareness of the kinds of orders the Tribunal can make, and the Tribunal's emphasis on alternative dispute resolution; and

- requirements under the new Commonwealth consumer credit legislation, which emphasises mediation and alternative dispute resolution and requires lenders to satisfy themselves that loans are not unsuitable for the debtor.

Debtor applications continued to increase in complexity, with debtors often applying for hardship relief, together with postponement of enforcement proceedings and reopening of the contract.

#### Flexibility

We used a number of ADR techniques to assist parties to reach settlement. Hardship applications were referred directly to mediation to give parties the best chance of reaching settlement and preserving their relationship. More than half of all Credit List matters that went to mediation settled as a result.

Because of their urgency, repossession applications went first to hearing. If a debtor appeared, our members used a form of ADR that we have found to be very successful in assisting parties to reach settlement without members

disqualifying themselves from hearing the matter if necessary. In the hearing, members discuss the benefits of settling and the range of possible settlements before leaving the room to allow discussions to occur. Settlements reached in this way can be included in an order, which provides some certainty for parties.

Matters that did not initially settle were referred to mediation. If they returned for hearing, ADR was again employed with the aim of assisting settlement. As a result, many matters settled during hearing.

#### Efficiency

We finalised more matters in 2009–10 than were initiated. This reflects the List's strict time targets, which we have continually reinforced over many years. We have found that the sooner we deal with applications, the more likely they are to settle and the issues that led to the application being made can be better managed.

Our simplified application forms have increased efficiency by providing the information needed to help parties, members and mediators understand the issues to be resolved.

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### CASE STUDY: HARDSHIP APPLICATION AND DISPUTED ENFORCEMENT EXPENSES

A debtor entered into a loan contract while fully employed and able to comfortably make repayments. He then experienced severe mental illness, was unable to work, and the loan fell into arrears. His condition later improved and he began working again.

The debtor asked the lender to reduce loan repayments for 12 months on the ground of hardship, and he disputed enforcement expenses charged by the lender. The lender refused the hardship application.

The debtor applied to VCAT under the *Consumer Credit (Victoria) Code*. He and his financial counsellor (both living in regional Victoria) attended the VCAT mediation and hearings by telephone.

VCAT ordered that the loan contract be changed as requested by the debtor, finding that he could make the reduced payments, and the 12-month postponement would allow him to review his financial position.

VCAT ordered the lender to reimburse two kinds of enforcement expenses. The first related to the lender's costs of defending the hardship application, which the Tribunal found were not expenses incurred in enforcing the loan contract. The second concerned fees for a 'solicitor's writ' and a default notice, issued contrary to directions (to which both parties consented) that the lender should stop enforcement proceedings while the VCAT case was on foot. The Tribunal decided that the enforcement expenses were therefore not reasonably incurred.

The forms ask debtors questions concerning their hardship, the relief they seek, and their financial positions. The information gathered reduces the need for directions hearings and assists parties to reach quick settlements.

**Access to Justice**

Wherever possible, we adapted hearing arrangements to meet parties’ needs. Parties regularly appeared by telephone, and we arranged for two regionally based hearing-impaired parties and their Auslan interpreters to appear for mediation by video link.

Debtors often do not appear at hearings of repossession applications due to the hardship they are experiencing and the general hopelessness of their situation. This makes it impossible to encourage settlement or make orders that assist debtors. We have been even more proactive in 2009–10 in encouraging the participation of debtors in hearings, achieving a participation rate of 40 per cent. Our hearing notices tell debtors that they can appear by telephone, and where lenders have contact details for debtors (and we consider it appropriate to do so), we obtain those details and telephone debtors to ask if they would like to appear. When we have done this, we have often found that debtors *do* wish to appear. We continued to achieve very high settlement rates when debtors participated in resolving applications.

In addition to our easy-to-read forms and guides, personal communication with parties is an important part of our approach. Our staff provide friendly and thorough over-the-phone information. This assists debtors in particular to understand what they can expect at the Tribunal.

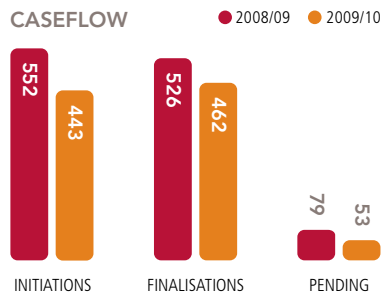
In hearings, members aim as much as possible to minimise the anxiety often associated with legal proceedings. They take care to explain the process, and to find out why the matter has come to VCAT.

**Community Engagement**

The user group comprises representatives from credit providers, consumer advocates, government agencies and the legal profession. The group met three times in the reporting period, however given that VCAT will no longer have jurisdiction over consumer credit disputes, the user group will no longer meet.

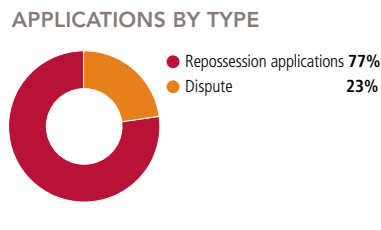
**THE FUTURE**

The new national consumer credit protection legislation became fully operational from 1 July 2010, transferring responsibility for the regulation of consumer credit from the states and territories to the Commonwealth. This means that jurisdiction over consumer credit matters has been transferred from VCAT to the courts. VCAT will continue to hear and finalise matters which were pending before 1 July 2010, but any new consumer credit applications will be made to the courts and will be governed by the Commonwealth legislation.



**TIMELINESS OF FINALISED CASES (WEEKS)**

	2008/09	2009/10	Target
Median	3	3	
80th Percentile	6	9	
Target			16



# RESIDENTIAL TENANCIES LIST

The List determines disputes between landlords and tenants, and between rooming house and caravan residents and owners, under the *Residential Tenancies Act 1997*. It also hears some applications under the *Disability Act 2006* and the *Fair Trading Act 1999*.

Each year, approximately 60,000 applications are received, representing 15 per cent of all residential tenancies in Victoria. These typically relate to non-payment of rent, damage to premises, bond refunds, and the obligations of landlords or owners to provide and maintain accommodation fit for occupation.

## YEAR IN REVIEW

### Cases

Applications remained steady in 2009–10, and we continued to resolve most cases within three weeks, well within our timeliness targets. There were no significant changes to the types of applications received, however rooming house issues were more prominent. This was likely due to more people accessing rooming house accommodation than previously.

### Flexibility

We use various informal ADR techniques to assist parties to own their disputes and reach satisfying, long-term outcomes. ADR (including mediation) allows us to address underlying issues that we can't always resolve in hearings. When these issues are resolved we find that tenancies are more sustainable, benefiting both tenants and landlords.

We are currently assessing our ADR processes to ensure they are implemented appropriately and uniformly, and to see where we can improve.

### Efficiency

Delay can lead to tenancies failing that might have been sustained. We therefore have strong systems in place to ensure timeliness. Adjournments are granted only when necessary. Members aim to provide decisions in most cases on the hearing day. Our SMS reminders minimise adjournments and re-hearing applications made by tenants who would previously have missed the hearing because they did not receive the hearing notice.

Our ADR evaluation includes an assessment of the impact of various ADR techniques on efficiency.

### Access to Justice

After a pilot program last year, we continued to send tenants hearing reminders via SMS. The pilot had shown that the SMSs were resulting in more tenants attending hearings. One reason for low attendance rates is that tenants are often between accommodation and do not receive mailed hearing notices. Increasing tenant attendances reduces the number of re-hearings (reducing overall costs) and encourages sustainable tenancies. We are working with our stakeholders to capture more mobile phone numbers so we can send more reminders. In response to feedback, we plan to send the messages earlier so that tenants have time to prepare, which should lead to even higher attendance rates and fewer adjournment requests.

The 'Taking it to VCAT' DVD and guide (covered elsewhere in this report) demonstrates how to apply to the List and how we conduct hearings. We distributed thousands of copies to community legal centres, real estate agents and schools, and via our forums and community consultations. Feedback has shown that agents provide it to tenants because they benefit from tenants understanding the process, and our community housing stakeholders have used it as an educational tool.

We offer assistance to parties under hardship through our applicant support worker and the Community Referral Directory. Our applicant support worker's role was extended this year to assisting parties to access and engage with services in the Directory, such as emergency housing. This proved more effective than simply handing parties printed material from the Directory.

### Community Engagement

Eleven Tribunal members and two staff members attended the three-day biennial Australasian Residential Tenancies Conference held in September on the Gold Coast. Five VCAT attendees presented papers at the Conference, the theme of which was 'Tenancy Information and Community Education'. Sessions on dispute resolution innovations, Tribunal access, difficult litigants, and power imbalances in residential tenancies disputes were particularly relevant.

Our user group met a number of times during the reporting period and provided valuable input into our future planning for ADR. It comprises representatives from the Office

of Housing, Real Estate Institute of Victoria, Tenants Union of Victoria, Community Housing Federation of Victoria and Victoria Legal Aid.

We held a number of our popular, open-to-the-public user forums in Melbourne and regionally. Each forum was conducted by a three-member panel, and attracted approximately 60 attendees, including landlords, tenants and housing workers. Based on feedback, we have changed the way we conduct forums. Where previously members presented papers (now made available on the website), they now discuss current issues and open the floor to questions. Due to the mix of attendees, this results in valuable community learning. People who attend forums tend to have an open attitude towards settling disputes because they understand that there are two sides to an argument, and that the Tribunal must apply procedural fairness.

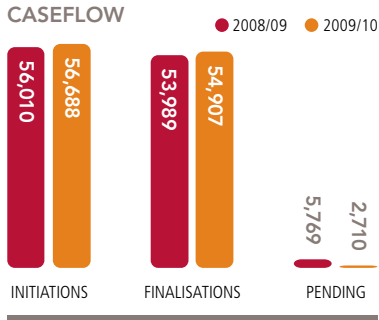
During Law Week, members also gave well-received presentations at libraries and courts around the State.

## THE FUTURE

Initiatives for 2010–11 include:

- continuing our major ADR project that will involve evaluating and refining our existing processes, and piloting some new approaches, including telephone mediation for parties in rural and regional Victoria;
- conducting hearings in Robinvale (near Mildura) on a trial basis, adding an extra hearing venue to the 37 at which we currently sit across the State;
- developing more targeted, tenant-friendly training, such as providing Registry staff at hearing venues to assist tenants to understand Tribunal processes; and
- increasing school engagement, particularly because tenancy is an issue likely to affect school-leavers.





**TIMELINESS OF FINALISED CASES (WEEKS)**

	2008/09	2009/10	Target
Median	2	2	
80th Percentile	3	3	
Target			6

**APPLICATIONS BY APPLICANT TYPE**



**APPLICATIONS BY TYPE %**

	2008/09	2009/10	Variance
Possession orders	47%	52%	5%
Payment of bond	21%	16%	-5%
Compenstation or compliance orders alleging breach of duty	6%	8%	2%
Other	26%	24%	-2%

**CASE STUDY: CREATING SUSTAINABLE TENANCIES**

A landlord sought compensation after a family vacated rented premises. The family could not find appropriate accommodation, and were moving between the homes of family and friends. The landlord’s application and the hearing notice had been sent to the tenant’s last known address, as required by the legislation, but the mail had not reached them. VCAT also notified the tenant of the hearing via SMS. Had the SMS not been sent it is unlikely that the tenant, having no fixed address, would have become aware of the hearing.

At the hearing, the tenant was shown the application and encouraged to speak with the landlord’s agent before deciding whether she could proceed, or needed an adjournment to better prepare her case. Discussions between the tenant and the landlord’s agent clarified that the tenant had not caused the damage to the rented premises, which had occurred during a burglary under police investigation.

The parties resolved most of the remaining issues, with the Tribunal being asked to rule on one area of contention. The landlord’s agent offered to help the tenant find new housing within her budget. The tenant, previously too embarrassed to ask for assistance, willingly accepted. VCAT put the tenant in touch with a gambling support agency to help manage issues that had affected her ability to sustain tenancies.

## DOMESTIC BUILDING LIST

The List has unlimited jurisdiction to hear and determine disputes relating to domestic buildings, ranging from small projects, such as bathroom and kitchen renovations, to high rise apartment blocks. The List also hears applications for review of decisions by warranty insurers in relation to domestic building contracts.

Applications are dealt with according to the claim's monetary value: those less than \$15,000 (Small Claims) are usually listed for an hour, two hours or a full day hearing; claims between \$15,000 and \$100,000 (Standard Claims) are referred to mediation; and claims exceeding \$100,000 (Complex Claims) are listed for directions hearings, after which compulsory conferences are usually held. Recently we have been referring appropriate matters where the amount claimed is between \$100,000 and \$120,000 directly to mediation.

### YEAR IN REVIEW

#### Cases

There was another increase in applications. Claims against warranty insurers increased significantly, due largely to builder insolvencies. Builders' claims for progress payments also increased. We suspect these trends may be the flow-on effects of the 'global financial crisis'. Rain and storm activity has also had an impact, with waterproofing issues being prominent.

Pending cases include matters requiring further investigation and testing to determine the cause of a defect and the best method of rectification, and those requiring seasonal monitoring after initial works have been carried out.

#### Flexibility

We continued to achieve high settlement rates using ADR which, together with our technical expertise in building and construction, encourages parties to find workable solutions. We take a flexible, innovative approach – fitting the process to the case, rather than the case to the process – and we offer parties multiple opportunities to settle through ADR.

We referred standard matters to mediation within six weeks of filing. This year we began referring claims of between \$100,000 and \$120,000 directly to mediation where appropriate. A large proportion of matters were resolved at mediation without the need for parties to obtain expert evidence or incur significant costs.

We continued to order joint expert reports for more complex matters. The reports are in the form of a Scott Schedule (which is attached to our 'Guidelines for Expert Evidence in the Domestic Building List') identifying experts' areas of agreement and disagreement, and estimated costs of completion and/or rectification works. This frequently provided the basis for successful settlement negotiations, often at compulsory conference.

In appropriate cases, parties were offered more than one compulsory conference to try to negotiate an outcome with which they were happy, sometimes after the hearing had commenced.

#### Efficiency

We fell slightly behind our timeliness targets. To improve timeliness, we increased our use of chaired conclaves for complex matters involving numerous alleged defects. In addition, we introduced new procedures whereby joint reports were finalised at the conclave with the help of Tribunal resources. This minimised delay associated with experts having to complete joint reports and send them to the Tribunal at a later date.

If settlement was not achieved, joint expert reports provided the basis for hearing expert evidence concurrently. This reduced hearing times and promoted greater understanding of the technical issues.

We continued to hold twice weekly 'directions days' to which we allocated the majority of directions hearings. In appropriate cases where all parties were present, and a suitable mediator or member was available, parties were offered immediate mediations or compulsory conferences. Files were actively managed to ensure compliance with directions, thus minimising late adjournment requests. Compliance warnings were sent to parties and, if necessary, we held compliance directions hearings.

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### CASE STUDY: CONCURRENT EXPERT EVIDENCE IN ACTION

A homeowner applied to VCAT claiming that the cost of rectifying defective works in their new home exceeded \$200,000. The respondent builder's expert estimated the defective works could be rectified for less than \$50,000. Following an inspection attended by the presiding member, the parties, and their legal advisors and experts, the experts met and prepared a joint report. They agreed on a method and scope of rectification works at a cost of just below \$100,000.

They were, however, unable to agree on a method of rectification for one item of defective work where they held divergent views as to the extent of works required. Their respective estimates for each alternative scope differed by a few hundred dollars, and the Tribunal was asked to rule on this one area of contention. Normally, it could have taken up to two days to hear the experts give their evidence consecutively. In this case however, facilitated by the joint report, it was heard concurrently in less than an hour. This resulted in significant time and cost savings for all involved.

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Regular meetings with the listings coordinator ensured matters were allocated in a way that assisted timely, efficient resolutions.

**Access to Justice**

To minimise costs and unnecessary appearances at directions hearings, we encouraged legally represented parties to prepare ‘Minutes of Consent Timetables’ for consideration in chambers. Self-represented parties were, however, required to attend directions hearings so we could explain the process, clarify what outcome they wanted, and ensure they understood what was required of them.

When it suited parties and we were able to secure appropriate venues, we heard smaller matters and conducted mediations in regional areas.

**Community Engagement**

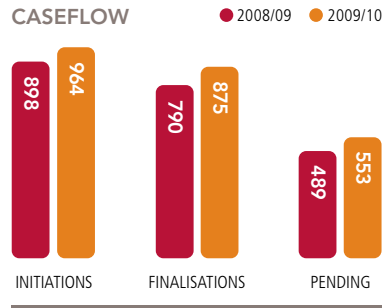
We recognise the importance of engaging with our users and the community.

The user group comprises representatives from the Building Disputes Practitioners Society (BDPS), building consultants, and barristers and solicitors representing diverse interests. The group met three times and discussed List trends and practices.

Deputy President Catherine Aird presented on topics relevant to conducting cases in the Domestic Building List at VCAT to the BDPS, Australian Society of Building Consultants and the Commercial Bar Association. Senior Member Lothian addressed the Australian Institute of Judicial Administration conference on the topic of expert conclaves.

**THE FUTURE**

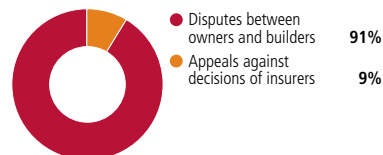
We will improve information for self-represented parties and continue to flexibly manage cases, developing innovative approaches to ADR whenever possible.



**TIMELINESS OF FINALISED CASES (WEEKS)**

	2008/09	2009/10	Target
Median	14	16	
80th Percentile	36	38	
Target			35

**APPLICATIONS BY TYPE**



**APPLICATIONS BY CLAIM AMOUNT**

	2008/09	2009/10	Variance
Small Claim: < \$10,000	291	341	17.2%
Standard Claim: \$10,000 - \$100,000	370	370	0.0%
Complex Claim: \$100,000 - \$1m	110	102	-7.3%
Complex Claim: \$1m - \$5m	4	2	-50.0%
Complex Claim: \$5m +	0	0	0%
No Value	123	149	21.1%
<b>TOTAL</b>	<b>898</b>	<b>964</b>	

# OWNERS CORPORATIONS LIST

The List commenced operation in January 2010 and deals with disputes (previously dealt with in the Civil Claims List) under the *Owners Corporations Act 2006*. An owners corporation (formerly a 'body corporate') manages the common ownership of shared property, such as foyers, lifts, utilities, gardens and pathways between units in a block.

## YEAR IN REVIEW

### Cases

Applications increased significantly. More than 80 per cent of cases related to non-payment of owners corporation fees. These are set down for hearing as soon as possible. Other disputes are referred directly to mediation, unless assessed as unsuitable or the parties do not wish to mediate.

### Flexibility

Many owners corporation disputes involve people who must continue to live together or maintain relationships, so we tailor our processes accordingly. We use mediation wherever possible to give parties the opportunity to reach solutions that everyone can live with, and to resolve all their concerns, not just legal ones.

### Efficiency

We reassessed staff and member resources required to meet the growing number of claims, and have increased resources accordingly. We finalised many more cases in 2009–10 and met timeliness targets.

### Access to Justice

We developed guidelines and a summary of proof for use by owners corporations seeking orders for payment of fees. Available on VCAT's website, these help owners corporations to run their cases without a lawyer. The 'Taking it to VCAT' DVD, also viewable on the website, demonstrates how VCAT handles owners corporation disputes.

### Community Engagement

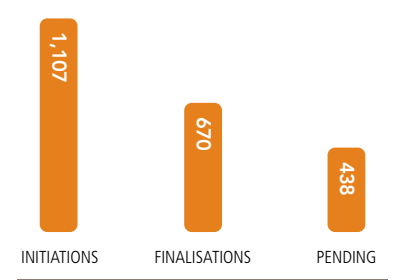
We held two user forums, each attracting 20–30 attendees, mostly from owners corporations. Attendees learned about VCAT's procedures, and Tribunal members discussed how owners corporations could resolve issues themselves, or by accessing self-help services through Consumer Affairs Victoria.

Owners corporations issues were discussed at Civil Claims List user group meetings, attended by an Owners Corporations Victoria representative, a real estate agent and lawyers representing owners corporations and their members. We will establish a new user group in the coming year.

## THE FUTURE

We expect a continued increase in application numbers. With our added resources and a streamlined Registry process, we hope to reduce our timeliness targets considerably. We are also working on adapting the Civil Claims SmartForm application for use in owners corporation matters.

## CASEFLOW

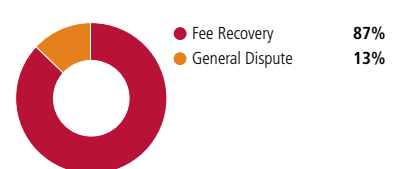


**Note:** Owners Corporations List was established in January 2010.

## TIMELINESS OF FINALISED CASES (WEEKS)

	2008/09	2009/10	Target
Median	0	5	
80th Percentile	0	7	
Target			10

## APPLICATIONS BY TYPE



## CASE STUDY: DISPUTE OVER SURVEILLANCE CAMERA ON COMMON PROPERTY

John lives in a unit in a block of units. His neighbour, Sally, purchased her unit seven months ago, but spent most of that time renovating while she lived elsewhere. During the renovations, many neighbours became annoyed with the conduct of Sally's tradesmen and tried to discuss it with her. Sally became fearful of the neighbours and installed a surveillance camera in the common property driveway without the owners corporation's consent. John applied to VCAT to have the camera removed. The matter was not resolved at the mediation.

Sally argued at the hearing that she didn't need consent because she considered the camera a 'safety device to protect the lot against intruders' and therefore exempt under the Model Rules contained in the Owners Corporations Regulations 2007.

The Tribunal decided that a surveillance camera, which merely monitored activity, was not a safety device as intended by the Model Rules. Rather, what was intended was a type of barrier or physical impediment to protect against intruders. The Tribunal ordered Sally to remove the camera.

# RETAIL TENANCIES LIST

The List deals with disputes of varying complexity between landlords and tenants with respect to leases for retail premises.

Disputes are generally referred from the Office of the Small Business Commissioner when the Commissioner’s dispute resolution processes do not result in settlement. Where urgent injunctions are sought, applications are made directly to the Tribunal.

## YEAR IN REVIEW

### Cases

There was no significant change to numbers or types of cases. We received 246 applications and finalised 237, similar to the previous reporting period.

### Flexibility

In line with our commitment to provide parties with every opportunity to resolve their disputes, we offered a number of ADR options – including mediations and compulsory conferences – even if parties had already participated in mediations arranged by the Small Business Commissioner. Not only did this lead to a reduction in hearing days, it helped minimise parties’ costs in this no-cost jurisdiction. In the case of continuing tenancies, ADR can assist parties to rebuild relationships, thus minimising the risk of further disputes.

### Efficiency

We fell further behind our timeliness targets due to factors including limited member resources following a rotation of deputy presidents, and a higher proportion of complex cases. We have begun to apply more stringent case management processes, particularly for older matters.

### Access to Justice

To assist parties to understand our processes, we introduced new guidelines for interlocutory applications, and a new application form for orders/directions. We will further review our forms in the coming year to improve the information we provide to parties.

When it suited parties and appropriate facilities were available, we conducted regional mediations and hearings.

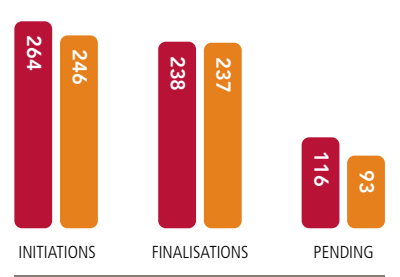
### Community Engagement

Deputy President Catherine Aird presented a Legalwise seminar on topics relevant to conducting cases in the Retail Tenancies List.

## THE FUTURE

We will continue to refine the application process and increase our use of ADR. Economic conditions may impact case numbers, however we don’t anticipate significant change.

### CASEFLOW



### TIMELINESS OF FINALISED CASES (WEEKS)

	2008/09	2009/10	Target
Median	12	14	
80th Percentile	26	33	
Target			18

### APPLICATIONS BY TYPE



## CASE STUDY: TENANT AND LANDLORD DISPUTE OVER THEATRE LIGHTS

A tenant operated a theatre on leased Crown land. When the lease expired, a dispute about ownership of the theatre’s decorative lights arose between the landlord (the State of Victoria) and the tenant. A company had constructed the theatre pursuant to a licence agreement entered into in 1927 (later converted into a lease). The licence agreement stated that the licensee could remove the theatre at the end of the term, provided that the land was reinstated to its former condition.

The key issue was whether the lights were fixtures, and so part of the freehold, or chattels belonging to the tenant. The lights were not significantly fixed, so evidence focussed on the likely intention of the licensee when it constructed the theatre. As there was no lease and, consequently, no statutory right to remove tenant’s fixtures, it was thought unlikely that the licensee intended the lights to become part of the freehold. A degree of annexation to the freehold and the possible need or desire of the licensee to change the lights in future also indicated a likely intention that they should not form part of the freehold. Consequently they were found to be chattels belonging to the tenant.

# REAL PROPERTY LIST

The List hears a range of disputes related to real estate, including:

- liability for damages caused by the taking, use or flow of water between properties;
- estate agent commissions;
- the acquisition or removal of easements; and
- property co-ownership disputes.

## YEAR IN REVIEW

### Cases

There was no significant change to the numbers and types of applications. Subdivision disputes affecting owners corporations are now dealt with in the Owners Corporations List.

### Flexibility

We increased the use of ADR across the List. In appropriate cases, co-ownership disputes are now referred directly to mediation. This helps preserve relationships and allows parties to explore alternatives for resolving their disputes.

Similar to the Domestic Building List, in appropriate cases involving technically complex issues, we encourage experts to meet and prepare joint reports before hearing their evidence concurrently. Joint reports identify areas of agreement and disagreement and help to narrow the issues in dispute, which often leads to settlement.

### Efficiency

Although still behind timeliness targets, there was a significant improvement from the previous year. Timeliness was impacted by the time taken to finalise co-ownership matters where orders were made for the sale of property.

ADR has provided efficiency benefits, particularly the use of conclaves and concurrent hearing of expert evidence for complex matters. We have also adopted more stringent case management, which we expect will improve timeliness next year.

### Access to Justice

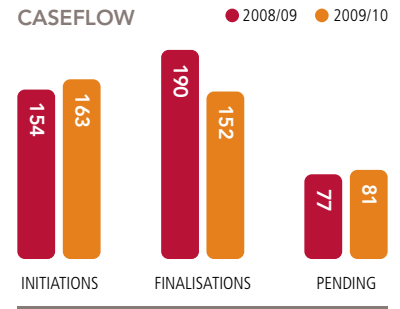
To assist parties to understand our processes, we introduced new guidelines for interlocutory applications, and a new application form for orders/directions. We will further review our forms next year to improve the information we provide to parties.

When it suited parties and appropriate facilities were available, we conducted regional mediations and hearings.

## THE FUTURE

We will continue to refine our application process and increase ADR use. Because of the range of possible applications that can be made, we will prioritise updating application forms so that self-represented parties can identify what type of matter they have and the information they must provide.

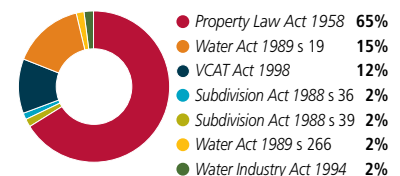
## CASEFLOW



## TIMELINESS OF FINALISED CASES (WEEKS)

	2008/09	2009/10	Target
Median	21	16	
80th Percentile	51	41	
Target			35

## APPLICATIONS BY TYPE



## CASE STUDY: VCAT CONSENTS TO SALE OF COMMON PROPERTY

Under the *Owners Corporations Act 2006* an owners corporation can sell common property with a unanimous vote of its members. Twenty out of 22 members of an owners corporation voted to sell part of a shopping centre carpark to a supermarket operator.

One of the owners corporation members applied to the Tribunal for an order consenting to the sale of the common property on behalf of the dissenting members. Under the Act, the Tribunal can consent if it is satisfied that more than half the members consented to the sale, and that the economic and social benefits are greater than the disadvantages to the dissenting members arising from the sale.

All parties agreed that the centre was severely financially depressed and in danger of failing. One objector was concerned about the impact of a new supermarket on car parking, however the Tribunal said that it had no power under the Act to rule on car parking requirements, which should be addressed through any future planning permit application process.

Given the purchase price, the centre's depressed commercial situation and its likely improvement if the sale proceeded, the Tribunal consented on behalf of the dissenting members and orders were made accordingly.

# ADMINISTRATIVE DIVISION

## PLANNING AND ENVIRONMENT LIST

The List reviews decisions made about planning permits, including decisions whether to grant, refuse or amend them, or to impose conditions. Planning permits are issued for land use and development proposals such as subdivisions, dwellings, offices, advertising signage, childcare centres and aged care facilities.

We also make enforcement orders – for example, to stop a development from proceeding – and hear and determine applications for declarations, and applications to cancel or amend permits previously granted by the Tribunal.

### YEAR IN REVIEW

#### Cases

The statistics indicate a slight reduction in applications for 2009–10, in contrast to previous steady annual increases. This is likely a flow-on effect of the ‘global financial crisis’. Planning permit applications that applicants put on hold until the economic outlook improved are only now reaching the Tribunal.

There was an increase in applications to amend permits issued at the direction of the Tribunal, a growing trend noted in recent annual reports. Many applicants sought amendments to increase the number of one-bedroom units, proportionate to two- and three-bedroom units, in multi-unit developments. This appears to be a response to changed market demand.

Cases are increasing in complexity due to the more complex and detailed policy framework, for example:

- Planning strategies encouraging high-density development close to activity centres have resulted in more applications for large residential buildings in areas new to high-density living. These attract much community debate.
- Coastal developments must now take into account an anticipated sea level rise of 0.8 m over the next 90 years, with add-on effects from climate change impacts on coastal processes to be assessed by mathematical modelling. We have been called upon at times to apply this policy and have required the completion of Coastal Hazard Vulnerability Assessments to assist us in this task.

Apart from the above trends, no significant change was recorded in the types of use and development proposals the Tribunal considered.

#### Flexibility

We have found that mediation works well as a form of ADR for planning matters. Although council officers are not always authorised to settle matters in mediation, it helps parties to narrow the issues in dispute and air their concerns in an informal, neutral environment. This can lead to a shift in positions which reduces hearing times and expenses, and helps preserve relationships. Additionally, mediation allows parties to address non-legal issues, which can result in satisfying outcomes beyond the scope of what the Tribunal could order.

Previously, we referred cases to mediation based on their likelihood of settling. Given our success, we are now piloting the referral of all major cases to mediation to assess its impact on settlement rates and hearing times.

#### Efficiency

Our decision-making impacts the State’s economy. Applications involving development worth approximately \$3 billion were initiated in 2009–10. It is therefore imperative to resolve cases quickly.

We finalised 80 per cent of cases within 31 weeks, which is behind our target of 26 weeks for finalisations. In 2009–10 we took the following measures to improve timeliness:

- Introduced the Major Cases List, which has been specifically funded by the Department of Planning and Community Development to speed the resolution of developments worth more than \$5 million. Timelines will be strictly applied, with the objective of finalising cases within 16 weeks. The Major Cases List is a pilot program during which VCAT will seek feedback from stakeholders and adjust practices to meet the needs of parties and make the best use of funding.
- The introduction of a Short Cases List is being considered to commence operation in the next financial year, to handle less complex matters that can be resolved within two hours. The Short Cases List should accommodate 15 per cent of matters that would previously have waited up to six months or more for hearing. Cases will be listed within 10 weeks of lodgement, site inspections will be limited, and oral decisions given when possible.
- Factored decision-writing time into hearing schedules so that members can write their decisions and orders immediately following

hearings, rather than finding time outside their schedules. Members also received training in oral decision-making, which they were encouraged to apply wherever appropriate.

#### Accessibility

Many parties to planning and environment disputes are unrepresented, and members are experienced in dealing with this. Hearings are relatively informal, with members and parties sitting around a common table where they can spread out plans and share supporting material. This helps to break down barriers. Members are planning and environment experts who understand the issues and are able to focus on the merits of a case.

Our new practice notes and application forms, introduced in the previous reporting period, have assisted parties to assemble and provide the information we require to initiate processes and understand the main issues in dispute. This has improved accessibility for parties and greatly increased internal efficiencies.

#### Community Engagement

Members contributed to the wider planning and environment community through participation in seminars, conferences and working groups, such as the Department of Sustainability and Environment’s PLANET program (in which members assist council planning officers’ professional development); the Swinburne University and RMIT University students programs; the Australasian Conference of Planning and Environment Courts and Tribunals (ACPECT); and various seminars conducted by organisations such as the Victorian Planning and Environment Law Association (VPELA).

We continued to publicise our ‘Red Dot Decisions’ (key decisions that may have wide application) through the Department of Planning and Community Development’s ‘Planning Matters’ weekly bulletin, which is widely circulated to planning and environment professionals.

### Planning and Environment Professional Development Committee

The Planning and Environment Professional Development Committee comprises members of the Planning and Environment List and is dedicated to the professional development of List members.

The Committee conducted twilight seminars on a diverse range of topics, including Aboriginal heritage and cultural heritage management plans, coastal hazard vulnerability, urban design and tree protection.

Additionally, List members participated in training run by the Judicial College of Victoria and VCAT's professional development group. Topics included judicial leadership, judgment writing, judicial mediation and alternative dispute resolution.

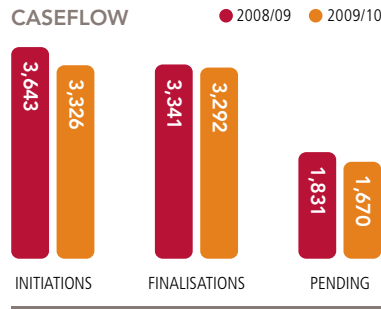
### THE FUTURE

We will continue to improve efficiency and make the best use of resources to address the backlog of cases awaiting finalisation. Consistent with 'Transforming VCAT' objectives, we plan to measure the costs involved in processing specific types of cases as a basis for funding applications to increase resources. In the next year, we will review Registry processes to assist Registry staff to play a greater role in case management so that members' time can be better used in decision-making, leading to quicker finalisations.

We will also review our ADR approach and consider whether compulsory conferences (as distinct from mediation) might be beneficial in resolving some disputes. Our key ADR objectives are timeliness and ensuring we remain accessible to the community.

In the longer term, we look forward to joining the government bodies and local councils on the SPEAR (Streamlined Planning through Electronic Applications and Referrals) network, which will benefit everyone involved in planning applications made to VCAT (covered on page 14 of this report).

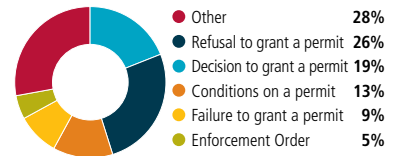
### CASEFLOW



### TIMELINESS OF FINALISED CASES (WEEKS)

	2008/09	2009/10	Target
Median	20	21	
80th Percentile	30	31	
Target			26

### APPLICATIONS BY CLAIM TYPE



### APPLICATIONS BY TYPE

	2008/09	2009/10	Variance
Major Cases – Original Jurisdiction	0	9	0.0%
Major Cases – Review of a Decision	0	40	0.0%
Original Jurisdiction	561	750	33.7%
Review of a Decision	3,082	2,527	-18.0%
<b>TOTAL</b>	<b>3,643</b>	<b>3,326</b>	

### APPLICATIONS BY CLAIM AMOUNT

	2008/09	2009/10	Variance
Small Claim: < \$10,000	659	576	-12.6%
Standard Claim: \$10,000 - \$100,000	135	164	21.5%
Complex Claim: \$100,000 - \$1m	940	1,032	9.8%
Complex Claim: \$1m - \$5m	294	283	-3.7%
Complex Claim: \$5m - \$20m	155	121	-21.9%
Complex Claim: \$20m +	0	32	0.0%
No Value	1,460	1,118	-23.4%
<b>TOTAL</b>	<b>3,643</b>	<b>3,326</b>	
<b>TOTAL VALUE</b>	<b>2,731,483,452</b>	<b>2,786,424,751</b>	

## TOP 20 COUNCILS

Number of Applications by Council	2008/09	2009/10	Variance
Stonnington City Council	215	201	-6.5%
Mornington Peninsula Shire Council	171	192	12.3%
Yarra City Council	159	189	18.9%
Port Phillip City Council	178	160	-10.1%
Boroondara City Council	155	159	2.6%
Moreland City Council	139	152	9.4%
Bayside City Council	139	134	-3.6%
Darebin City Council	129	125	-3.1%
Glen Eira City Council	108	120	11.1%
Hobsons Bay City Council	104	113	8.7%
Melbourne City Council	103	106	2.9%
Monash City Council	92	103	12.0%
Banyule City Council	98	96	-2.0%
Yarra Ranges Shire Council	110	96	-12.7%
Whitehorse City Council	75	95	26.7%
Kingston City Council	86	89	3.5%
Moonee Valley City Council	77	86	11.7%
Greater Dandenong City Council	52	73	40.4%
Greater Geelong City Council	66	73	10.6%
Manningham City Council	70	72	2.9%

## TOP 20 SUBURBS

Number of Applications by Suburb	2008/09	2009/10	Variance
Richmond	53	69	30.2%
South Yarra	63	62	-1.6%
Brighton	56	55	-1.8%
Williamstown	43	40	-7.0%
Prahran	30	36	20.0%
Northcote	38	35	-7.9%
Reservoir	24	34	41.7%
Brunswick	24	33	37.5%
Melbourne	37	33	-10.8%
Mornington	21	33	57.1%
Albert Park	12	32	166.7%
Preston	37	30	-18.9%
St Kilda	37	30	-18.9%
Fitzroy	26	29	11.5%
Hawthorn	28	28	0.0%
Camberwell	19	27	42.1%
Frankston	20	27	35.0%
Kew	24	26	8.3%
Newport	38	26	-31.6%
Port Melbourne	32	26	-18.8%

**CASE STUDY: ADDRESSING THE CUMULATIVE EFFECTS OF DEVELOPMENT**

An applicant sought permission for a small, two-lot subdivision in the township of Waratah Bay. VCAT considered the subdivision appropriate except that the site was within a primary dune area, separated from the coastline by a single street. The Tribunal took into account the planning scheme policies and the Victorian Coastal Strategy 2008 and found that the general practice note on 'Managing Coastal Hazards and the Coastal Impact of Climate Change' applied directly to the proposed subdivision. In requiring a Coastal Hazard Vulnerability Assessment, the Tribunal said:

'This proposed subdivision may seem insignificant in the overall scheme of things, however at some point a line in the sand needs to be drawn as there is cumulative effect of single subdivisions (or development proposals) on our environment.'

The Tribunal recognised that current policies may create more onerous requirements for permit applicants, but in doing so they also address the long-term consequences of development.



# LAND VALUATION LIST

The List hears applications by landowners seeking to review the valuation or classification of their land for rating or taxation purposes.

The List also hears and determines disputed claims arising from the compulsory acquisition of land for public purposes, or damage to land caused by mining, under a number of different Acts. These comprise a smaller proportion of the List, but are usually more complex and often take longer to hear and resolve.

## YEAR IN REVIEW

### Cases

Statistics show that applications decreased by approximately 50 per cent. This represents a return to our usual numbers, after a spike in applications in 2008–09 resulting from factors referred to in that year's annual report.

Valuation matters still comprise the majority of cases. Compensation claims, however, have increased due to the prevalence of major infrastructure projects.

A large number of cases have been pending for more than 40 weeks. Apart from those that take longer due to their complexity, many have been deferred pending determination of a land acquisition and compensation test case concerning the Wimmera Mallee Pipeline. The test case should be determined in the new financial year, after which we expect the deferred cases to be decided relatively quickly.

### Flexibility

We now refer every matter to ADR in the first instance, achieving settlement rates of more than 70 per cent across the List. The vast majority of valuation applications are settled in compulsory conferences in which valuer members assist the parties to resolve their differences through informal discussions based on accepted valuation methodologies.

### Efficiency

We finalised significantly more cases in 2009–10, after a focussed effort to resolve all pending pre-2008 valuation matters. Many of these were commercial cases awaiting finalisation after the test case, *ISPT Pty Ltd v Melbourne City Council & Valuer General of Victoria*, was decided by the Court of Appeal in late 2008. Other valuation matters with issues in common were grouped together and resolved using ADR.

In order to promptly assess underlying merits, we have been more proactive in managing large cases to ensure parties comply with directions and timetables. This has reduced delay and costs for all involved.

### Accessibility

Straightforward, residential valuation reviews, involving mainly self-represented homeowners, comprise approximately half of all valuation claims. Our valuer-members are particularly skilled in assisting self-represented parties, and most of these matters quickly settle using ADR. We worked with the Municipal Group of Valuers in developing new procedures whereby residential reviews are separately streamed from commercial valuation reviews. This creates even greater access to speedy resolution of simple claims.

Parties in rural and regional areas can attend directions hearings by telephone, and we have allowed parties to appear by telephone for compulsory conferences and mediations. Presently we do not conduct hearings outside Melbourne, although we plan to review this in the coming year.

### Community Engagement

We continued to work with our major stakeholders and users to improve the service we provide to the community:

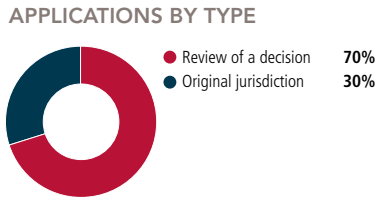
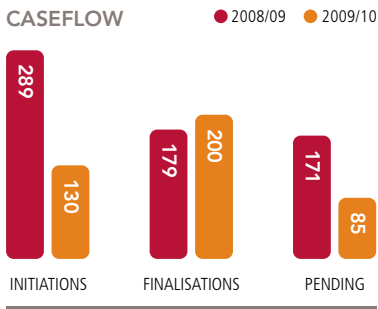
- With the Municipal Group of Valuers and the Valuer-General Victoria we are developing ways to deal with valuation objections earlier in the process, so that fewer parties need to resort to VCAT to resolve their objections.
- Deputy President Mark Dwyer spoke at the Municipal Group of Valuers Annual Conference on how the valuer's role in VCAT proceedings differs from that at local council level.
- Stakeholders provided valuable feedback in relation to our new plain-English practice notes, which we hope to shortly make available.
- In response to feedback from the Municipal Group of Valuers, we are considering how best to encourage more parties to self-represent or be represented by valuers rather than lawyers, to avoid the Land Valuation List becoming overly legalistic, particularly for smaller matters.

## THE FUTURE

We expect application numbers to remain steady in the coming year. Recent amendments to the *Valuation of Land Act 1960* are creating a more centralised land valuation system, a side benefit of which will be more streamlined procedures for VCAT. However, we don't expect the change to impact the List for some time.

We are consulting with our stakeholders regarding the possible use of 'conclaves of experts' in hearings, as is done in the Domestic Building List. Here, experts are brought together and questioned with the aim of forming a consensus view. This helps all parties and the Tribunal to understand the technical issues and reach a speedier outcome. We anticipate piloting this method of dispute resolution in the coming year.





**TIMELINESS OF FINALISED CASES (WEEKS)**

	2008/09	2009/10	Target
Median	15	28	
80th Percentile	28	48	
Target			40

**APPLICATIONS BY CLAIM TYPE %**

	2008/09	2009/10	Variance
Acquisition	7%	8%	1%
Classification	1%	5%	4%
Compensation	9%	22%	13%
Review a decision of an Authority	1%	0%	-1%
Valuation	82%	65%	-17%

**CASE STUDY: ASSESSING COMPENSATION FOR INTANGIBLE LOSS**

Where land is compulsorily acquired, the Tribunal’s compensation assessment can be increased by up to 10 per cent of the land’s market value to cover intangible disadvantage resulting from the acquisition. Known as ‘solatium’, it encompasses subjective factors such as nuisance, annoyance, inconvenience and distress.

A holiday house on Phillip Island had been acquired because of its proximity to the world-renowned penguin parade. A unique property, it had been in the claimants’ family for more than 60 years, and was where the extended family gathered for shared experiences and special occasions. It held memories of childhood summers, and family ashes were scattered within view. The claimants had intended to move to the house in retirement.

The acquisition process, spanning 25 years, had been extraordinary, with the threat of ultimate acquisition at an unknown future date always looming. The acquiring authority offered four per cent solatium, and the claimants sought the maximum 10 per cent.

The award of solatium is discretionary. Although commonly offered on a percentage basis, the Tribunal’s task is to assess an appropriate lump sum amount. Higher solatium is commonly awarded for loss of a main home, but there may be circumstances where a holiday house has greater meaning for a family. Here, the Tribunal found that the nuisance, annoyance, inconvenience and distress over an extended period was palpable and significant, and awarded solatium of more than \$200,000, nearly eight per cent of the land’s market value.

# OCCUPATIONAL AND BUSINESS REGULATION LIST

The List has both original and review jurisdiction. Original jurisdiction involves the conduct of disciplinary proceedings relating to a number of occupational groups. The List also reviews licensing decisions, including decisions of the Business Licensing Authority and the Director of Liquor Licensing, as well as decisions made by various registration boards concerning professional registrations. The legislation under which the majority of matters are heard include:

- Education and Training Reform Act 2006;*
- Health Professions Registration Act 2005;*
- Liquor Control Reform Act 1998;*
- Occupational Health and Safety Act 2004;*
- Transport (Compliance and Miscellaneous) Act 1983; and*
- Working with Children Act 2005.*

Jurisdictions newly allocated to the List include the *Public Health and Wellbeing Act 2008* and new racing appeals jurisdiction under the *Racing Act 1958*.

## YEAR IN REVIEW

### Cases

The moderate increase in applications during the reporting period, mainly under the *Health Professions Registration Act 2005*, appears to reflect the fact that some health professions registration boards sought to

finalise their caseloads prior to the new national accreditation and registration scheme commencing on 1 July 2010. Additionally, there was a temporary increase in applications from taxi drivers due to amendments to their accreditation process under the *Transport (Compliance and Miscellaneous) Act 1983* (formerly entitled the *Transport Act 1983*).

The number of liquor licensing matters remained steady despite the ‘late opening hours’ issue (referred to in past reports) having abated. Many cases were nevertheless time consuming as they involved large numbers of witnesses residing outside of metropolitan Melbourne.

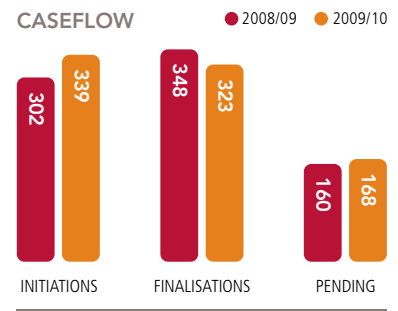
The impact of cases under the new jurisdictions has so far been negligible.

### Flexibility

Because regulatory decisions must be made according to law and with reference to the public interest, ADR is not always suitable for proceedings in this List. However, efforts have been made to promote the use of ADR by making regulatory authorities especially aware of its benefits, even for disciplinary matters where a proceeding may have a range of possible outcomes.

We referred more matters to compulsory conference, allowing members to supervise the proceeding and retain authority for the ultimate decision, while encouraging informal though active participation by the parties and

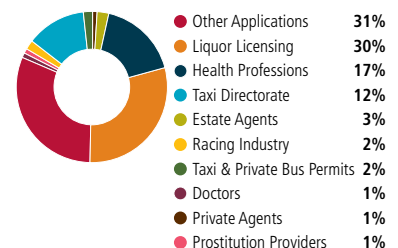
## CASEFLOW



## TIMELINESS OF FINALISED CASES (WEEKS)

	2008/09	2009/10	Target
Median	14	20	
80th Percentile	22	32	
Target			25

## APPLICATIONS BY TYPE



## CASE STUDY: COMPULSORY CONFERENCE PROVIDES QUICK OUTCOME

A company applied to the Victorian Registration and Qualifications Authority (VRQA) to become a Registered Training Organisation offering courses to overseas students. In response to a VRQA audit, the company provided further information and a plan to address the issues raised. After a further audit the VRQA refused the application. The company applied to VCAT for review of the decision.

At a directions hearing, the company’s representative explained that timing was critical. VCAT scheduled a hearing but first referred the parties to a compulsory conference to explore whether the matter could be resolved between them. The hearing was later adjourned due to a key witness’s unavailability, but the compulsory conference proceeded. In that forum the parties’ representatives, with Tribunal assistance, addressed the complex points in issue. The parties resolved the dispute in a quick, cost-effective way, and the Tribunal made orders by consent setting aside the VRQA’s decision and remitting the matter to it for reconsideration.

their representatives. The parties benefited not only from having some measure of control over outcomes, but also from time and cost savings, particularly where cases involved multiple parties or witnesses.

### **Efficiency**

We fell behind timeliness targets in finalising some health professions cases. This was largely due to a lack of available, appropriately qualified panel members, which the legislation requires us to draw from the health profession concerned.

To improve efficiency, directions hearings have been regularly listed on Mondays, with hearing times set according to the legislation under which the application is made. This has given practitioners in specialised areas the certainty of having their cases scheduled together, and has freed up the remainder of the week for members to deal with substantive matters.

We are further streamlining processes by developing some standard directions to apply in set circumstances. We have consulted with our regular users regarding appropriate standard directions so that those orders will better reflect parties' needs.

### **Access to Justice**

Most applications are heard in Melbourne where the majority of relevant bodies and practitioners are located. However, we have begun to hear more matters regionally when it suits the parties and appropriate hearing venues are available. We intend to increase this in future.

To assist parties, we produced some information packs, available on VCAT's website, for the new *Public Health and Wellbeing Act 2008* and the new jurisdiction under the *Racing Act 1958*. The information packs provide an overview of the legislation, and sample application forms, notices and directions.

The directions hearing process alerts members to self-represented parties early in proceedings and provides an opportunity to give them some guidance about Tribunal processes.

### **Community Engagement**

We worked with our health professions sub-user group to pave the way for the introduction of the national scheme but also to promote the use of ADR and generally streamline the process for pre-hearing directions. Deputy President Anne Coghlan addressed Victorian Institute of Teaching sessional panel members on dealing with unrepresented litigants and assessing witness credibility.

## **THE FUTURE**

We expect to receive more applications under the new jurisdictions as a natural result of increased public awareness about them. Liquor licensing applications may be affected by proposed ongoing reforms to the licensing system.

In terms of operational improvement, we are considering initiatives such as:

- further refining procedures so that some directions can be made online by consent;
- establishing more sub-user groups in jurisdictional areas where participant numbers make that viable; and
- publishing notable decisions in the form of bulletins to promote better understanding and guide expectations.

# GENERAL LIST

The List hears applications for review of decisions made by government bodies such as the Transport Accident Commission (TAC) and the Victims of Crime Assistance Tribunal, including decisions made under the *Freedom of Information Act 1982* (FOI Act).

Two new jurisdictions were recently allocated to the List: the *Public Health and Wellbeing Act 2008* (part of which has been also allocated to the Occupational and Business Regulation List), and the *Major Sporting Events Act 2008*.

## YEAR IN REVIEW

### Cases

Applications decreased, partly due to the creation of two new Lists in the Human Rights Division (Health and Privacy, and Mental Health), which handle matters previously heard in the General List. There were only minor variations in lodgements, including fewer TAC matters, although they still comprised the majority of applications. We received no applications under the new jurisdictions.

### Flexibility

We continued to refer appropriate matters to compulsory conference or mediation. In compulsory conference, parties can be assisted to reach a point where a hearing is no longer needed. This saves time and expense for all concerned.

### Efficiency

Many TAC matters settle through established ADR processes and timelines arranged between applicants' representatives and the Commission. Matters not settled in this way are often quickly resolved at hearing due to the disputed issues being narrowed. That said, the number of applications that reached final hearing increased this year, impacting timeliness.

### Access to Justice

To assist regionally based parties, we commonly conducted directions hearings by telephone. We heard applications in regional centres when it suited parties and appropriate venues were available.

### Community Engagement

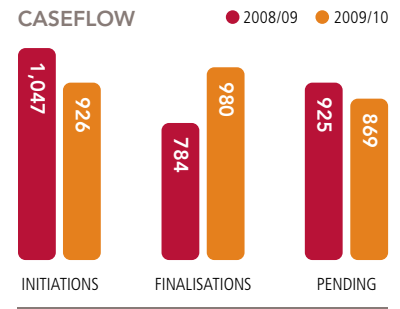
There are three user groups: one for transport accident matters, another for freedom of information matters, and one comprised of representatives from the government bodies whose decisions the Tribunal is asked to review. The transport accident user group met once in the reporting period.

Deputy President Michael Macnamara also addressed a Legalwise seminar on reviewing administrative decisions at VCAT.

## THE FUTURE

The State election in the new financial year may influence case trends in some jurisdictions – such as freedom of information – however we don't anticipate significant change overall.

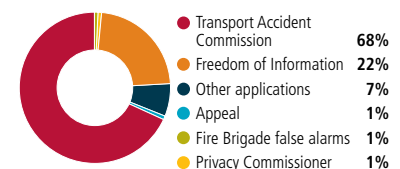
## CASEFLOW



## TIMELINESS OF FINALISED CASES (WEEKS)

	2008/09	2009/10	Target
Median	27	35	
80th Percentile	50	64	
<b>Target</b>			<b>56</b>

## APPLICATIONS BY TYPE



## CASE STUDY: COMPENSATION NOT EXTENDED TO MONUMENTAL GRAVE

'Mr P' was 69 years old when, as a pedestrian, he was struck and killed. His family sought more than \$10,000 in compensation from the Transport Accident Commission in order to erect a monumental grave for Mr P, who had migrated to Australia from the Greek Islands in the 1960s. The monument was to be made of black granite, with Greek Orthodox religious symbols, engravings signifying Mr P's life and the island of his birth, provision for flowers and a photograph.

The Commission argued that, under the *Transport Accident Act 1986*, it was not liable for the costs of any monument beyond a simple marker. The family argued that Australia's commitment to multiculturalism rendered the compensation they sought reasonable, since in the Greek community the absence of such a monument was considered disrespectful.

VCAT ruled in favour of the Commission, in accordance with established judicial authority for the view that the costs of burial did not extend to erecting a monument over the grave after interment. Accordingly, the question of whether the compensation sought was 'reasonable' did not arise.

# TAXATION LIST

The List has jurisdiction to carry out merits reviews of the Commissioner of State Revenue’s taxation assessments. State levies and taxes are paid under a number of Victorian taxing Acts, for example, the *Land Tax Act 2005*, *Payroll Tax Act 1971* and the *First Home Owner Grant Act 2000*.

Applications for merits reviews must be referred from the Commissioner upon request of the applicant. The taxpayer may rely upon any legal or factual ground in his or her notice of objection and, subject to leave, upon further factual or legal grounds.

## YEAR IN REVIEW

### Cases

The List received 58 applications, seven times the number made in the previous reporting period. Application numbers relate to the number of reassessments being sought, rather than the number of individuals making applications, so the increase does not signify any real change in taxpayer behaviour. Despite the increase, we were still able to meet our timeliness targets for finalisations.

### Flexibility

Most cases were listed for at least one directions hearing in order to ensure any procedural issues or applicant concerns were properly addressed. In straightforward matters, the Tribunal allowed

parties to request by consent that directions hearings be vacated, with directions being made in writing for the hearing of the matter.

### Access to Justice

To assist regionally based parties, we commonly conducted directions hearings by telephone. We heard applications in regional centres when it suited parties and appropriate venues were available.

### Community Engagement

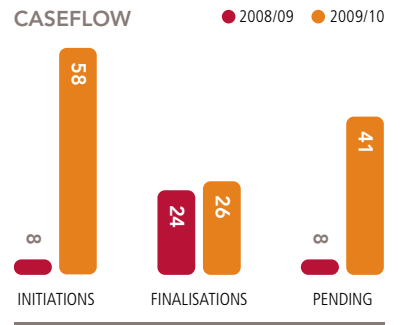
The Commissioner is the only repeat user so there is no formal user group.

## THE FUTURE

We don’t anticipate any significant change to application numbers or state taxation processes that would require us to modify our approach to resolving matters.

**Note:** The increase in applications lodged under the Taxation List is due to data from this financial year showing that more individuals are applying for review of multiple, successive years of tax evaluations and each year’s evaluation is registered as a separate application. For example: John Smith applies for review of his tax evaluations from 1995 through to 2010, thus the one person has five applications rather than one.

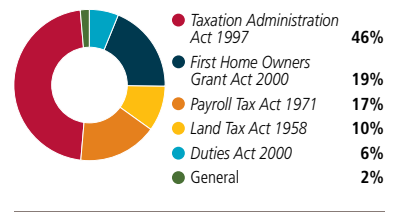
## CASEFLOW



## TIMELINESS OF FINALISED CASES (WEEKS)

	2008/09	2009/10	Target
Median	23	19	
80th Percentile	40	29	
Target			23

## APPLICATIONS BY TYPE



## CASE STUDY: TAXPAYERS CHALLENGE RETROSPECTIVE APPLICATION OF LAND TAX

‘Mr and Mrs C’ owned a number of investment properties and a principal residence. During investigations concerning their principal residence’s land tax exemption, the Commissioner of State Revenue discovered that the Cs had not been taxed on a property they acquired in 1984. The Commissioner issued reassessments under the *Land Tax Act 2005* and the *Land Tax Act 1958*, including retrospective assessments for five years. The addition of the previously untaxed property considerably increased the Cs’ tax liability.

Mr and Mrs C claimed that according to the Commissioner’s policy, the tax levy should, in the circumstances, only be retrospective for three years. The Commissioner claimed that the failure to tax the additional property was due to the Cs not properly notifying that they had acquired it, and that Mr C had misled the Commissioner. The Tribunal considered it more likely that an error of the Commissioner’s office was the reason the additional property had not been taxed. It rejected the contention that Mr C had attempted to mislead the Commissioner. The Tribunal found it difficult to apply the Commissioner’s later policy of five years retrospectivity to liability under the *Land Tax Act 1958*. It remitted the reassessments to the Commissioner with a direction they be recalculated so as to include retrospective assessments for three years only.

# LEGAL PRACTICE LIST

The List hears disciplinary charges brought against lawyers, and handles appeals by lawyers against Legal Services Board decisions that affect their professional status. The List also deals with disputes between clients and their lawyers about legal costs or unprofessional services, however some of these are dealt with in the Civil Claims List.

Applications are made under the *Legal Profession Act 2004* (LPA). The LPA repealed the *Legal Practice Act 1996*, however a small number of applications were also brought under the repealed Act in the reporting period.

## YEAR IN REVIEW

### Cases

There were fewer applications than in the previous reporting period. This may be due in part to changed processes within the Commissioner's office, which have reduced the number of disciplinary matters relating to practitioners' failing to respond to Commissioner queries. These comprised a large proportion of applications previously, prompting the Tribunal to work with the Commissioner's office in encouraging practitioners to be more cooperative.

### Flexibility

ADR methods are used in non-disciplinary matters when appropriate to the amount in dispute and when settlement appears likely. Member expertise and flexibility means disputes between lawyers and their clients can be heard in the Civil Claims List, taking advantage of that List's efficient ADR processes and leading to speedier outcomes.

### Access to Justice

To assist regionally based parties, we commonly conducted directions hearings by telephone. We heard applications in regional centres when it suited parties and appropriate venues were available.

### Community Engagement

We met with the new Legal Services Commissioner, Michael McGarvie, shortly after his appointment in December 2009. We discussed operational issues of mutual interest, including the treatment of practitioners who fail to respond to commissioner queries.

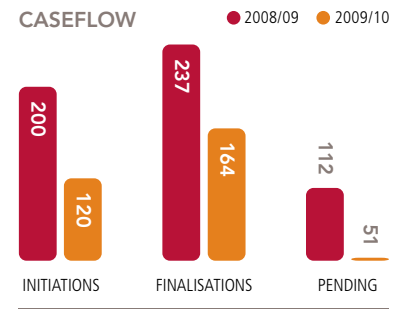
## THE FUTURE

Case volumes are largely dependent upon the Commissioner's decisions about which matters to initiate or refer. The new Commissioner has indicated he is reviewing his office's treatment of complaints against lawyers. Any change in Commissioner processes will likely affect matters coming to the Tribunal, however we have limited information at this time about what those changes might be.

### APPLICATIONS BY CATEGORY %

	2008/09	2009/10	Variance
Civil disputes	12%	18%	6%
Costs and pecuniary loss	36%	52%	16%
Costs agreements	8%	6%	-2%
Discipline matters	42%	20%	-22%
Practising Certificates	2%	4%	2%

### CASEFLOW



### TIMELINESS OF FINALISED CASES (WEEKS)

	2008/09	2009/10	Target
Median	16	15	
80th Percentile	45	28	
Target			40

### APPLICATIONS BY TYPE



## CASE STUDY: MISCONDUCT FOUND AFTER LAWYER DEFIES COMMISSIONER

A complaint against a lawyer was made to the Legal Services Commissioner. The Commissioner commenced an investigation and required the lawyer to provide information relating to the complaint. When the lawyer's response was received, the Commissioner required the lawyer to provide further information. The lawyer refused, saying that the Commissioner's investigation was complete and that the further information required did not relate to the investigation.

The lawyer was charged with professional misconduct for failing to provide the further information. The lawyer argued that the further information the Commissioner sought did not relate to his conduct in the course of legal practice.

The Tribunal found that the Commissioner's investigation was still ongoing and that the lawyer could not decide otherwise. The Tribunal also found that the lawyer was required to provide the information the Commissioner sought so that the Commissioner's investigation could be carried out properly. The lawyer was found guilty of professional misconduct for failing to provide the Commissioner with the further information.

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# HUMAN RIGHTS DIVISION

## GUARDIANSHIP LIST

The List makes protective orders under the *Guardianship and Administration Act 1986* and other legislation. The most common, guardianship and administration orders, involve appointing substitute decision-makers when it is in the best interests of adults suffering cognitive impairment. The List also makes orders about enduring powers of attorney (including those for medical treatment) and enduring powers of guardianship. VCAT also has jurisdiction under the *Disability Act 2006*, including power to make orders for the compulsory treatment of intellectually disabled persons who pose a significant risk of seriously harming others.

### YEAR IN REVIEW

#### Cases

Application numbers for the reporting period did not increase to the extent anticipated, with figures similar to the previous reporting period. We have not identified reasons for this, but it may indicate an increased awareness in the community of the use of enduring powers of attorney. In addition, it could point to people's desire to make their own appointments while they are still competent, which we have actively promoted.

#### Flexibility

We referred more matters to mediation and compulsory conferences, particularly if families were in dispute about issues unrelated to the best interests of the represented person. This gave families the best opportunity to resolve their issues and avoid having orders imposed on them.

#### Efficiency

Due to the sustained effort of staff and members, we finalised more cases overall,

and were well within our timeliness targets. We were particularly pleased that:

- for matters requiring investigation by the Office of the Public Advocate (OPA), members and Registry staff combined to ensure timely delivery of material to the OPA, assisting its officers to prepare for hearings and resulting in fewer delays; and
- members worked with Registry staff to streamline file handling. Registry staff are now more instrumental in preparing files for members' consideration prior to hearings or reassessments. This allows more time for members to undertake decision-making, resulting in speedier outcomes.

We have continued to make orders in most cases using the Order Entry System. The System enables Members to produce and sign written orders in the hearing room, which can then be handed directly to parties. The System is now accessible remotely, allowing members, in certain circumstances, to produce orders whenever and wherever they are sitting. This will benefit parties requiring urgent determination outside business hours or where access to VCAT is difficult.

#### Access to Justice

It is always preferable that those in whose interests we make decisions participate in hearings. This helps to expedite the fair determination of applications concerning them. To promote participation, we endeavour to schedule hearings close to where the person with a disability resides. This has included hospitals, nursing homes and community health care centres, as well as court and tribunal complexes across Victoria. We held regular sittings at the Royal Melbourne Hospital's

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### CASE STUDY: FAMILY DISPUTE RESOLVED IN COMPULSORY CONFERENCE

'Mrs M' is an elderly lady who suffers from dementia and lives in a nursing home. Her several adult children were in conflict about who should visit their mother and when. A family member lodged an application for a guardianship order. Rather than listing it for hearing, the application was referred to a compulsory conference. All family members attended the conference and, with the assistance of a Tribunal member, workable arrangements for visiting were explored and an agreement was reached. There was therefore no need for a guardianship order to be made. The application was withdrawn without the need for a longer and more formal hearing.



Parkville campus and extended our hospital sitting venues to include Wantirna Health and Caulfield Hospital. Our flexibility in terms of sitting at these venues has been very well received as in many cases the represented person's mobility is significantly limited.

Recent feedback revealed that many parties do not know what is required of them once VCAT appoints them as an administrator or guardian. At hearings, we endeavoured to help parties understand these roles by providing explanatory material prepared by the OPA. We also conducted information sessions, in Melbourne and regional centres, for newly appointed guardians and administrators. This had the added benefit of reducing the amount of time staff spent responding to individual queries.

**Community Engagement**

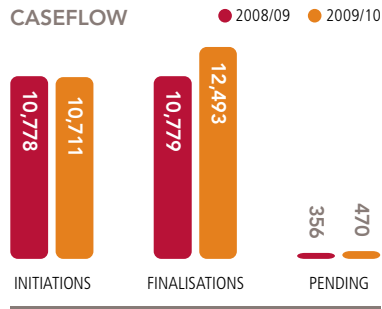
Our user group comprises professional administrators (State Trustees Limited, and FTL Judge and Papaleo Pty Ltd), legal and advice organisations, and representatives from the OPA.

We assisted the OPA and State Trustees Limited to conduct regular metropolitan and regional information sessions for health care and other professionals who work with cognitively impaired people. In addition, we hosted medical and social work students who, as part of their training, observed hearings and discussed VCAT procedures with members.

Speaking engagements were frequent, and included seminars given to hospital geriatricians with an emphasis on the human rights implications of guardianship and administration orders.

**THE FUTURE**

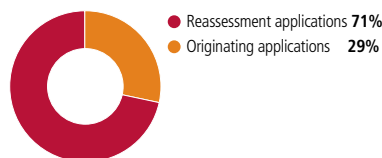
Unless there is a strong trend towards more people making their own appointments, we expect the demands on the List will continue to increase due to an ageing population and the growing proportion of cognitively impaired people in that population.



**TIMELINESS OF FINALISED CASES (WEEKS)**

	2008/09	2009/10	Target
Median	4	5	
80th Percentile	11	11	
Target			13

**APPLICATIONS BY TYPE**





# HEALTH AND PRIVACY LIST

The List was established within VCAT’s Human Rights Division and commenced operation in January 2010. It hears applications for review or referrals about decisions made by government bodies and medical professionals that affect applicants’ personal rights. Applications made under the *Information Privacy Act 2000* and the *Health Records Act 2001* were previously dealt with in the General List.

Two new Acts have been assigned to the List: the *Assisted Reproductive Treatment Act 2008* (which came into effect on 1 January 2010 and repeals the *Infertility Treatment Act 1995*) and the *Public Health and Wellbeing Act 2008*. In respect of the latter Act, only one area of decision making concerning public health orders has been assigned to this List. Other sections are assigned to the General, and Occupational and Business Regulation Lists.

## YEAR IN REVIEW

### Cases

Information privacy and health records applications comprised the majority of applications received, and concerned complaints about decisions to release applicants’ health or other personal information.

We received one application under the *Assisted Reproductive Treatment Act 2008*. As this is a review jurisdiction, directions were made for the filing of a statement of reasons in accordance with section 49 of the VCAT Act.

### Flexibility

Given the nature of the applications, we aim to resolve cases quickly and with sensitivity. We assessed matters for their suitability for ADR and, wherever possible, referred them to mediation where they commonly settled. In mediation, applicants have an opportunity

to air their grievance in a new environment and, when appropriate, to receive acknowledgement that their rights may have been infringed.

### Efficiency

Due to the small number of applications and our use of ADR, we were able to finalise most cases within six weeks.

### Access to Justice

When it suited parties, we conducted mediations and hearings in regional areas. There is no fee for applications to the List.

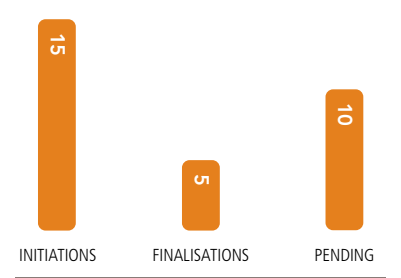
### Community Engagement

In this reporting period, most community engagement occurred through the former president’s review of VCAT, during which stakeholders – such as the Privacy Commissioner – provided feedback about the Tribunal’s processes. We have found the feedback most useful.

## THE FUTURE

We expect application numbers to remain steady and do not anticipate that the new legislation will generate significant activity. We plan to increase our use of ADR and to consider ways to improve accessibility for self-represented parties.

## CASEFLOW

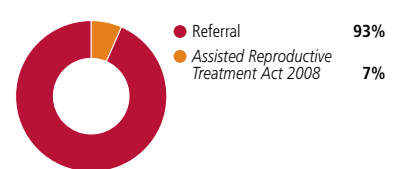


Note: Health and Privacy List was established in January 2010.

## TIMELINESS OF FINALISED CASES (WEEKS)

	2008/09	2009/10	Target
Median	0	5	
80th Percentile	0	6	
Target			5

## APPLICATIONS BY TYPE



## CASE STUDY: VCAT ASSISTS PARTIES TO RESOLVE HEALTH RECORDS COMPLAINT

‘Mr D’ was concerned that his health records did not reflect his recollection of events surrounding his consent to the provision of his health information to a third party. At a directions hearing, the Tribunal explored ways to resolve the complaint at an early stage. Mr D prepared a letter of clarification of the events, which the health provider was happy to place on his health records. Both parties were satisfied with this resolution and the complaint was withdrawn at an early stage.

# ANTI-DISCRIMINATION LIST

The List hears and determines complaints referred from the Victorian Equal Opportunity and Human Rights Commission under the *Equal Opportunity Act 1995* (EO Act) and the *Racial and Religious Tolerance Act 2001*. Complainants can request referral if the Commission declines a complaint, determines that a complaint is not conciliable, or if conciliation is unsuccessful.

The List also hears applications for exemptions from the EO Act, for example, if an applicant needs to discriminate between persons to achieve a just outcome overall.

Occasionally, the List hears applications to strike out frivolous or vexatious complaints, and applications for interim orders to prevent parties from acting prejudicially to complaint outcomes.

## YEAR IN REVIEW

### Cases

There was a slight decrease in Commission-referred complaints, while exemption applications increased considerably. A number of exemption applications were made by organisations with specially tailored programs for particular cultural groups or genders. These often involved multiple applications. The increase may also be due to raised awareness of the need to apply for exemptions, which received much publicity during the reporting period largely as a result of the 2009 parliamentary inquiry into EO Act exceptions and exemptions.

### Flexibility

We continued to achieve high settlement rates using mediation. In response to mediator feedback, we now generally hold directions hearings before referring matters to mediation. This allows careful consideration of the complaint's suitability for mediation, and whether the parties are willing to negotiate. This has streamlined processes and saved time for all involved. We encouraged parties at every opportunity to attempt to resolve their disputes through ADR, and frequently stood hearings down to allow this to happen, often achieving settlement at directions hearings.

### Efficiency

We fell slightly behind timeliness targets, with complaints taking longer to resolve than exemption applications. We made no significant changes to case management, as we intend to review this comprehensively when we

address the introduction of changes to the new *Equal Opportunity Act 2010*.

### Access to Justice

A large proportion of parties are self-represented and we endeavour to ensure they are not disadvantaged, particularly when they are in dispute with represented parties. VCAT's website contains plain-English information and samples to guide self-represented parties through the anti-discrimination referral and hearing process.

We referred self-represented parties to VCAT's duty lawyer if they were unprepared or unfamiliar with our processes. This assisted parties to understand their likelihood of success, and to access financially appropriate legal assistance.

We conducted hearings and mediations in regional areas, and by telephone in appropriate circumstances, when it suited parties.

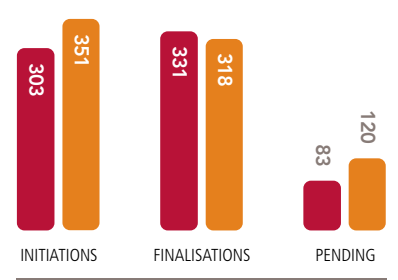
### Community Engagement

Our user group has consistent input into tribunal projects and processes. It comprises barristers and solicitors who work in anti-discrimination, and representatives from the Department of Justice and the Commission.

## THE FUTURE

We are preparing for changes to be introduced in 2011 by the *Equal Opportunity Act 2010*. Those changes mean that complainants will be able to come direct to VCAT rather than having their complaint considered first by the Commission. We therefore expect a significant increase in applications, which will require us to review our case management processes. VCAT had significant input into the review of equal opportunity laws and looks forward to taking a more active role in resolving complaints made under the new Act, which will formally commence in the next reporting year.

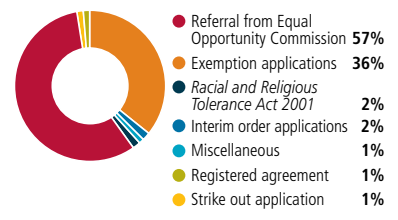
## CASEFLOW



## TIMELINESS OF FINALISED CASES (WEEKS)

	2008/09	2009/10	Target
Median	7	10	
80th Percentile	23	23	
Target			23

## APPLICATIONS BY TYPE



## REFERRALS BY GROUNDS %

	2008/09	2009/10	Variance
Sex discrimination and sexual harassment	22.9	11.3	-50.7%
Impairment	25.0	26.6	6.3%
Race	11.92	8.64	-27.5%
Victimisation	9.88	12.62	27.7%
Other*	31.24	40.84	30.7%

\*Other grounds include: gender identity, industrial activity, lawful sexual activity, marital status, personal association, physical features, political beliefs, pregnancy, religion, status as a parent or carer, racial vilification, religious vilification.

# MENTAL HEALTH LIST

The List was established within VCAT’s Human Rights Division and commenced operation in January 2010. It hears applications for review of decisions made by the Mental Health Review Board about applicants’ involuntary treatment. Previously, such applications were heard in the General List. A decision was made to create a separate Mental Health List within the Human Rights Division to reflect the fact that mental health reviews affect applicants’ personal rights and freedoms.

## YEAR IN REVIEW

### Cases

A small number of applications were received in this List during the reporting period.

### Flexibility

In this jurisdiction significant changes can occur during the life of an application, which can affect its progress or outcome. For example, the Board or treating team will often make new decisions, leading to applications being withdrawn. As a result, very few matters went to full hearing.

Because members must make orders about involuntary treatment, it is often difficult to resolve applications using ADR. The Tribunal, however, supports parties wherever possible to resolve matters in ways that avoid having decisions imposed upon them.

### Efficiency

Issues leading to applications being made generally require urgent attention, so we deal with them as quickly as possible. We held directions hearings within three weeks of receiving

applications, and set hearing dates soon after, whether or not the Board had provided its statement of reasons for decision.

Applicants’ failure to appear caused delays which affected timeliness statistics. We are cautious about making final orders in such cases, as sometimes applicants still want to proceed. This meant some applications remained open for several months.

### Access to Justice

Many applicants are self-represented and we conduct proceedings conscious of this, assisting applicants to understand our processes and their rights. We hear applications in regional locations when it suits applicants, and this usually also suits the area’s mental health service involved. There is no fee for applications for review of Board decisions.

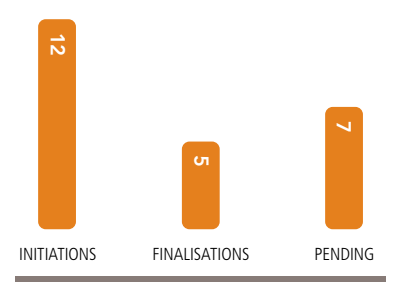
### Community Engagement

We have regular, informal contact with the Mental Health Review Board, mainly about our Registry processes, which helps us to operate more efficiently. The Board and Mental Health Legal Centre undertake community education about rights and legal issues relating to mental health.

## THE FUTURE

We understand that amendments are being proposed for the *Mental Health Act 1986*, which may require us to change our procedures. At the time of this report we had limited information about what the amendments might entail.

## CASEFLOW



Note: Mental Health List was established in January 2010 .

## TIMELINESS OF FINALISED CASES (WEEKS)

	2008/09	2009/10	Target
Median	0	8	
80th Percentile	0	9	
Target			6

## APPLICATIONS BY TYPE



## CASE STUDY: ALTERNATIVE DISPUTE RESOLUTION OF A MENTAL HEALTH AND ANTI-DISCRIMINATION COMPLAINT

‘Mr A’ had a history of lodging appeals about decisions relating to his mental health. He lodged a complaint against an area mental health service, alleging that it had discriminated against him on the basis of his race. There was a long history of dispute between the parties. In the hearing, the Tribunal member adopted alternative dispute resolution techniques and encouraged the parties to resolve the matter by suggesting a change to the area mental health service involved with Mr A. While this suggestion was highly unusual, as it is normally not possible to change the service, the area mental health service agreed to investigate. In consultation with another health service, those arrangements were made and Mr A was satisfied with the outcome.

# ORGANISATIONAL SUPPORT AND DEVELOPMENT

VCAT continued to invest in the on-going development of its **people, facilities, technology, processes** and **governance** in order to successfully serve the Victorian community.

## GOVERNANCE

### APPOINTING MEMBERS

Consistent with the Act, the president of VCAT must be a Supreme Court judge, and vice-presidents must be judges of the County Court. The Attorney-General recommends these judicial appointments to the Governor-in-Council, after consulting with the Chief Justice and Chief Judge.

Deputy presidents, senior members, full-time, part-time and sessional members of VCAT are also appointed by the Governor-in-Council.

Both judicial and non-judicial members hold five-year terms and are then eligible for re-appointment. They may resign their office by delivering a signed letter of resignation to the Governor.

### MEMBER PROFILE

VCAT's membership is comprised of judicial and non-judicial members, with judicial members including the president and vice-presidents.

Our members include legal practitioners and other professionals with specialised knowledge or expertise, such as planners, engineers, architects, medical and allied health practitioners, accountants, land valuers and real estate agents. VCAT functions efficiently and effectively, due to the contributions of these diverse members, many of whom are qualified to sit on a number of our Lists. In turn, members gain career flexibility, satisfaction and development, from working in a variety of jurisdictions.

### DIRECTING VCAT

The president directs the business of the Tribunal and is responsible for the management of the administrative affairs of the Tribunal.

The chief executive officer exercises responsibilities under the *Public Administration Act 2004* and the *Financial Management Act 1994* (under delegation from the Secretary).

## RULES COMMITTEE

In accordance with Part 6 of the *Victorian Civil and Administrative Tribunal Act 1998*, the Rules Committee is comprised of VCAT's judicial members, a full-time member (who is not a legal practitioner), an Australian legal practitioner (within the meaning of the *Legal Profession Act 2004*) and two persons nominated by the Attorney-General.

The Committee undertakes a number of important leadership functions within VCAT, including:

- developing rules of practice and procedure, and practice notes;
- directing the education of VCAT members in relation to those rules of practice and procedure and practice notes;
- establishing the divisions and Lists; and
- allocating functions of the Tribunal under enabling enactments to divisions and Lists.

### RULES COMMITTEE MEMBERSHIP

As at 30 June 2010, the Rules Committee comprised:

**Justice Iain Ross, B.Ec, LLB, LLM, MBA, PhD**  
Justice Iain Ross AO was appointed a justice of the Supreme Court of Victoria on 4 November 2009. Prior to his appointment to the Supreme Court, he was a judge of the County Court of Victoria and vice-president of VCAT. Justice Ross was previously a partner of a city law firm, and vice-president of the Australian Industrial Relations Commission. Justice Ross was appointed president of VCAT on 1 April 2010.

#### Other Judicial Members

Judge Bowman, Judge Davis and Judge Duggan, are full-time judges of the County Court of Victoria and vice-presidents of VCAT. They can be called upon to sit, if required.

#### Louise Jenkins, BA, LLB

Ms Jenkins is a barrister and solicitor of the Supreme Court of Victoria, and a partner at law firm Allens Arthur Robinson. She practices litigation for major Australian companies and international insurers. Ms Jenkins is a member of the Tribunal and a trustee of Law Aid, and was appointed to the Committee on 1 July 1998.

#### Margaret Baird,

#### BTRP (Hons), Grad Dip Law

Ms Baird is a member of the Planning and Environment List of VCAT. She was appointed

to the Committee on 24 June 2003. Previously she worked as a consultant strategic planner and sessional member of Planning Panels Victoria.

#### Michael Macnamara, BA (Hons), LLB (Hons)

Mr Macnamara is the deputy president who heads the General, Taxation and Legal Practice Lists of VCAT, and was previously deputy president of the Administrative Appeals Tribunal of Victoria. He was appointed to the Committee on 24 July 2007.

#### Bill Sibonis, BPD, BTRP

Mr Sibonis was appointed as a full time member of the Planning and Environment List of VCAT on 21 July 2009. He formerly worked as a town planner in local government, a sessional member of Planning Panels Victoria, and associate general editor of Victorian Planning Reports. He was appointed to the Committee on 24 July 2007.

#### Ex Officio Members

##### Justice Kevin Bell, BA, LLB (Hons)

Justice Bell worked in community legal centres and academia until signing the bar roll in 1985. He was a member of the small claims and residential tenancies tribunals in the 1980s, and was Queens Counsel in 1997. He practiced administrative, industrial and native title law until appointed a justice of the Supreme Court in 2005. Justice Bell was appointed president of VCAT in March 2008 and completed his term on 31 March 2010.

##### Judge Marilyn Harbison,

##### BA (Hons), LLB, LLM

Judge Harbison was appointed vice-president of VCAT, Human Rights Division, in January 2007. She has been a judge of the County Court of Victoria since 1996, where she had charge of the Business and Damages Lists. Prior to her judicial appointment, she was a partner in a city law firm specialising in commercial litigation; a council member of the Law Institute of Victoria; chairperson of the Housing Guarantee Fund; and president of the Public Interest Law Clearing House. Judge Harbison returned to the County Court on 28 June 2010.

### RULES COMMITTEE ACTIVITIES AND MEETINGS

The Rules Committee amends the rules and practice notes of VCAT in response to procedural reform, changes in jurisdiction and as new legislation is allocated to VCAT's Lists. During

2009–10, the Committee met on five occasions: in August, November and December 2009; and in April and June 2010.

The Committee has a four-member quorum. A question arising at a meeting is determined by a majority of votes, with the person presiding having a deliberative vote and, in the case of an equality of votes, a second or casting vote. The Committee must ensure that it keeps accurate minutes of its meetings, but otherwise it regulates its own proceedings.

### VCAT RULES

At its November 2009 meeting, the Committee proposed the creation of three new Lists:

#### Civil Division

- Owners Corporations List

#### Human Rights Division

- Health and Privacy List; and
- Mental Health List.

The creation of the Health and Privacy and Mental Health Lists in the Human Rights Division was to allow specific enabling enactments to be allocated to these Lists. The Human Rights Division was considered a more logical location for the Lists, given the functions conferred on and undertaken by VCAT, specifically in relation to the Charter of Human Rights and Responsibilities.

The Health and Privacy List encompasses the Tribunal's jurisdictions under the *Assisted Reproductive Treatment Act 2008*, *Health Records Act 2001*, *Information Privacy Act 2000* and *Public Health and Wellbeing Act 2008*.

The jurisdiction of the Mental Health List includes the *Mental Health Act 1986*.

The Tribunal's jurisdiction under the *Owners Corporations Act 2006* was originally part of the Civil Claims List, but significant growth in 2009 warranted the creation of a dedicated List.

The three new Lists commenced operation on 1 January 2010.

### PRACTICE NOTES

In August 2009 the Committee approved the Planning and Environment List amended practice notes (PNPE1–PNPE4) as interim practice notes.

In April 2010, the Committee approved the new practice note (PNPE8) for major cases in the Planning and Environment List.

## NEW JURISDICTIONS

### November 2009

The *Public Health and Wellbeing Act 2008*, which commenced on 1 January 2010, was allocated to the General List, Health and Privacy List and Occupational and Business Regulation List. The purpose of the Act is to enact a new legislative scheme to protect and promote public health and wellbeing in Victoria. Section 122 of the Act provides that a person subject to a public health order can apply to the Health and Privacy List of VCAT for a review of the decision to make such an order.

Section 204(7) of the Act provides that an applicant who is dissatisfied with the decision by the Secretary regarding payment of compensation may apply to the General List of VCAT for review of the decision.

Section 207 of the Act provides that an applicant may apply to the Occupational and Business Regulation List of VCAT for review of certain decisions. Division 2 of Part 6 of the Act relates to the registration of prescribed accommodation, Division 3 of Part 6 relates to the registration of certain business premises, Division 1 of Part 7 regulates cooling tower systems and Division 2 of Part 7 regulates the use of pesticides by pest control operators.

### April 2010

The *Dairy Act 2000* was allocated to the Occupational and Business Regulation List. The purpose of the Act is to establish a new legislative scheme for the regulation of the dairy food industry. The Act provides for a licensing system for the dairy industry, and establishes a regulatory authority, Dairy Food Safety Victoria. Section 27(1) of the Act provides that any person affected by a decision of the Authority may apply to VCAT for review of the decision.

The *Fundraising Act 1998* was allocated to the Occupational and Business Regulation List. The purpose of the Act is to regulate the raising and application of money and other benefits for non-commercial purposes from the public. The Act provides for the Director of Consumer Affairs to register, renew or deregister a person as a fundraiser. Section 33(1) of the Act provides that any person affected by a decision of the Director may apply to VCAT for review of the decision.

The *Health Services Legislation Amendment Act 2008* (the amending Act) which commenced on 1 July 2009 amended the *Health Services Act*

1988 and was allocated to the Occupational and Business Regulation List. The purpose of the amending Act is to establish a new regulatory framework for community health centres. The amending Act provides for further rights of review to VCAT in relation to decisions made regarding the registration of community health centres and appointment of administrators.

The *Major Sporting Events Act 2009* was allocated to the General List. The main purposes of this Act are to re-enact with amendments and to consolidate into one Act, the law relating to major sporting events and venues for events; to repeal the *Major Events (Aerial Advertising) Act 2007*, the *Major Events (Crowd Management) Act 2003* and the *Sports Event Ticketing (Fair Access) Act 2002*; and to consequentially amend other Acts. Section 168(1) of the Act provides that a sports event organiser may apply to VCAT for review of the Minister's decision to make a sports ticketing event declaration, or to refuse to approve a ticket scheme proposal.

The Occupational Health and Safety Regulations 2007 were allocated to the Occupational and Business Regulation List. The Regulation's objectives are to provide for health and safety at workplaces, the safe operation of major hazard facilities, the registration of persons engaged in construction work, and the licensing of persons engaged in high-risk work. Section 129(1)(a) of the *Occupational Health and Safety Act 2004* provides that a person may apply to VCAT for review of a reviewable decision by the Authority under the Act.

The Victoria State Emergency Service Regulations 2006 were allocated to the Occupational and Business Regulation List. The Regulations include disciplinary provisions relating to members of the Victorian State Emergency Service. Regulation 21(1) provides that a registered member or probationary member may apply to VCAT for review of a decision by the Authority under Regulation 18 or 20.

### June 2010

The Committee resolved to allocate the *Health Practitioner Regulation National Law (Victoria) Act 2009* to the Occupational and Business Regulation List. The purpose of this Act is to provide for the adoption of a national law to establish a national registration and accreditation scheme for health practitioners. This Act replaces parts of the *Health Professions Registration Act 2005*, previously allocated to the Occupational and Business Regulation List



## PROFESSIONAL DEVELOPMENT GROUP

The VCAT Professional Development Group – chaired by Deputy President Cate McKenzie – has a broad professional development focus. While Lists provide specific professional development opportunities for their members, this Group (in conjunction with the Mediation Committee) has primary responsibility for coordinating the overall professional development of VCAT members and mediators.

As in previous years, the Professional Development Group this year conducted a series of monthly seminars for members and mediators across the whole of VCAT. Seminar attendees qualified for Continuing Professional Development (CPD) points in accordance with the Victorian Bar Council's Continuing Professional Development Committee approval and the Law Institute of Victoria's Professional Development Rules 2008.

Seminar topics included:

- Costs orders and assessments – delivered over two seminars, this topic covered the differences and similarities in List practices regarding orders for costs. VCAT Registrar Tony Jacobs (an experienced costs taxation officer) also discussed costs assessment at VCAT and how the framing of orders can affect those assessments. He further addressed scales of costs and the approach to common and mixed costs.

- Judicial stress and work/life balance, presented by Maryanne Mooney, psychologist and member of the Full Circle Feedback organisation.
- Bankruptcy and its effect on VCAT proceedings, presented by Associate Justice Gardiner of the Supreme Court of Victoria.
- 'Procedural pitfalls' – delivered by Deputy Presidents Billings, McKenzie and Macnamara and Principal Mediator Lothian, this seminar addressed issues such as discovery, applications to strike out or dismiss proceedings, applications in respect of bias, and the power to amend orders that contain clerical and other errors.

### MEMBERS AND MEDIATORS CONFERENCE

In November 2009 VCAT's President and the Professional Development Group hosted VCAT's annual Members and Mediators Conference at the Intercontinental Melbourne. Attended by more than 100 members and mediators, this full-day conference featured Justice Bell (former president of VCAT) delivering the outcomes of his VCAT review, following which attendees workshopped aspects of the review in groups, reporting back to Justice Bell. Justice Ross also presented on the new uniform evidence legislation, and Justice Forrest spoke on key lessons drawn from his experience in dealing with appeals to the Supreme Court from VCAT decisions.

## ENVIRONMENT GROUP

A team of interested VCAT staff and members established the VCAT Environment Group during the reporting period. Their aim is to promote and implement initiatives that result in the sustainable use of resources in VCAT's day-to-day operations. The Environment Group is developing 'terms of

reference' and undertaking research into current industry best practice.

VCAT looks forward to supporting the Group's work and benefiting from more streamlined and sustainable operations, while reducing its impact on the environment.



## VCAT STAFF

VCAT is comprised of more than 200 staff working in Corporate Services, Registry and Member Support.

Staff numbers have increased during the reporting period, with a higher than usual turnover leading to high levels of recruitment. This was in part due to staff members commencing in new roles, undertaking secondments or on extended periods of leave.

A new Senior Projects Manager was appointed for the Planning and Environment Major Cases List, with additional staff supporting this role. Within Corporate Services, a new Program Office was formalised to support VCAT's ability to manage and undertake projects. The Office will play a significant role in supporting projects vital to realising VCAT's strategic objectives.

### STAFF SURVEY

At the time of writing, VCAT's Senior Management team was reviewing the results of an Employee Attitude Survey in which all staff participated. After this review, management will engage staff in feedback and workshop sessions to propose workplace improvements and develop an improvement action plan.

### TRAINING AND DEVELOPMENT

Training and development continued to be a major focus for VCAT. Staff members significantly increased the hours and variety of training undertaken this year. Training demand continues to be driven by staff needing to acquire a range of skills to more flexibly respond to customers' needs. The number of VCAT employees undertaking the Certificate IV in Government (Court Services) continues to increase. Staff undertaking this qualification gain experience from working across different Lists at VCAT and in other jurisdictions.

Staff also undertook training provided through the 'One Justice' training curriculum in the following areas:

- recruitment and selection
- management and leadership
- performance management
- customer service
- working effectively with diversity
- computer and writing skills
- privacy
- project management
- mental health, disability and indigenous cultural awareness
- training and assessment

- managing potentially violent clients and situations
- the Community Referral Directory
- emotional intelligence

A highlight this year was that all staff received training in their obligations as government employees to uphold the Charter of Human Rights and Responsibilities. This training was delivered by former president, Justice Bell, former vice president, Judge Harbison, and Deputy President Cate McKenzie. Another highlight was that eight staff undertook a five-day LEADR training course and became nationally accredited mediators. Further training and development highlights this year included:

- the development of a revised VCAT induction program;
- the introduction of an electronic Learning Management System (LMS);
- a series of jurisdictional training sessions; and
- a hearing observation pilot program within the Planning and Environment List.

VCAT also undertook a large-scale training needs analysis, which has laid the foundation for a strategic approach to staff training and the development program for 2010–11.

### WORK EXPERIENCE AND TRAINEESHIPS

VCAT provided five young Victorians aged 16–24 with traineeships through the Youth Employment Scheme, a joint venture between the Victorian Government and employers. One trainee became a permanent employee and another secured employment with a related government body.

VCAT's work experience program for secondary school students has been reviewed and updated. The improved program will be launched in the new financial year after a trial period during which participants will provide feedback.

Tertiary students undertook practical placements at VCAT relevant to their areas of study in judicial administration. We are considering how to increase work experience and placement opportunities for rural and regional students.

### EMPLOYEE RELATIONS

VCAT is an equal opportunity employer and adheres to merit and equity principles when recruiting staff. VCAT's diverse workforce contributes to its vibrant culture through staff-initiated events such as a multicultural lunch in celebration of Cultural Diversity Week. We

regularly update staff in areas such as bullying, sexual harassment and the Victorian Public Service Code of Conduct.

VCAT's commitment to work/life balance allows employees to enjoy a variety of flexible working arrangements. Additionally, staff are supported to participate in social activities through the staff-run Social Club, and initiatives such as the Global Corporate Challenge.

### WAGES AND SUPERANNUATION

Employee wages totalled \$9.69 million, compared to \$8.51 million in 2008–09. A dedicated payroll team within the Department of Justice now manages VCAT wages, making for more efficient processing. Previously this was handled internally.

Staff are employed under the terms and conditions of the Victorian Public Service Agreement 2006 (2009 Extended and Varied Version), which incorporates performance management and progression plans for all staff. The Agreement recognises and rewards eligible staff who demonstrate sustained improvement against agreed progression criteria, with an average two per cent annual salary increase.

Staff received superannuation benefits through a choice of superannuation funds, including the State Superannuation Funds (new and revised), VicSuper or privately nominated funds.

### OCCUPATIONAL HEALTH AND SAFETY

VCAT aims to provide and maintain a safe working environment, which ensures and nurtures the health and wellbeing of all staff, members and visitors. VCAT provides all employees with ergonomic equipment and can arrange for ergonomic assessments to be completed. During 2009–10, six new WorkCover claims resulted in 97 lost work days (there was one claim with no lost work days in 2008–09).

VCAT increased its number of accredited first aid officers to 12 and undertook an audit to ensure existing officers' accreditation was up-to-date. Fire wardens received regular training, and we practiced fire, bomb and other emergency evacuation procedures throughout the year.

An OH&S audit of 55 King Street was conducted, with urgent issues receiving immediate attention. A program of improvements is being developed for less urgent matters. OH&S training will be offered to supervisors and managers in the new financial year.

## REGISTRY

VCAT's Registry coordinates the exchange of information between VCAT and parties, such as hearing notices, orders, and the forms required to lodge a claim. Registry also supports VCAT members to more efficiently carry out their duties.

### STAFF AND STRUCTURE

Registry now has more than 170 staff, representing the addition of 20 new staff since the last reporting period. The increase in staff numbers is a reflection of the creation of three new Lists, and the allocation of new jurisdictions to VCAT during the reporting period. Additionally, VCAT needed to replace Registry staff who left during the year. Most Registry employees are based at 55 King Street, but some work at suburban and regional Magistrates' Courts where VCAT also conducts hearings.

Registry comprises:

- the Civil Division, which supports the Civil Claims, Credit, Domestic Building, Owners Corporation, Real Property, Residential Tenancies and Retail Tenancies Lists;
- the Administrative Division, which supports the General, Land Valuation, Legal Practice, Occupational and Business Regulation, Planning and Environment, and Taxation Lists;
- the Human Rights Division, which supports the Anti-Discrimination, Guardianship, Mental Health, and Health and Privacy Lists; and
- the Listings Directorate, which supports all Lists, allocating cases to members for hearing, and managing hearing venues.

A Senior Projects Manager for the new Planning and Environment Major Cases List was appointed, with two additional staff recruited from within Registry to support this role.

### CASE MANAGEMENT

During 2009–10, Registry consolidated the way it dealt with matters, with teams implementing a new case management process as a result of the 2008 Registry Review. Registry teams now operate with an emphasis on end-to-end case management. This means one team manages all processes associated with a VCAT case, rather than cases being 'handed off' at various stages of the process to other sections of Registry. This supports members to get the information they need from one area, and leads to better, more consistent customer service.

Registry team positions are graded according to levels of responsibility, increasing opportunities for staff to progress through grades and further their career development. Staff also gain professional development benefits from using the wider variety of case management skills required for end-to-end processing.

The Listings Directorate ensures that matters are dealt with in a timely manner. On the fifth floor of the Tribunal, 95 per cent of matters listed in our high volume Residential Tenancies and Civil Claims Lists are heard within half an hour of the allocated hearing time. As a result parties do not spend more time than necessary waiting for their hearings to commence. With their knowledge of member expertise and availability, Listings staff are able to allocate appropriate members to matters.

### STAFF MEDIATORS

Following a selection process, eight Registry staff participated in the five-day LEADR mediation course and became accredited mediators. The Civil Claims List conducted a pilot program that enabled parties to a proceeding to have their cases mediated by an accredited Registrar mediator. If the matter failed to resolve then the case was listed before a member, on the same day, for determination. This provided an opportunity for staff and members to work together, and staff benefited from the development of new skills. Customers also benefited from the Tribunal's increased access to accredited mediators as it helped to resolve disputes more efficiently.

### COMMUNITY ENGAGEMENT

Registry played an important role in community education and engagement. A number of registrars presented talks at VCAT's Open Day and at our metropolitan venues at Dandenong and Moorabbin Courts as part of Law Week. Additionally, registrars often accompanied members and deputy presidents when they gave talks at conferences and other venues, providing additional information about VCAT's processes.

### FUTURE

Registry looks forward to being part of the new vision for VCAT. We will continue to focus on serving parties' best interests in the development of Registry and case management processes, in line with our key performance indicators. Registry will participate in a number of initiatives in the upcoming year, including supporting members to sit in non-traditional settings and conduct twilight hearings. This in turn will support and provide for more flexible working arrangements for Registry staff.

# INFORMATION TECHNOLOGY

We continually explore ways to improve our customer service through the use of technology. This allows us to make VCAT more accessible, facilitates quick decision-making, and assists in the efficient sourcing and provision of information.

Last year we improved many of the existing systems and commenced work on new ones. Two current major projects, covered elsewhere in this report, are 'SPEAR' and 'SharePoint'. When fully operational, these systems will revolutionise the way in which the Tribunal interacts with the community.

## CASE MANAGEMENT

VCAT operates two computerised case management systems, Caseworks and the Tribunal Management System (TMS). Members and staff use Caseworks and TMS to:

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

In the reporting period we undertook a significant maintenance release for Caseworks, which has enhanced its stability. A new version is being tested and will be released in the coming financial year.

Eventually, all VCAT cases will be managed through the Integrated Courts Management System (ICMS), being deployed by the Department of Justice across all of Victoria's courts and tribunals. Among other benefits, ICMS will allow parties to lodge, pay for and monitor their applications online. VCAT is represented on the ICMS Technical Project Board, which ensures the system will meet VCAT's needs. ICMS deployment to VCAT is now expected mid 2012.

## REMOTE ACCESS

VCAT is now able to deliver both case management systems to personal computers at remote venues using Citrix technology. This will mean members can access the systems from wherever they are, allowing greater hearing venue flexibility, and assisting members to quickly adapt if venues are changed. Coinciding with this, we have also established a pool of laptops for members to use while travelling to rural and regional venues.

## ORDER ENTRY SYSTEM

The Order Entry System (OES) is a module of the TMS case management system that allows Members of the high-volume Residential Tenancies and Guardianship Lists to produce and print orders, which may be signed and given to parties immediately after hearings. OES will soon be accessible remotely, allowing members in some circumstances to produce orders whenever and wherever they are sitting. This will greatly enhance members' ability to create, finalise, lodge and deliver orders for urgent, out-of-hours matters, for example the appointment of a guardian prior to the performance of a hospital procedure.

In 2009–10, members in the Residential Tenancies List created 54,636 orders using OES, comprising 91 per cent of all orders, compared to 53,652, or 89 per cent in 2008–09. In the Guardianship List, members produced 14,737 orders using OES, comprising 92 per cent of all orders, compared to 14,486 or 92 per cent in 2008–09.

## VCAT ONLINE

Regular users of the Residential Tenancies List can register to use VCAT Online, our web-based interface. This enables users to quickly and easily:

- complete and lodge application forms, or withdraw applications;
- request warrants of possession;
- generate and print notices of dispute under the *Residential Tenancies Act 1997*;
- receive advice of a hearing date, time and location; and
- view VCAT orders.

In the reporting period, 39,332 applications were lodged through VCAT Online. This represents 81 per cent of all cases for the Residential Tenancies List.

VCAT Online for Guardianship List users (VOGL) provides an online interface between the Victorian State Trustees and VCAT. This facilitates the examination of administrators' annual accounts and enables State Trustees examiners to submit their outcomes back to the Tribunal. State Trustees completed 5,385 financial examinations on the VOGL system in 2009–10.

## DIGITAL RECORDING SYSTEM

This system records proceedings from all 47 VCAT hearing rooms at 55 King Street and stores them on a central server. Parties may request transcripts of hearings (at their cost) and VCAT presiding members can access voice recordings. Transcripts are an important source of information in the event of an appeal. The recordings also protect the interests of users and members participating in hearings, with the added benefit of monitoring and improving standards of conduct and accountability. In 2009–10, we upgraded the mixers in most hearing rooms to improve recording quality. We also upgraded the central server, enhancing its stability.

We received 524 requests for transcripts, compared to 558 in 2008–09, and 295 requests from VCAT members for voice recordings, compared to 319 in 2008–09.

## AUDIOVISUAL

We installed advanced audiovisual and telecommunications systems in VCAT's Learning Centre and a further three hearing rooms. Six of our hearing rooms now have this state-of-the-art equipment, which is used regularly, particularly in planning matters. Plans can now be projected onto a large screen for all parties to view, facilitating the smooth progress of proceedings. Another three hearing rooms also have video conferencing facilities.

## VCAT WEBSITE

The VCAT website at [www.vcat.vic.gov.au](http://www.vcat.vic.gov.au) contains useful information such as:

- details about each List and how to make or respond to an application;
- application forms and guides;
- the entry page to 'VCAT Online' – lodging Residential Tenancy applications online;
- legislation, practice notes and VCAT Rules;
- the daily law list;
- video guides 'Working it Out Through Mediation' and 'Taking it to VCAT' to help parties prepare for VCAT attendance;
- information about community and stakeholder meetings;
- links to workshops for parties to represent themselves at VCAT;
- links to VCAT decisions, and a variety of government, judicial and legal websites; and
- how to access VCAT files, publications and information.

We updated website content wherever required, including making changes to incorporate the new Tribunal Lists. A major addition was the video guide 'Taking it to VCAT', which site visitors can now freely download and view.

VCAT now uses Neilson Net Ratings to track how our website is used. Neilson Net Ratings employs a hit method of tracking (measuring pages and items viewed), unlike our previous web tracker Web Trends, which counted the number of individual visits to the site. In the reporting period we received more than two million hits on the website, compared to 711,108 visits in 2008–09.

## E-MAILS

The [vcat@vcat.vic.gov.au](mailto:vcat@vcat.vic.gov.au) e-mail address received 14,713 e-mails during the 2009–10 financial year, which represents a 53 per cent increase on the figures for the previous year. This significant increase is possibly an indication of both an increase in the volume of applications to VCAT (and subsequent enquiries) and a change in the community's accepted means of communication with VCAT, from the telephone and paper forms to the convenience of an accessible online method.

## THE FUTURE

VCAT will continue to work on current and new technology projects that align with its strategic plan, and have input into ICMS developments. Due to our need to integrate projects with ICMS, a number of projects rely upon the commencement of ICMS before they can operate comprehensively.

Additional technological improvements planned for 2010–11 include:

- an upgrade of the website content management system, which will enable us to improve website content, making it more user-friendly;
- provision of public access computer workstations on the ground floor, enabling visitors to access application forms and lodge them online, or search for relevant information;
- a pilot of the digital recording of hearings in suburban and rural sitting venues; and
- upgrades to 150 personal computers, two application servers and various software applications.

# FURTHER INFORMATION

## OPERATING STATEMENT AND FINANCIAL SUMMARY

### FUNDING

VCAT received Victorian Government appropriations (\$19.65 million) either directly from the Department of Justice or by way of other departments making contributions to VCAT. These sources fund the majority of Lists with the exception of Lists funded by other sources as described below. Appropriations include revenue of \$1.88 million generated by those Lists receiving application fees.

- The Residential Tenancies Trust Fund, established under the *Residential Tenancies Act 1997*, wholly funds the Residential Tenancies List (\$10.74 million).
- The Domestic Builders Fund, established under the *Domestic Building Contracts Act 1995*, wholly funds the Domestic Building List (\$2.70 million).
- The Guardianship and Administration Trust Fund established under the *Guardianship and Administration Act 1986*, partially funds the Guardianship List (\$1.45 million).
- The Legal Services Board established under the *Legal Profession Act 2004*, wholly funds the Legal Practice List (\$1.12 million).
- The Owners Corporation (Victorian Property Fund) jurisdiction was established under the *Owners Corporations Act 2006*, and is wholly funded by Consumer Affairs Victoria (\$1.13 million).

### EXPENDITURE

In 2009–10, VCAT's recurrent expenditure of \$36.79 million was 5.4 per cent higher than the \$34.92 million expended by VCAT in 2008–09, divided among expenditure on salaries to full-time, part-time and sessional members (\$13.49 million), staff salaries (\$9.69 million), salary related on-costs (\$4.59 million) and operating expenses (\$9.02 million).

### VCAT AUDITED ACCOUNTS

VCAT's accounts are audited and published as part of the accounts of the Department of Justice and published in that Department's annual report.

The figures published in the Department's annual report may vary from the information published in this annual report, due to adjustments made in the period between their respective publications.

### OPERATING STATEMENT AND FINANCIAL SUMMARY

FUNDING 2009/10	2008/09	2009/10
	\$m	\$m
VCAT funding sources		
Output appropriations	17.64	19.30
Residential Tenancies Fund	10.15	10.74
Domestic Building Fund	2.45	2.70
Guardianship and Administration Trust Fund	1.80	1.45
Retail Tenancies List (DIIRD)	0.34	0.35
Legal Practice List	1.35	1.12
Victorian Property Fund	1.19	1.13
<b>TOTAL</b>	<b>34.92</b>	<b>36.79</b>

### EXPENDITURE

VCAT operational expenditure	\$m	\$m
Salaries to staff	8.51	9.69
Salaries to full-time members	6.77	7.51
Sessional members	5.20	5.98
Salary related on-costs	4.16	4.59
Operating costs	10.28	9.02
<b>TOTAL</b>	<b>34.92</b>	<b>36.79</b>

VCAT Expenditure allocation by List*	\$m	\$m
Planning	7.91	8.34
Guardianship	4.95	5.39
General/ OBR/ Taxation	2.43	2.88
Anti-Discrimination	0.40	0.40
Civil Claims	2.26	2.18
Real Property	0.18	0.18
Land Valuation	0.64	0.63
Credit	0.54	0.52
Health Profession	0.02	0.22
Retail Tenancies	0.45	0.36
Legal Practice List	1.35	1.12
Residential Tenancies Fund	10.15	10.74
Domestic Building Fund	2.45	2.70
Owners Corporations	1.19	1.13
<b>TOTAL</b>	<b>34.92</b>	<b>36.79</b>

\* Expenditure by List figures shown above are approximate only. They are intended to give an impression of the relative expenditure among Lists. An accurate comparison of these costs between years is not possible due to the extent of the sharing of resources among Lists.

## ALLOCATION OF FUNCTIONS

According to Victorian Civil and Administrative Tribunal Rules 2008 [SR65/2008] and Draft Victorian Civil and Administrative Tribunal (Amendment No 1) Rules 2010 dated 28 June 2010  
As at 30 June 2010

### ADMINISTRATIVE DIVISION

#### General List

The functions of the Tribunal under the enabling enactments set out in the items below are allocated to the General List of the Administrative Division.

<i>Accident Compensation Act 1985</i>
<i>Adoption Act 1984 section 129A(1)(a) (decisions regarding fitness to adopt and approval to adopt)</i>
<i>Associations Incorporation Act 1981</i>
<i>Births, Deaths and Marriages Registration Act 1996</i>
<i>Cemeteries and Crematoria Act 2003</i>
<i>Children, Youth and Families Act 2005</i>
<i>Co-operatives Act 1996</i>
<i>Country Fire Authority Act 1958</i>
<i>Dangerous Goods Act 1985</i>
<i>Disability Act 2006 section 50 (decision as to disability)</i>
<i>Domestic (Feral and Nuisance) Animals Act 1994 section 98(2) (declaration and registration of dangerous dogs)</i>
<i>Drugs, Poisons and Controlled Substances Act 1981</i>
<i>Electoral Act 2002</i>
<i>Electricity Safety Act 1998</i>
<i>Emergency Management Act 1986</i>
<i>Emergency Services Superannuation Act 1986</i>
<i>Equipment (Public Safety) Act 1994</i>
<i>Estate Agents Act 1980 section 81(5A) (claims against guarantee fund)</i>
<i>Fisheries Act 1995</i>
<i>Freedom of Information Act 1982</i>
<i>Fundraising Appeals Act 1998</i>
<i>Gas Safety Act 1997</i>
<i>Livestock Disease Control Act 1994</i>
<i>Local Government Act 1989 sections 38(2A) and 48 (decisions of Municipal Electoral Tribunal), section 133 (decision of the Minister imposing a surcharge) and clause 8 of Schedule 12 (decisions of returning officer concerning how-to-vote cards);</i>
<i>Major Sporting Events Act 2009</i>
<i>Melbourne and Metropolitan Board of Works Act 1958</i>
<i>Metropolitan Fire Brigades Act 1958</i>
<i>Motor Car Traders Act 1986 section 79 (claims against guarantee fund)</i>
<i>Parliamentary Salaries and Superannuation Act 1968</i>
<i>Public Health and Wellbeing Act 2008 section 204</i>

*Relationships Act 2008 Part 2.4 of Chapter 2*

*Road Management Act 2004*

*Road Transport (Dangerous Goods) Act 1995*

*Sports Event Ticketing (Fair Access) Act 2002*

*State Employees Retirement Benefits Act 1979*

*State Superannuation Act 1988*

*Superannuation (Portability) Act 1989*

*Transport Accident Act 1986*

*Transport Superannuation Act 1988*

*Travel Agents Act 1986 section 46 (claims against approved compensation schemes)*

*Unclaimed Money Act 2008 sections 59, 61 and 63*

*Victims of Crime Assistance Act 1996*

*Victoria State Emergency Service Act 2005*

*Victorian Plantations Corporation Act 1993*

*Victorian Qualifications Authority Act 2000*

#### Land Valuation List

The functions of the Tribunal under the enabling enactments set out in the items below are allocated to the Land Valuation List of the Administrative Division.

*Flora and Fauna Guarantee Act 1988 section 43(12) (claims for compensation)*

*Health Services Act 1988 section 67 (compulsory acquisition of land)*

*Land Acquisition and Compensation Act 1986*

*Local Government Act 1989 section 183 (differential rating)*

*Mildura College Lands Act 1916 section 2(ec) (decision of Valuer-General on value of land)*

*Mineral Resources (Sustainable Development) Act 1990 section 88 (compensation for loss caused by work under a licence)*

*Pipelines Act 2005 section 154*

*Planning and Environment Act 1987 sections 94(5) (compensation as a result of order to stop development or cancellation or amendment of permit) and 105 (compensation for loss caused by reservation of land, restriction of access or road closure)*

*Subdivision Act 1988 section 19 (valuation of land for public open space)*

*Valuation of Land Act 1960 Part III (disputes on the value of land)*

*Water Act 1989 section 266(6) (setting tariffs, fees under tariffs, valuation equalisation factors and valuations)*



## Occupational and Business Regulation List

The functions of the Tribunal under the enabling enactments set out in the items below are allocated to the Occupational and Business Regulation List of the Administrative Division.

*Adoption Act 1984* section 129A(1)(b) (decisions regarding approval of adoption agencies) and 129A(1)(c) (decisions regarding accreditation of bodies)

*Agricultural and Veterinary Chemicals (Control of Use) Act 1992*

*Architects Act 1991*

*Biological Control Act 1986*

*Building Act 1993* Division 12 of Part 12A

*Children's Services Act 1996*

*Consumer Credit (Victoria) Act 1995* Part 4 (registration of credit providers) and section 371(1) (permission, including conditions, to a disqualified person to engage or be involved in finance broking)

*Dairy Act 2000*

*Dangerous Goods Act 1985*

*Disability Act 2006* section 45 (registration of a disability service provider)

*Domestic (Feral and Nuisance) Animals Act 1994* section 98(1) (registration of premises to conduct a domestic animal business)

*Education and Training Reform Act 2006*, Division 14 of Part 2.6 and Part 4.8

*Estate Agents Act 1980* except sections 56B(1) (see Real Property List) and 81(5A) (see General List)

*Firearms Act 1996* section 182 (decisions of Firearms Appeals Committee)

*Fundraising Appeals Act 1998*

*Gambling Regulation Act 2003*

*Health Professions Registration Act 2005* Part 4

*Health Services Act 1988* section 110 (decisions of Minister or Chief General Manager under Part 4)

*Liquor Control Reform Act 1998*

*Local Government Act 1989* sections 30, 81D, 81E, 81J(1)(b), 81K, 81L, 81Q and 81R

*Marine Act 1988* section 85 (cancellation and suspension of certificates and licences)

*Meat Industry Act 1993* section 24 (licences to operate meat processing facilities, alteration of buildings)

*Mineral Resources (Sustainable Development) Act 1990*

*Motor Car Traders Act 1986* except sections 45 (see Civil Claims List) and 79 (see General List)

*Occupational Health and Safety Act 2004*

*Occupational Health and Safety Regulations 2007*

*Owner Drivers and Forestry Contractors Act 2005* section 41 (dispute between contractor and hirer)

*Owners Corporations Act 2006* Part 6 and Part 12

*Pipelines Act 2005* sections 64, 83 and 182

*Prevention of Cruelty to Animals Act 1986* section 33 (licensing of scientific establishments and breeding establishments)

*Private Security Act 2004* Part 7

*Professional Boxing and Combat Sports Act 1985* (licences, permits and registration)

*Prostitution Control Act 1994*

*Public Health and Wellbeing Act 2008* section 207

*Public Transport Competition Act 1995*

*Racing Act 1958*

*Rail Safety Act 2006* Part 7

*Second-Hand Dealers and Pawnbrokers Act 1989* sections 9B and 14 (correction of register)

*Surveying Act 2004* section 33 (review of decision, finding or determination)

*Therapeutic Goods (Victoria) Act 1994* section 71 (licensing of wholesale supply)

*Trade Measurement Act 1995* section 59 (licensing and discipline)

*Transport (Compliance and Miscellaneous) Act 1983* except section 56 (see Planning and Environment List)

*Travel Agents Act 1986* except section 46 (see General List)

*Utility Meters (Metrological Controls) Act 2002*

*Veterinary Practice Act 1997* section 55 (registration and discipline)

*Victoria State Emergency Service Act 2005*

*Victoria State Emergency Service Regulations 2006*

*Wildlife Act 1975*

*Working with Children Act 2005*

## Planning and Environment List

The functions of the Tribunal under the enabling enactments set out in the items below are allocated to the Planning and Environment List of the Administrative Division.

*Aboriginal Heritage Act 2006*

*Catchment and Land Protection Act 1994* section 48 (land use conditions and land management notices)

*Conservation, Forests and Lands Act 1987* section 76 (variation and termination of land management co-operative agreements)

*Environment Protection Act 1970*

*Extractive Industries Development Act 1995*

*Flora and Fauna Guarantee Act 1988* sections 34(3), 41 and 41A (interim conservation orders)

*Heritage Act 1995*

*Local Government Act 1989* sections 185 (imposition of special rate or charge) and 185AA (imposition of special rate or charge)

*Mineral Resources (Sustainable Development) Act 1990* except sections 88 (see Land Valuation List), 94 and 95 (see Occupational and Business Regulation List)

*Owners Corporations Act 2006* Part 6

*Planning and Environment Act 1987* except sections 94(5) and 105 (see Land Valuation List)

*Plant Health and Plant Products Act 1995* section 39 (costs and expenses of inspectors)

*Subdivision Act 1988* except sections 19 (see Land Valuation List), 36 and 39 (see Real Property List)

*Transport (Compliance and Miscellaneous) Act 1983* section 56 (decisions of the Public Transport Corporation or Roads Corporation)

*Water Act 1989* except sections 19 (see Real Property List) and 266(6) (see Land Valuation List)

*Water Industry Act 1994* except section 74 (see Real Property List)

## Taxation List

The functions of the Tribunal under the enabling enactments set out in the items below are allocated to the Taxation List of the Administrative Division.

*Business Franchise Acts*

*First Home Owner Grant Act 2000*

*Taxation Administration Act 1997*

## CIVIL DIVISION

### Civil Claims List

The functions of the Tribunal under the enabling enactments set out in the items below are allocated to the Civil Claims List of the Civil Division.

*Domestic Building Contracts Act 1995*

*Fair Trading Act 1999*

*Motor Car Traders Act 1986* section 45 (rescission of agreement of sale of motor car);

*Owner Drivers and Forestry Contractors Act 2005*

*Owners Corporations Act 2006* Part 6 and Part 11, Divisions 1, 2, 3 and 4

*Retirement Villages Act 1986*

### Credit List

The functions of the Tribunal under the enabling enactments set out in the items below are allocated to the Credit List of the Civil Division.

*Chattel Securities Act 1987* section 25 (compensation for extinguishment of security interest)

*Credit Act 1984*

*Credit (Administration) Act 1984*

*Consumer Credit (Victoria) Act 1995* except Part 4 and section 37(1) (see Occupational and Business Regulation List)

*Fair Trading Act 1999*

### Domestic Building List

The functions of the Tribunal under the enabling enactments set out in the items below are allocated to the Domestic Building List of the Civil Division.

*Building Act 1993* except Division 12 of Part 12A

*Domestic Building Contracts Act 1995*

*Fair Trading Act 1999*

*House Contracts Guarantee Act 1987*

*Owners Corporations Act 2006* Part 6 and Part 11, Divisions 1, 2, 3 and 4

### Legal Practice List

The functions of the Tribunal under the enabling enactments set out in the items below are allocated to the Legal Practice List of the Civil Division.

*Fair Trading Act 1999* (dispute between a legal practitioner and a client of a legal practitioner)

*Legal Profession Act 2004*

### Owners Corporations List

The functions of the Tribunal under the enabling enactments set out in the items below are allocated to the Owners Corporations List of the Civil Division.

*Owners Corporations Act 2006* Part 6 and Part 11

*Subdivision Act 1988* Part 5, and sections 36 and 39 (other disputes)

*Fair Trading Act 1999*

### Real Property List

The functions of the Tribunal under the enabling enactments set out in the items below are allocated to the Real Property List of the Civil Division.

*Estate Agents Act 1980* section 56B(1) (disputes about commission and outgoings)

*Fair Trading Act 1999*

*Owners Corporations Act 2006* Part 6 and Part 11

*Property Law Act 1958* Part IV

*Sale of Land Act 1962* section 44

*Subdivision Act 1988* sections 36 and 39 (other disputes)

*Water Act 1989* section 19 (civil liability arising from various causes)

*Water Industry Act 1994* section 74 (liability of licensee)

### Residential Tenancies List

The functions of the Tribunal under the enabling enactments set out in the items below are allocated to the Residential Tenancies List of the Civil Division.

*Disability Act 2006* Part 5 Division 2

*Fair Trading Act 1999*

*Housing Act 1983*

*Landlord and Tenant Act 1958*

*Owners Corporations Act 2006* Part 6 and Part 11, Divisions 1, 2, 3 and 4

*Residential Tenancies Act 1997*

*Retirement Villages Act 1986*

### Retail Tenancies List

The functions of the Tribunal under the enabling enactments set out in the items below are allocated to the Retail Tenancies List of the Civil Division.

*Fair Trading Act 1999*

*Retail Leases Act 2003*

## HUMAN RIGHTS DIVISION

### Anti-Discrimination List

The functions of the Tribunal under the enabling enactment set out in the items below are allocated to the Anti-Discrimination List of the Human Rights Division.

*Equal Opportunity Act 1995*

*Racial and Religious Tolerance Act 2001*

### Guardianship List

The functions of the Tribunal under the enabling enactments set out in the items below are allocated to the Guardianship List of the Human Rights Division.

*Disability Act 2006* Part 5 Division 3, Part 7, Part 8 Divisions 1, 3 and 5

*Guardianship and Administration Act 1986*

*Instruments Act 1958* Division 6 of Part XIA

*Medical Treatment Act 1988* section 5C (enduring powers of attorney)

*Trustee Companies Act 1984*

### Health and Privacy List

The functions of the Tribunal under the enabling enactments set out in the items below are allocated to the Health and Privacy List of the Human Rights Division.

*Assisted Reproductive Treatment Act 2008*

*Health Records Act 2001*

*Information Privacy Act 2000*

*Public Health and Wellbeing Act 2008* section 122

### Mental Health List

The functions of the Tribunal under the enabling enactments set out in the items below are allocated to the Mental Health List of the Human Rights Division.

*Mental Health Act 1986* section 79 (decisions of Secretary), section 120 (decisions of Mental Health Review Board).



# VCAT MEMBER DIRECTORY

**List of abbreviations:** **AD** Anti-Discrimination, **C** Credit, **CC** Civil Claims, **DB** Domestic Building, **G** Guardianship, **Gen** General, **LV** Land Valuation, **OBR** Occupational and Business Regulation, **P** Planning, **Real P** Real Property, **Res T** Residential Tenancies, **Ret T** Retail Tenancies, **Tax** Taxation, **OC** Owners Corporation, **MH** Mental Health, **LP** Legal Practice, **HP** Health and Privacy

## Judicial Members

### President

The Honourable Justice Iain Ross, AO

### Vice Presidents

His Honour Judge John Bowman

Her Honour Judge Sandra Davis

His Honour Judge James Duggan

His Honour Judge Timothy Ginnane

Her Honour Judge Felicity Hampel

Her Honour Judge Lisa Hannan

Her Honour Judge Marilyn Harbison

His Honour Judge Anthony Howard

Her Honour Judge Pamela Jenkins

Her Honour Judge Kathryn Kings

His Honour Judge Paul Lacava

His Honour Judge Philip Misso

Her Honour Judge Jeanette Morrish

His Honour Judge Christopher O'Neill

Her Honour Judge Susan Pullen

### Deputy Presidents

Aird, Catherine Elizabeth DB, CC, Ret T, G, P, Res T, Real P, OC

Coghlan, Anne C, Gen, Res T, CC, G, AD, OBR, Tax, MH, HP

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

Gibson, Helen P, LV

Lambrick, Heather Lee Res T, CC, G, OBR, OC, MH, HP, C, DB, Real P, Ret T, AD, LV, P, TAX, LP, Gen

MacNamara, Michael Francis Ret T, C, DB, OBR, Gen, Real P, P, AD, CC, LV, Tax, MH, HP, OC

McKenzie, Cathryn Rosemary (Cate) AD, Gen, C, G, CC, OBR, MH HP

Steele, Bernadette Marie Res T, CC, G, Real P, AD, Gen, OBR, DB, Ret T, OC, MH HP, LV, P, TAX, LP

### Senior Members

Baird, Margaret Louise P, OBR, LP

Billings, John Christopher Res T, CC, OBR, G, MH, HP, LP, GEN, AD

Byard, Russell Ernest P, Real P, LV, OBR

Davis, Robert Wallace Gen, Ret T, Real P, DB, OBR, P, CC, Tax, AD, LP, MH, HP, OC

Fanning, David Kevin\* Res T, G, CC, MH, HP

Howell, Malcolm Robert LP, CC, OBR, Gen

Lothian, Margaret Catherine DB, Ret T, CC, Res T, G, P, Real P, AD, DB, MH, HP, OC

Preuss, Jacqueline Michelle Gen, AD, P, OBR, G, CC, LP

Riegler, Eric Leslie DB, REAL P, RET T, CC, OBR

Rickards, Jeanette Gertrude P, LV, OBR

Scott, Robert Barrington Res T, CC, Gen, G, MH, HP

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

Walker, Rohan Charles Wilson Gen, Res T, CC, AD, P, DB, G, Ret T, Real P, MH, HP, OC

### Senior Sessional Members

Dudycz, Maria AD, G, OBR, MH, HP

Dyett, Francis OBR

Galvin, John Michael Res T, CC, G, OBR, Gen, OC

Hawkins, Annabel Mary Res T, CC, G

Komesaroff, Tonia P, LV, OBR

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

Liston, Anthony Paul P, OBR

Megay, Noreen Claire Gen, G, OBR, CC, Tax, AD, LP, Res T, Real P, Ret T, OC, MH, HP

Nixon, John OBR

Williams, Roland OBR

Young, Roger John DB, Real P, Ret T, CC, Res T, P, LV, OC

### Full Time Members

Barker, Heather Majorie Res T, CC, G, OC

Bennett, John Arthur P, OBR

Bensz, Elizabeth Ann P

Butcher, Gerard Paul LP, CC, OBR, Gen, DB, OC

Carruthers, Maureen June G, AD

Cimino, Sam Robert P, OBR

Code, Geoffrey P, LV, OBR

Grainger, Julie Maree Res T, CC, G, C, OC, MH, HP, OBR, GEN

Hewet, Laurie Malcolm P, OBR

Holloway, William Raynham Res T, CC, DB, G, Gen, OC

Kefford, Jacquelyn Anne Res T, CC, C, G, OC

Liden, Susanne Jane Res T, CC, G, AD, C, Gen, OBR, OC, MH, HP

Lulham, Ian Bruce DB, Res T, CC, Real P, RT, OC

Martin, Philip Robert Wilson P, LV, OBR

Moraitis, Stella Gen, CC, G, Res T, C, LP, OC, MH, HP

Naylor, Rachel Amanda P, OBR

O'Halloran, Donald Leigh Res T, G, Gen, CC, OBR, DB, LP, Ret T, OC, MH, HP

O'Leary, Peter George P, OBR

Potts, Ian William P, Real P

Proctor, Ian David Res T, G, Gen, CC, C, OBR, OC, MH, HP

Sibonis, Bill (Valilios) P, OBR

Tilley, Annemarie Res T, CC, AD, Gen, G, OC, MH, HP

### Part-Time Members

Cook, Dalia P, LV, OBR

Dea, Anna Genevieve OBR, AD, RT, CC, Real P, Res T, Ret T, OC, MH, HP

### Sessional Members

Alsop, David P

Anderson, Diane Patricia OBR

Anderson, Sandy June OBR

Archibald, Mary OBR

Arnott, Anne OBR

Barr, Lynne Maree Coulson LP

Barrand, Pamela Mary Res T, CC, G, OC

Barry, Pamela OBR

Barton, Terence John G

Batrouney, Roger Laurence John LP

Beasley, Speros Paul LP

Bilston-McGillen, Tracey Lee P

Blachford, Melvin Geoffrey OBR

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

Bridge, Emma Louise Res T, CC, G, Gen, OC, MH, HP

Brown, Vicki Mae LV

Burdon-Smith, Susan Margaret Res T, CC, G, OC, AD, OBR, Gen

Burge, Dorothy (Barbara) OBR, MH, HP

Bylhower, Marietta OBR

Calabro, Domenico Res T, CC

Cali, Louis OBR

Cameron, Melanie OBR

Campbell, Heather LP, OBR

Carew, Megan P

Chapman, Ysanne OBR

Chase, Gregory Totten P

Cherrie, Deborah Marie LP

Chuck, Alan Kenneth P

Clarke, Bernard George OBR, MH, HP

## FURTHER INFORMATION

Cogley, Vicki	OBR	Harrison, Fiona Lorna	LP	Pinksier, Nathan	OBR
Collopy, Brian	OBR, MH, HP	Harper, Patricia Joan	LP	Popovic, Jelena*	G, CC, Res T, Gen, OBR
Cooke, Jenny Brownwyn	OBR	Harty, Chistopher John	P	Power, Marian	OBR
Cooney, Elizabeth Lillian	LP	Harvey, Margaret Lorraine	G, AD, CC, Res T, OC	Price, Roland Maxwell Lloyd	Res T, CC, OC
Counsel, Caroline Marita Anne	LP	Horan, Anthony	LP	Prince, Mark William	OBR
Crawford, Gwenneth Jean	OBR	Hughes, Elizabeth Anne	OBR	Read, Michael Davis	P
Cremean, Bernadette Maria	AD, CC, Res T, OC	Jacono, Justine Mary	LV	Raleigh, Steven*	G, CC, Res T, Gen, OBR
David, Graeme Arthur	P	Jacquiery, Errol Jonathan	LP, OBR	Reddy, Aruna	OBR, MH, HP
Davies, Dennis James	LP	Jenkins, Louise Mary	LP	Richards, Keith Ernest	CC, RT, OBR, G, OC
Davies, Hugh Thomas	CC, Res T, DB, LP, Ret T, OC	Jones, Leslie Maxwell	LV	Riley, Colin Douglas	OBR
Davies, Vicki Michele	P	Jones, Russell Gordon	LP	Roller, Louise Mary	OBR
Davine, Diarmid	LP	Jopling, Peter John	LP	Rowland, Linda Zaghet	Res T, CC, AD, G, Gen, DB, OBR, Ret T, OC
Davis, Julian Peter	G, OBR	Keaney, John Matthew	P	Rundell, John Warwick	P, Real P
Delany, Clare Maree	OBR	Keddie, Ann Hardwicke	p	Rundell, Geoffrey David	P
Dickinson, Anthony	OBR	Keith, Benedict Michael Alexander	OBR	Ryan, Amanda Catherine	OBR
Doherty, John William*	Res T, CC, G	King, Ross William	OBR	Shanahan, Elizabeth	OBR, MH, HP
Doherty, Kathleen Mary	OBR	Klingender, Jessica Bridger Ainslie	Res T, CC, OC	Sharpley, Gregory Eric	P
Drinkwater, John Stuart	OBR	Kominos, Angela Evangelia	Res T, CC, AD, G, OC, MH, HP	Shattock, Peter Arnold	LP
Duffy, Jane Frances	OBR	Lennie, Owen Stuart	LV	Slee, Felicity Anne	OBR
Duggan, Anne Elizabeth	G	Levin, David Samuel	LP	Soldani, Angela Assunta	Res T, CC, G
Eggleston, Peter Ronald	Res T, CC, Real P, DB, Ret T, OC, OBR, Gen, LP	Levy, Leonard	OBR	Southall, Anthony George	LP
El Moussalli, Michael	OBR	Lightfoot, Brian George	CC, Res T, Ret T, Real P, G	Soty, Rowan Darroch	OBR
Fabris, Elaine Antoinetta	OBR	Lipson, Mark Russell	LP	Tan, Eng-Seong	OBR
Farhall, John	OBR	List, David Jacob	OBR	Taranto, Mary-Ann	P
Farkas, Michael	LP	Mainwaring, Sylvia Jean	P, AD, Real P	Treble, Andrea Michelle	Gen, OBR, CC, Res T, AD, G, OC, HP
Ferres, Beverley June	AD, G, OBR	Malbon, Alan Ronald	OBR	Von Einem, Ian Maxwell*	G, CC, Res T, Gen, OBR
Fong, Christine Po-Kuen	P, OBR	Marshall, Simone Jane	OBR	Wajzman, Jack	Res T, CC, OC
Fraser, Glenys Arlene	No List Assigned	McCabe, Edmund Jepson	Res T, CC, G, OC	Warren, Lindsay Kevin	CC, Res T, Ret T, G, OC
Fry, Sydney Robert Donald	CC, P, Res T	McCann, David Leigh	CC, Res T	Wentworth, Elisabeth	AD, CC, C, Gen, Res T, LP, OC
Gerber, Paula	DB, CC	McFarlane, Timothy Patrick	G	West, Lynda Mary	Gen, CC, G, Res T, AD, OBR, OC
Geyer, Carol Mavis	OBR	McGarvie, Ann Judith	Res T, CC, G, OC, MH, HP	Williams, Charles Robert	Gen, OBR, AD, G
Gleeson, John	OBR	McKenzie, Susanne Theresa	LP	Wilson, Cynthia Lou	P
Glover, John Stephen	Gen, Tax	McKeown, Patricia Louise	OBR	Zheng, Samuel Xianbing	OBR
Glynn, Alison Margaret	P	McMeekan, Joan Merrilyn	OBR		
Good (Keon-Cohen), June Elizabeth	Res T, CC, G, OC	McNamara, Kenneth John	P		
Graves, Phillip John	G, MH, HP	Molloy, Patricia (Trish)	MH, HP, OBR		
Gray, Peter Allan	P	Mulcare, Christine Rosemay	LP		
Gosvenor, Russell	OBR	Myers, Paul James	LP		
Gu, (Sherman) Xu Ming	OBR	Nagle, Kathleen Mary	OBR		
Gymer, Raymond	OBR	Nihill, Genevieve	Res T, CC, G, Gen, OBR, OC, HP		
Gysslink, Paul Francis	OBR	Norman, Kathryn	Res T, CC, G		
Hadjigeorgiou, Nicholas Spiridon	P	Ogloff, James Robert	OBR		
Hally, Mary Bernadette	OBR	Ozanne-Smith, Eleanor (Joan)	OBR		
Hancock, Elizabeth Jan	LV	Page, Rodney John	G, LP		
Hannerbery, Elaine	LP	Pearson, Ros	OBR		
Harris, Elizabeth May	LP	Phillips, Robert William	CC, Res T, G, OC, HP		
		Phillips, Sabine	OBR		

### TOTALS:

Judicial Members **16**, Deputy Presidents **8**, Senior Members **13**, Senior Sessional Members **11**, Full Time Members **22**, Part Time Members **2**, Sessional Members **155**

\* Magistrates

## VCAT CONTACT DETAILS

### MAIN OFFICE

Victorian Civil and Administrative Tribunal (VCAT)  
55 King Street, Melbourne, Victoria 3000  
Email: [vcat@vcat.vic.gov.au](mailto:vcat@vcat.vic.gov.au)  
Website: [www.vcat.vic.gov.au](http://www.vcat.vic.gov.au)

### Anti-Discrimination List

Tel: +61 9628 9900  
Fax: +61 9628 9932

### Civil Claims List

Tel: +61 9628 9830  
Fax: +61 9628 9967  
1800 133 055 (within Victoria)

### Credit List

Tel: +61 9628 9790  
Fax: +61 9628 9867

### Domestic Building List

Tel: +61 9628 9999  
Fax: +61 9628 9988

### General List

Tel: +61 9628 9755  
Fax: +61 9628 9788

### Guardianship List

Tel: +61 9628 9911  
Fax: +61 9628 9932  
1800 133 055 (within Victoria)

### Health and Privacy List

Tel: +61 9628 9980  
Fax: +61 9628 9932

### Land Valuation List

Tel: +61 9628 9766  
Fax: +61 9628 9789

### Legal Practice List

Tel: +61 9628 9755  
Fax: +61 9628 9788

### Mental Health List

Tel: +61 9628 9980  
Fax: +61 9628 9932

### Occupational and Business Regulation List

Tel: +61 9628 9755  
Fax: +61 9628 9788

### Owners Corporations List

Tel: +61 9628 9830  
Fax: +61 9628 9967

### Planning and Environment List

Tel: +61 9628 9777  
Fax: +61 9628 9789

### Real Property List

Tel: +61 9628 9960  
Fax: +61 9628 9988

### Residential Tenancies list

Tel: +61 9628 9800  
Fax: +61 9628 9822  
1800 133 055 (within Victoria)  
Registered users can access VCAT online through the website.

### Retail Tenancies List

Tel: +61 9628 9960  
Fax: +61 9628 9988

### Taxation List

Tel: +61 9628 9755  
Fax: +61 9628 9788

## VCAT HEARING LOCATIONS

VCAT hears matters at a number of suburban and regional Court locations.

### SUBURBAN

#### DANDENONG

Cnr Foster and Pultney Streets

#### FRANKSTON

Fletcher Road

#### HEIDELBERG

Jika Street

#### MOORABBIN JUSTICE CENTRE

Nepean Highway, Highett

#### NEIGHBOURHOOD JUSTICE CENTRE

Wellington Street, Collingwood

#### RINGWOOD

Ringwood Street

#### SUNSHINE

10 Foundry Road  
(Entry via Harvester Road)

#### WERRIBEE

Salisbury Street

### REGIONAL

#### ARARAT

Cnr Barkly and Ingor Streets

#### BAIRNSDALE

Nicholson Street

#### BALLARAT

100 Grenville Street South

#### BENALLA

Bridge Street

#### BENDIGO

71 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

#### MORWELL

134 Commercial Road

#### PORTLAND

67 Cliff Street

#### SALE

Foster Street (Princes Highway)

#### SEYMOUR

Tallarook Street

#### SHEPPARTON

High Street

#### SWAN HILL

Curlewis Street

#### WANGARATTA

Faithfull Street

#### WARRNAMBOOL

218 Koroit Street

#### WODONGA

5 Elgin Boulevard

#### WONTHAGGI

Watt Street

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