

# Growing together



  
**VCAT**

VICTORIAN CIVIL AND  
ADMINISTRATIVE TRIBUNAL

1999–2000 Annual Report

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## Letter to the Attorney-General

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

Dear Attorney-General

We are pleased to present our annual report of the performance and operations of the Victorian Civil and Administrative Tribunal (VCAT) from 1 July 1999 to 30 June 2000 pursuant to Section 37 of the *Victorian Civil and Administrative Tribunal Act 1998*. The report contains:

- a review of the operation of VCAT and of the Rules Committee during the 12 months ended 30 June 2000; and
- proposals for improving the operation of VCAT and forecasts of VCAT's workload in the subsequent 12-month period.

Sincerely



Murray B Kellam  
President  
30 September 2000



John Ardlie  
Chief Executive Officer  
30 September 2000

## Background to the VCAT Act

The 1996 Department of Justice Report *Tribunals in the Department of Justice: A Principled Approach* acknowledged that tribunals "are now considered to be an integral part of the justice system". On 1 July 1998, the Victorian Civil and Administrative Tribunal (VCAT) was established under the *Victorian Civil and Administrative Tribunal Act 1998* (the VCAT Act). VCAT is led by a Supreme Court judge as President and is divided into two divisions (Civil and Administrative). Two County Court judges each supervise one division as Vice President. These divisions comprise various lists, each headed by a Deputy President. A Rules Committee appointed under the VCAT Act develops rules of practice and procedure, and Practice Notes for VCAT. VCAT provides accessible justice in the State of Victoria in respect of both administrative review matters and civil disputes.

## About this annual report

The annual report is the major publication produced by VCAT each year. It complies with the *Victorian Civil and Administrative Tribunal Act 1998* and is used to inform government employees, students, VCAT users and other interested parties about VCAT's activities and achievements.

## Our theme

In our second year of operation as the Victorian Civil and Administrative Tribunal (VCAT), we chose the theme 'Growing Together' for our 1999–2000 annual report, which symbolises our ongoing commitment to a unified approach to dispute resolution and our significant progress during the year in review.



*Our vision is to achieve a high level of quality decision-making, timeliness and service excellence.*

## Purpose

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

## Aims and objectives

### List users

To achieve excellence in our service to list users by being:

- Cost-effective
- Accessible and informal
- Timely
- Fair and impartial
- Consistent
- Quality decision-makers

### Our role

To effectively anticipate and meet the demands for dispute resolution by being:

- Independent
- Responsible
- Responsive

### Our people

To encourage the development of flexible, satisfied and skilled members and staff by providing:

- A safe, challenging and team oriented work environment
- Training and development
- Appropriate use of specialised expertise

### Community

To ensure that VCAT continues to raise awareness of its services and to improve its service delivery to the community through:

- User feedback
- Education

## Who we are

The Victorian Civil and Administrative Tribunal (VCAT) began operations on 1 July 1998 as part of an initiative to improve the operation of the tribunal justice system in Victoria by:

- streamlining administrative structures;
- increasing flexibility; and
- improving the operation of tribunals.

VCAT amalgamated all or part of 14 former boards and tribunals and comprises two divisions, Civil and Administrative. Each division has a number of lists that specialise in particular types of cases.

VCAT has a five-tiered hierarchy of members:

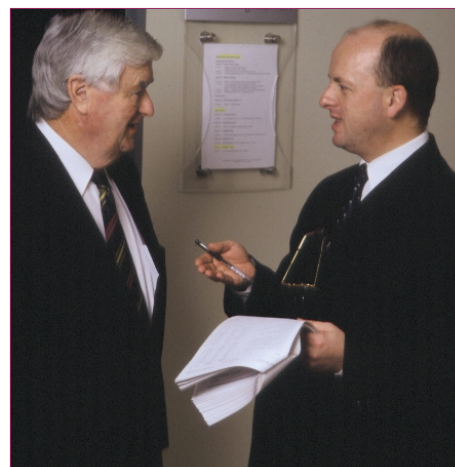
- the President of VCAT who is a Supreme Court judge;
- two Vice Presidents who are County Court judges and are appointed to head each division;
- Deputy Presidents who are appointed to manage one or more lists; and
- a number of Senior Members and other members who serve on the lists on a full-time, part-time or sessional basis.

Members are assigned to specific lists by the President according to their expertise and experience. However, if a member has appropriate qualifications, he or she may be assigned to hear cases in more than one list. This allows for the most efficient use of members' time, as well as flexible and appropriate use of members' expertise. Of the 38 full-time members, 29 are allocated to more than one list. The remaining full-time members are specialist planners or planning lawyers who work exclusively in the Planning List.

## What we do

In our Civil Division, we assist Victorians in resolving a range of civil disputes that involve:

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



*VCAT's informal and accessible approach assists users to resolve their disputes. Stephen Smith (right), a barrister acting on behalf of a user, discusses details of a mediation before the Domestic Building List with senior sessional member Ron Gould (an engineer).*

*"In my experience, VCAT is very user friendly, that is, friendly to people who aren't acquainted with the legal system and the way legal disputes are determined. VCAT is more hands on with a lot of technical members who have specialised skills and experience. This achieves a quick and cost-effective result, which is in the best interests of everyone involved," says Stephen.*

In our Administrative Division, VCAT deals with disputes between people and government about:

- land valuation;
- licences to carry on business, involving such business enterprises as travel agencies and motor traders;
- planning;
- state taxation; and
- other administrative decisions such as Transport Accident Commission decisions and Freedom of Information issues.

We also review decisions made by a number of statutory professional bodies such as the Medical Practice Board of Victoria.

VCAT provides a timely, efficient and cost-effective dispute resolution service. Its members have a broad range of specialised skills to hear and determine cases. Experienced members, including judges, legal practitioners and members with specialised qualifications, enable VCAT to hear the widest range of complex matters.

# highlights

## List users

refer to page

• Received a total of 89,868 applications (74,319 in 1998–99), representing a 21% rise and resolved 89,368 cases (75,076 in 1998–99) representing an increase of 19%, with a total of 9,709 cases pending (9,208 in 1998–99) representing a 5% rise.	3, 5, 6, 47
• Expanded web site capability and developed software to enable electronic lodgement of applications to the Residential Tenancies List, and preparation and printing of notices.	10, 12, 29
• Visitors to VCAT web site almost quadrupled in 1999–2000, totalling more than 50,000, compared with 13,630 visitors in 1998–99.	10
• Developed User Charter to build a more focused approach to improving services to our users.	11, 56
• Introduced the use of Magistrates to hear urgent cases and increase VCAT's presence in rural Victoria.	7, 10
• Increased the number of hearing venues and the frequency of visits to rural Victoria.	10, 57
• Introduced an Order Entry System (OES) to enable parties to receive printed orders immediately upon completion of hearings conducted by the Residential Tenancies List.	6, 12, 25, 29
• Actively promoted Alternative Dispute Resolution (ADR) in the form of mediation and compulsory conferences.	7, 44

## Our role

• VCAT operating expenditure increased by 9%, from \$18.3 million in 1998–99 to \$20 million in 1999–2000.	3, 6, 46, 47
• Centralised the listing process, enabling more efficient use of hearing rooms and member resources.	6, 42
• Introduced a centralised process for recording and handling user complaints.	11

## Our people

• Provided all staff access to a wide variety of training programs.	45
• Increased membership from 175 in 1998–99 to 188 in 1999–2000.	8, 43
• Restructured the remuneration for members to achieve a more equitable pay structure.	44

## Community

• Conducted regular user group meetings across lists aimed at improving service delivery by encouraging feedback from the community that uses VCAT's services.	11
• Judicial Members, Deputy Presidents, members and senior staff presented a number of information sessions.	11
• Increased community awareness of the Civil Claims and Residential Tenancies Lists by allowing the television program <i>A Current Affair</i> access to VCAT's hearing rooms.	11, 19, 29



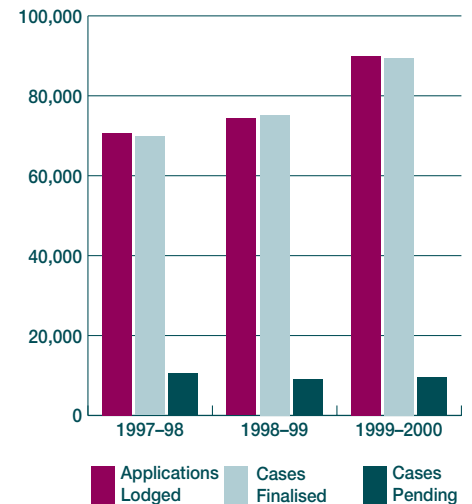
—Photo courtesy of Ballarat Courier.

**“Tribunal now more accessible,”** says the 6 June 2000 issue of the *Ballarat Courier*, which reported on the visit by VCAT's Judicial Members, list members and staff to the new Ballarat location of VCAT. Vice President Judge Wood hosted a users' information session aimed at welcoming VCAT users to the new Courts and Tribunal complex, one of the country locations where VCAT has increased the number of hearings conducted to weekly. Shown with President Justice Kellam (front) are (from left) Phil Meaney of Fitzgerald Wakefield, list members Howard Terrill and Ted McCabe, Justice Kellam's associate Margot Moylan, Reg Fitzgerald of Fitzgerald Wakefield, Registry staff member Brownwyn Roberts, Vice President Judge Wood, Registry staff member Martin Prewer and Deputy President of Residential Tenancies List John Billings.

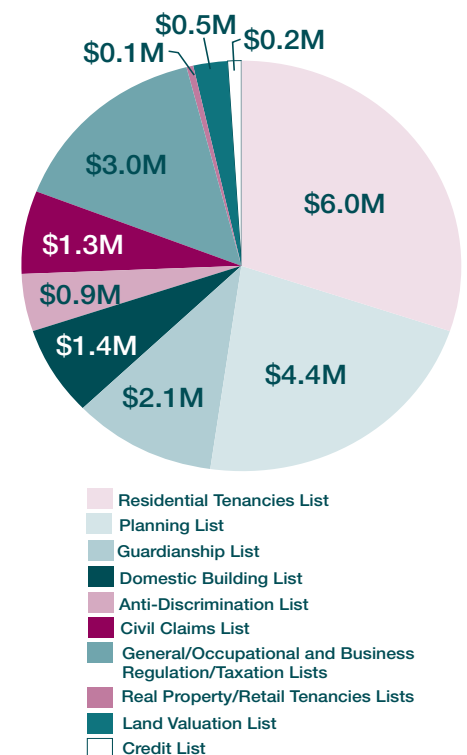
# year at a glance

Item	1999–2000	1998–99	% Change
<b>List users</b>			
Applications received	89,868	74,319	21
Cases resolved	89,368	75,076	19
Cases pending	9,709	9,208	5
Visitors to VCAT web site	50,000	13,630	367
Hearing venues used	114	102	12
<b>Our role</b>			
VCAT funding sources (budget):			
■ Appropriations (VCAT)	(\$M) 11.63	10.85	7
■ Residential Tenancies Trust Fund	(\$M) 6.02	5.17	16
■ Domestic Building Trust Fund	(\$M) 1.41	1.46	(4)
■ Guardianship and Administration Trust Fund	(\$M) 0.90	0.80	13
Total:	(\$M) 19.96	18.27	9
VCAT operational expenditure:			
■ Salaries to staff	(\$M) 5.42	4.58	18
■ Salaries to full-time members	(\$M) 4.54	3.95	15
■ Sessional members	(\$M) 2.62	2.40	9
■ Salary related on-costs	(\$M) 1.82	2.16	(15)
■ Operating costs	(\$M) 5.55	5.19	7
Total:	(\$M) 19.96	18.27	9
Number of applications received per list:			
■ Residential Tenancies List	70,709	59,234	19
■ Planning List	3,093	2,801	10
■ Guardianship List	8,953	5,800	54
■ General List and Taxation List	1,429	1,927	(26)
■ Domestic Building List	855	911	(6)
■ Anti-Discrimination List	519	417	24
■ Civil Claims List	3,820	2,498	53
■ Real Property List and Retail Tenancies List	222	188	(18)
■ Occupational and Business Regulation List	132	146	(10)
■ Land Valuation List	70	113	(38)
■ Credit List	110	327	(66)
<b>Our people</b>			
Total employees	141	141	n/a
Full-time membership	38	42	(10.5)
Sessional membership	147	130	13
<b>Community</b>			
User group meetings conducted	22	24	(8.5)

All VCAT cases—1997\*–2000



VCAT expenditure by list—1999–2000  
Total expenditure \$20 million



One fundamental indicator of VCAT's performance is whether cases finalised in a year equal the number of applications received, with cases pending staying at an acceptable level. This was achieved during 1999–2000. VCAT expenditure totalled \$20 million, which was divided among the lists as shown.

**Note:** The statistics quoted in this annual report in some instances vary from those given in VCAT's 1998–99 annual report. These variances are mainly due to changes in statistical reporting, which have occurred during 1999–2000 or changes in classification of cases over that time.

\*1997–98 figures refer to the equivalent work of the former board or tribunal.

# objectives and results 1999–2000

aims and objectives	strategies
<p><i>List users</i></p> <p>To deliver excellence in service by being:</p> <ul style="list-style-type: none"><li>• Cost-effective</li><li>• Accessible and informal</li><li>• Timely</li><li>• Fair and impartial</li><li>• Consistent</li><li>• Quality decision-makers</li></ul>	<ul style="list-style-type: none"><li>• Provide a structure that eliminates or minimises legal costs to the user.</li></ul> <hr/> <ul style="list-style-type: none"><li>• Provide easy access for users so that their cases may be resolved quickly and conveniently.</li></ul> <hr/> <ul style="list-style-type: none"><li>• Ensure cases are dealt with and resolved as quickly and effectively as possible.</li><li>• Resolve cases with fairness and objectivity.</li></ul> <hr/> <ul style="list-style-type: none"><li>• Provide members with the specialised skills required to make consistent, quality decisions.</li></ul>
<p><i>Our role</i></p> <p>To effectively anticipate and meet the demands for alternative dispute resolution by being:</p> <ul style="list-style-type: none"><li>• Independent</li><li>• Responsible</li><li>• Responsive</li></ul>	<ul style="list-style-type: none"><li>• Make effective use of our role as a quasi-judicial and administrative review body in managing our affairs independently of government.</li><li>• Use our resources to resolve disputes efficiently.</li></ul>
<p><i>Our people</i></p> <p>To encourage the development of flexible, satisfied and skilled members and staff by providing:</p> <ul style="list-style-type: none"><li>• A safe, challenging and team oriented work environment</li><li>• Training and development</li><li>• Appropriate use of specialised expertise</li></ul>	<ul style="list-style-type: none"><li>• Ensure Registry staff have the skills necessary to perform their roles efficiently.</li><li>• Enhance the specialised skills and expertise of members to enable them to manage the dispute resolution process fairly and effectively, and to make quality decisions.</li></ul>
<p><i>Community</i></p> <p>To ensure that VCAT continues to raise awareness of its services and to improve its service delivery to the community through:</p> <ul style="list-style-type: none"><li>• User feedback</li><li>• Education</li></ul>	<ul style="list-style-type: none"><li>• Monitor the quality of the dispute resolution process through community feedback.</li></ul> <hr/> <ul style="list-style-type: none"><li>• Raise community awareness of the services VCAT provides.</li></ul> <hr/> <ul style="list-style-type: none"><li>• Provide a state-wide service to users.</li></ul>



## results

## future

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>Formed a mediation sub-committee to maintain a focus on mediation, expanded the use of compulsory conferences and introduced new case management procedures.</li> <li>Conducted a survey to determine to what extent the various lists of VCAT make use of mediation.</li> <li>Cooperated with Monash University in conducting a research project on mediation in the Planning List.</li> </ul> | <ul style="list-style-type: none"> <li>Establish a Mediation Directorate to enable a consistent approach to applying mediation standards across VCAT.</li> <li>Continue the work of the mediation sub-committee to increase the use of mediations and compulsory conferences, and maintain the focus on efficient case management.</li> </ul> |
| <ul style="list-style-type: none"> <li>Installed a Y2K compliant PABX system, providing sufficient telephone line capacity and improved call centre operation.</li> <li>Completed VCAT Online in June 2000 ready for launch in August 2000.</li> <li>Introduced an Order Entry System (OES) in June 2000 at VCAT's 55 King Street premises to deliver orders at the conclusion of hearings.</li> </ul>                                 | <ul style="list-style-type: none"> <li>Give priority to further improving services to users seeking telephone advice from VCAT.</li> <li>Develop and promote VCAT Online to achieve maximum use of the service.</li> <li>Expand the OES to suburban and country venues.</li> </ul>  |
| <ul style="list-style-type: none"> <li>VCAT routinely provided a timely service, finalising approximately 90% of cases within target times.</li> </ul>   | <ul style="list-style-type: none"> <li>Continue to finalise 90% of cases within target times, as far as the budget allows.</li> </ul>   |
| <ul style="list-style-type: none"> <li>Completed the User Service Charter published in this annual report.</li> <li>Distributed guidelines on responsible conduct to members and staff should they become parties in a dispute at VCAT.</li> <li>Completed the Mediation Code of Conduct.</li> </ul>   | <ul style="list-style-type: none"> <li>Publish User Service Charter on VCAT web site and in pamphlet form.</li> </ul>   |
| <ul style="list-style-type: none"> <li>Sought the appointment of 10 magistrates as sessional members.</li> <li>Increased membership by 7.4%.</li> </ul>  | <ul style="list-style-type: none"> <li>Monitor and anticipate workload to give accurate advice to government about future membership and resource needs.</li> </ul>   |
| <ul style="list-style-type: none"> <li>Monitored community perception through user groups, user feedback and by monitoring the media.</li> </ul>   | <ul style="list-style-type: none"> <li>Continue to monitor community perception through user groups, user feedback and by monitoring the media.</li> </ul>  |
| <ul style="list-style-type: none"> <li>Resolved 89,368 cases at a cost of \$20 million (4% more cases than projected).</li> </ul>  | <ul style="list-style-type: none"> <li>Resolve 87,828 cases at a cost of \$17.8 million.</li> </ul>   |
| <ul style="list-style-type: none"> <li>Gave staff access to the wide range of training programs conducted by the Department of Justice (DOJ) and to internal training.</li> </ul>  | <ul style="list-style-type: none"> <li>While maintaining access to courses provided by DOJ, focus on providing training to improve skills in computer software.</li> </ul>  |
| <ul style="list-style-type: none"> <li>While training was available, the amount of training was not adequate due to budget restrictions.</li> </ul>  | <ul style="list-style-type: none"> <li>Seek increased funding for training programs.</li> <li>Conduct cultural training for members so as to provide a better service for indigenous people and non-English speaking users.</li> </ul>  |
| <ul style="list-style-type: none"> <li>Held user group meetings in most lists on a quarterly basis. These meetings provided the forum for a valuable exchange of information.</li> <li>Introduced a complaint monitoring system.</li> </ul>  | <ul style="list-style-type: none"> <li>Continue to conduct quarterly user group meetings in majority of lists as an effective way to gather feedback from the community.</li> <li>Continue to systematically monitor user complaints to discover which areas need improvement.</li> </ul>   |
| <ul style="list-style-type: none"> <li>Improved the VCAT web site to include more information about VCAT, such as hearing dates and application forms.</li> </ul>  | <ul style="list-style-type: none"> <li>Further improve the information available on the VCAT web site.</li> </ul>   |
| <ul style="list-style-type: none"> <li>Revised and re-published Guardianship List and Civil Claims List application forms and guides.</li> </ul>   | <ul style="list-style-type: none"> <li>Publish new edition of VCAT information booklet.</li> </ul>  |

# judicial members' report

The second year of operation of the Victorian Civil and Administrative Tribunal (VCAT) was a year of significant growth. We took on an increasing workload, increased our presence in rural Victoria, further developed our systems and procedures, and achieved a number of cultural changes necessary to create an atmosphere of synergy and mutual endeavour.

## Managing an increasing work load

The central challenge for VCAT in 1999–2000 was to deal effectively with 89,868 applications, reviews and referrals—21% more than we handled in 1998–99 (74,319) and 4% greater than our projection of 86,000. VCAT operating expenditure increased by 9%, from \$18.3 million in 1998–99 to \$20 million in 1999–2000. As described in this annual report, we experienced the majority of the rises in the Residential Tenancies List, Guardianship List, Planning List and Civil Claims List. They were, to some extent, offset by a decrease in applications to the General List. The rises resulted from changes to legislation and a cyclical peak in reviews in the Guardianship List.

We resolved 89,368 cases in 1999–2000, an increase of 19% on the 75,076 cases resolved in 1998–99. In achieving this result, VCAT received support from the Department of Justice and the Department of Infrastructure in terms of budget supplementation.

At the end of 1999–2000, there were 9,709 cases pending, an increase of 5% on the 9,208 cases pending at the end of 1998–99. The rise reflected both the increased throughput of cases and a growing waiting list in the Civil Claims List.

## Achieving cultural change

As an important part of our growth, we successfully continued the process of cultural change within VCAT, enabling it to evolve from being



*From left, Judicial Members President Justice Kellam, and Vice Presidents Judge Davey and Judge Wood.*

perceived as a collection of previously separate boards and tribunals into a single organisation with a shared purpose and vision. Assisting this process has been the increasing flexibility of cross-membership, backed by a more efficient centralised listing process, which has enabled more efficient use of hearing rooms, and of members' time and talents.

## Centralising the listing process

As mentioned in the 1998–99 annual report, the remaining significant challenge of the Business Process Review was to provide coordinated control of the listing process, including the enormous task of allocating hearing rooms, members and cases throughout Victoria. As a result, we centralised the separate listing functions of Registry to form Central Listings, led by Listings Manager George Adgemis.

Central Listings enables VCAT to allocate member resources more effectively by maximising the use of members who can hear the work of more than one list. In addition, Central Listings enables constant monitoring of the listing of Judicial Members and non-

judicial members, including Magistrates located throughout Victoria, with a view to providing the highest quality and efficient decision-making process possible. The centralisation of listings has added significantly to the efficiency and to the continuing cultural change in VCAT.

## Developing our computer systems

We achieved considerable progress in further developing our computer case management systems to provide greater support to the lists and better access to information, while managing cases more efficiently. These improvements included establishing VCAT Online and a new Order Entry System (OES). These new services will not only achieve substantial efficiency gains for the high volume Residential Tenancies List of VCAT and increased convenience for our users, but also promise to pave the way towards a 'paperless' registry for some of the other lists. In addition, we successfully completed our Y2K program without experiencing a single year 2000 compliance issue. These achievements are explained in detail starting on page 12.



*In our second year of operation as the Victorian Civil and Administrative Tribunal (VCAT), together we achieved significant growth.*

## Using alternative dispute resolution techniques

Alternative dispute resolution (ADR) offers informal and cost-effective ways of resolving a wide range of disputes. At VCAT, we actively promote ADR in the form of mediation and compulsory conferences, as an integral part of our work. Through VCAT's Mediation Committee, we are able to determine to what extent the various lists of VCAT make use of mediation. The committee used a questionnaire to gather information about each list's approach to mediation. We have since been able to establish benchmarks against which future changes can be measured.

In addition, Monash University undertook a research project on the implementation of mediation in Planning List cases. The aim of this project was to measure the success of the pilot mediation program established in the Planning List. Mediations undertaken in the Planning List between November 1998 and November 1999 were analysed in the course of the research project and a draft research paper was prepared in March 2000. The final paper is expected to be published in the near future.

We describe the activities and achievements of the Mediation Committee in more detail on page 44. We particularly wish to acknowledge the leadership of Senior Member Dr Greg Lyons in relation to the continuing improvement and accessibility of mediation services at VCAT.

## Appointing magistrates

To expand the member resources available to hear cases, we sought the appointment of a number of Magistrates as sessional members, including Deputy Chief Magistrates in Melbourne and Magistrates located in Dandenong, Horsham, Shepparton, Bendigo, Sale and Geelong. Their appointment offers users the benefits of an increased VCAT

presence in rural Victoria, and adds to our capacity to hear urgent applications or cases where the costs of sending a member to the country would otherwise be prohibitive.

Another substantial benefit in appointing Magistrates is that they add to VCAT's impartiality. We now use Magistrates to hear cases where the potential for a conflict of interest may exist among members or staff who are directly involved as parties or witnesses in cases before VCAT.

## Funding issues affecting VCAT's Future

In May 2000, it became clear that we were unable to negotiate adequate funding to meet the growing demand for VCAT's services and that budget reductions would have to be imposed as of 1 July 2000. This created the potential to seriously affect VCAT's operations for the coming financial year, particularly with regard to:

- the use of sessional members; and
- our obligations to provide adequate professional training and development of members.

### *Use of sessional members*

If the volume of Planning List work and the high volume of Civil Claims List applications continue at the present rate, it will not be possible to maintain the timeliness of hearing cases that we achieved at financial year end without sufficient funding to use sessional members.

In particular, budget constraints may seriously impact upon the work of the Civil Claims List. At the time of writing, the time taken between application and resolution had increased from six weeks to 14 weeks. We are introducing measures to reduce the backlog. However, it appears the only long-term solution, if the volume of cases remains at its present high level, is to increase the funding available for sessional members.

## *Adequate training and development of members*

VCAT has provided an outstanding service to the community in terms of accessibility, informality and speed of process. However, developing and maintaining community confidence in the decisions made by VCAT is just as essential as are economy and accessibility of process. The professional development and training of VCAT members is integral to strengthening community confidence in, and respect for, the VCAT decision-making process.

We note that the general standard for training of staff in government and private enterprise is 2% of budget. VCAT is able to allow approximately 0.5% of its budgeted expenditure for training of its staff and members. We are concerned that insufficient facilities to train members will have a deleterious and insidious affect upon the capacity of VCAT to meet its obligations over a period of time. Furthermore, we are concerned that inadequate funding will not permit us to meet our statutory obligations under s.30 of the *Victorian Civil and Administrative Tribunal Act 1998* in respect of the professional training and development of members.

## Divisional overview

The lists in the Civil Division and Administrative Division of VCAT continued to perform well during 1999–2000, meeting set objectives and handling an increasing workload in a timely manner. We report on the performance of individual lists beginning on page 16. However, the following divisional overview summarises the key highlights of each division.

### *Civil Division*

In the Civil Division, the volume of applications received increased substantially. The lists most affected by the increase in case load are detailed as follows:

- The case load of the Residential Tenancies List, which is by far the largest list in VCAT, increased by 19% to 70,709 applications.
- The introduction of the *Fair Trading Act 1999* in September 1999 resulted in a substantially higher volume of applications being reviewed in the Civil Claims List. Applications received by the list rose by 54% compared with 1998–99. Despite the increase, the list maintained the time taken to resolve cases at six weeks during the year in review.
- The number of complaints referred to the Anti-Discrimination List rose by 31%.
- The Guardianship List experienced an increase of 54%. Despite such a large increase, the Guardianship List managed to deal with more applications than it received during the financial year, with the assistance of members from other lists.

Settlement rates obtained at mediation continued to be maintained in at least 60% of cases in the Domestic Building, Retail Tenancies and Anti-Discrimination Lists. Each of these lists were able to list cases for hearing virtually as soon as the parties were able to prepare their cases for hearing.

### *Administrative Division*

In the Administrative Division, we met the objectives set in 1998–99 while consolidating and improving our overall performance by:

- reducing delays, particularly in the publication of decisions;
- improving our procedures by introducing new Practice Notes, most significantly in the General List and Planning List; and
- allocating members to hear cases outside their usual list where demand was greatest—this is reflected in the ability of the Occupational and Business Regulation List and Planning List

to dispose of more cases this year compared with 1998–99, mostly with the assistance of members of the Land Valuation List and General List.

As confirmed by the findings of the Monash University report mentioned earlier, the use of mediation has been extended and the optimism of members in the merits of mediation has been justified.

### **Changes in membership**

We continued to build upon the quality and expertise of our members during the year in review. We increased our sessional membership from 130 in 1998–99 to 147 in 1999–2000, including the appointment of a number of Magistrates as sessional members. The number of full-time members decreased from 42 in 1998–99 to 38 in 1999–2000. The new sessional members appointed continue to expand the range of expertise and increase the professionalism of VCAT.

### **Acknowledgments**

We wish to acknowledge the valuable contributions of our committees, particularly the Rules Committee, Heads of List Committee, Professional Development Coordinating Committee and sub-committees, including the untiring efforts of the Mediation Sub-Committee. We express our gratitude to members, management and staff for their dedication and commitment to achieving a year of substantial growth for VCAT. In particular, the contribution of Chief Executive Officer John Ardlie, Principal Registrar Ian Proctor, Listings Manager George Adgemis and the Registry staff have been outstanding during the year under review.

The leadership of the Deputy Presidents, supported in many cases by able and committed Senior Members, is a significant factor in the success of VCAT. The contribution of members and staff to this success has been wholehearted and enthusiastic. We recognise

that the increasing volume of work has added significant pressure to the lives of all members and staff.

We are grateful for the cooperation of the Chief Magistrate and staff of the Magistrates' Court in enabling a number of urgent hearings to be conducted by Magistrate sessional members of VCAT at short notice.

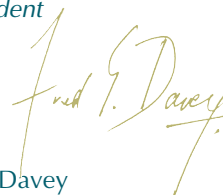
We also express our gratitude to the Courts Information Officer Prue Innes for her assistance on many occasions throughout the year.

### **Achieving our vision**

We began the financial year on a high note, having achieved the massive task of establishing VCAT as a better, more affordable and efficient system of tribunal justice. During the year in review, we achieved substantial growth by increasing our productivity and efficiency. In the coming financial year, we plan to build further upon the solid foundations we have established so that, together, we may consistently achieve a high level of quality decision-making, member flexibility, timeliness and service excellence.



Murray B Kellam  
President



Fred Davey  
Vice President, Civil Division



Tim Wood  
Vice President, Administrative Division

# chief executive officer's message

*VCAT has achieved recognition and respect for its efficient and timely service.*

Despite its recent beginnings, VCAT has achieved recognition and respect for its efficient and timely delivery of dispute resolution services across Victoria.

Together with the judges, members and committed Registry team, we worked to support the rule of law and to improve access to justice for all Victorians, while delivering an effective and efficient administration for VCAT. Although there are still some challenges ahead, we made significant progress during our second year of operation.

Following on from the successful implementation of the Business Process Review recommendations, it has been exciting to see the fruition of several key initiatives.

## Adapting to a new structure

By the start of 1999–2000, we had established a single Registry with three sections:

- Administrative;
- Civil; and
- Residential Tenancies and Guardianship.

This restructure provides a cohesive and flexible administrative unit that encourages and supports officers who choose to move between lists, enabling them to become multi-skilled in the many jurisdictions of VCAT. I congratulate the Registry staff for adapting to the new structure and for coping with the demands posed by the ever-increasing case load.

## New information technology

With the enormous effort of our information technology (IT) team, led by Phil Monk, Peter Anderson and David Freeman, we achieved numerous key initiatives, including our Y2K program, and the development of two exciting and innovative software solutions designed to improve service to our users across Victoria.

In the high volume Residential Tenancies List, we established the Order Entry System (OES). The OES enables VCAT members to prepare and generate orders electronically at the conclusion of hearings. The OES is in place at VCAT's 55 King Street premises and will be progressively introduced to suburban and rural venues during 2000–01.

Another significant development, VCAT Online enables registered users of the Residential Tenancies List to lodge applications, and create and print notices relevant to the dispute using the Internet. This new software will be demonstrated to VCAT users at a launch in August 2000. We believe this technology is a first for courts and tribunals in Australia, New Zealand and beyond.

Developing and implementing VCAT Online and the OES was the realisation of a long and arduous process. We acknowledge the efforts of all the individuals who played a major role in achieving these aims, particularly Senior Registrar Jim Nelms and Deputy President John Billings.

As we entered the final countdown to the Year 2000, our Y2K program became a top priority in the second half of 1999. We successfully completed the preparation and contingency planning in the lead up to the critical date. As a result, we made a smooth and seamless entry into the new year, thanks to the significant investment and support of the Department of Justice and our own IT Technology Manager, Peter Anderson.

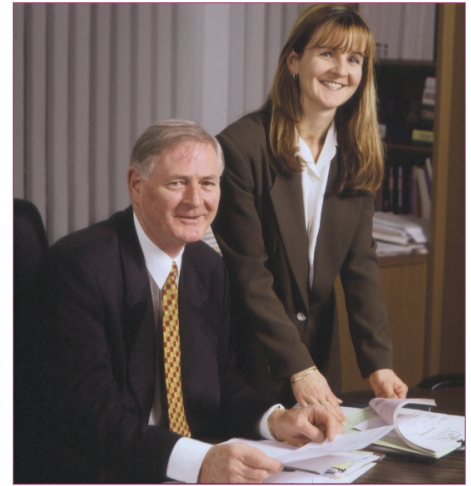
These IT developments and others are explained in more detail on pages 12 to 13 of this annual report.

## Achieving accessibility

Ensuring VCAT is accessible to all Victorians is one of our highest aims. VCAT sits at a number of suburban court venues and most of the State's rural courts, in addition to many other venues, to meet the needs of users. During 1999–2000, we expanded the number of hearing venues and the frequency of visits to rural Victoria. We are most grateful to our colleagues in the State's courts for their ongoing support, and to the individuals at other venues, such as nursing homes and hospitals, for accommodating VCAT so that we may assist users in locations closest to where they reside.

## Raising awareness

We were delighted to host many interstate and overseas visitors who came to inspect our operation and to examine our jurisdictions and administration. We conducted two projects in conjunction with Melbourne's university community



*Chief Executive Officer John Ardlie with his assistant Mirrella Scaramuzzino.*

designed to assist participating students and raise awareness of VCAT and the range of disputes we handle.

## Acknowledgements

I wish to thank President Justice Kellam, Vice Presidents Judges Davey and Wood, their personal staff, and the members of VCAT for their cooperation and support. I am grateful to Peter Harmsworth, Secretary to the Department of Justice, and his deputy Fiona Hanlon for their continuing support. I acknowledge the significant contributions of Principal Registrar Ian Proctor, and Senior Registrars Jim Nelms, Richard O'Keefe and Wayne Richards, along with their devoted staff, all of whom have enabled VCAT to maintain its high levels of service to our members and users. I would like to recognise the outstanding contribution made by Personnel Manager Gub Bergamin who has taken up a position in local government. We welcome our new Personnel Manager Sam Kenny.

In closing, I wish to thank my personal team, including Finance Manager Alan Karfut, Lorraine Renouf and John Kakos. Special thanks to my personal assistant, Mirella Scaramuzzino for performing her duties most competently and for assuming the additional role of Conference Secretary for VCAT.

John Ardlie  
Chief Executive Officer



# user services and community relationships

Our vision for VCAT relies on continuing improvement to meet user demands for optimum and accessible service delivery. VCAT offers a range of services for users and develops relationships with community groups that are vital to accurately and efficiently represent the best interests of users.

## Hearing locations

During 1999–2000, we increased the number of hearing venues and the frequency of visits to rural Victoria. List members conducted hearings at 55 King Street, Melbourne, and 114 suburban and rural locations throughout Victoria (102 in 1998–99). (Refer to the map of Victoria on the inside back cover.) Where necessary, List members hear cases at locations convenient to the user. During the financial year, this included hospitals and special accommodation houses. A full list of hearing venues is featured on page 57.

## Use of magistrates

On a number of occasions, users benefited from the appointment of Magistrates as sessional members. Our Magistrate sessional members include four Deputy Chief Magistrates in Melbourne and Magistrates located in Dandenong, Horsham, Shepparton, Bendigo, Sale and Geelong. Our use of Magistrates enhanced our presence in rural Victoria and increased our capacity to handle urgent applications.

## Video and telephone conferences

Hearings conducted by video and telephone provided greater convenience and accessibility for users unable to attend specific hearing locations. For a nominal fee, video links were arranged with designated locations around Australia and overseas.

During 1999–2000, VCAT members conducted approximately 38 video conferences (30 in 1998–99), which included links with such locations as Wangaratta, Ballarat, Mildura, Darwin,



*The Civil Claims User Group meets regularly to discuss issues of relevance to the Civil Claims List of VCAT. Clockwise from left—Principal Registrar Ian Proctor, Sharon Barker of the Consumers' Federation of Australia, Fred Dodd of Small Business Victoria, David Russell of the Victorian Automobile Chamber of Commerce, President Justice Kellam, Deputy President Michael Levine, Senior Registrar Wayne Richards, Vice President Judge Davey, Michael Harris of the Consumer and Business Affairs of Victoria, Catriona Lowe of the Consumer Law Centre of Victoria and Denise Budge of the Consumer and Tenant Resource Centre.*

Warnambool and Swan Hill. Telephone conferences occurred regularly at VCAT. During 1999–2000, members conducted on average 12 to 15 hearings by telephone each week.

## Front counter service

Front counter service staff, located on the ground floor of 55 King Street, aimed to greet all VCAT users with courtesy and efficiency. Six staff members were available at the counter to provide general advice about VCAT operations and hearing procedures. They assisted users applying to VCAT, arriving for hearings, requesting certified copies of orders and asking for warrants to be prepared for orders involving residential tenancies matters.

### *Waiting times reduced*

During 1999–2000, streamlined procedures were introduced to enable warrants and certified copies of orders to be processed more efficiently. Waiting times for the high volume task of preparing warrants were substantially reduced from an average of between one and two hours to as little as 15 minutes. Staff prepared between 25 and 30 warrants per day.

Previously, preparing certified copies of orders took up to one month to complete. In May 2000, service staff took on the added responsibility of this task. As a result, improvements to the service enabled staff to achieve an outstanding turnaround time of 24 hours. Service staff prepared an average of 10 certified copies of orders per day and processed as many as 40 per day during busy periods.

## Internet web site

The VCAT web site at [www.vcat.vic.gov.au](http://www.vcat.vic.gov.au) achieved an outstanding result for 1999–2000, attracting more than 50,000 visitors, compared with 13,630 visitors in 1998–99. The site featured information about VCAT legislation, Practice Notes and Rules, a list of scheduled hearings, the daily law list and a selection of key decisions. In addition, it provided details about each list, including information about how to apply and application forms that can be downloaded and printed. It also offered links to a variety of government, judicial and legal web sites.

During the financial year, the site was fully restructured into 'navigation frames' that provided immediate access

*Our vision for VCAT relies on continuing improvement to meet user demands for optimum and accessible service delivery.*

to the various lists of VCAT by identifying types of disputes and linking them to relevant lists. In June 2000, we made further improvements by introducing the new interactive service VCAT Online for the high volume Residential Tenancies List, enabling users to lodge their applications electronically. We describe VCAT Online in more detail on page 12.

## User feedback

We achieved our aim to introduce new ways of gathering user feedback by introducing a process for handling user complaints. Complaints received are redirected immediately to the Executive Office where details are logged in a database and passed on to the Chief Executive Officer. Follow up action is undertaken within seven to 14 days of recording the complaint. Since the procedure was introduced in March 2000, 40 complaints were logged into the system.

## User service charter

We introduce the VCAT User Service Charter on page 56 of this annual report. In an effort to build a more focused approach to improving services to our users, the charter outlines a number of service guarantees aimed at informing VCAT users of both the level of service they should expect and the steps they should take if they have a complaint.

## User groups

User groups provide an effective forum in which to discuss a range of issues affecting users of VCAT's services and are an important part of our ongoing improvement process. Selected members from each list conducted regular user group meetings, usually on a quarterly basis. The user groups comprised a broad spectrum of representatives from community and industry groups, and the legal profession who were given the opportunity to provide valuable feedback with the aim of improving the service that VCAT offers. The achievements of user groups are detailed in the review of individual list performance starting on page 16.

## Raising community awareness

### Information sessions

Judicial members conducted a total of 22 information sessions during 1999–2000 aimed at raising community awareness about the services that VCAT offers, which included presenting papers on subjects such as:

- 'Freedom of Information' at the International Commission of Jurists Conference in August 1999;
- 'Ethics and Tribunals' at the Commonwealth Superannuation Complaints Tribunal in April 2000;
- 'The Changing Face of Tribunals in Australia' at the Australian Institute of Judicial Administration (AIJA) Conference in September 1999 and 'Tribunals Serving the Community' at the AIJA Conference in June 2000; and
- 'Expert Evidence' at the Leo Cussen Institute, the Victorian Environmental and Planning Lawyers' Association and the Australian Property Institute.

A number of Deputy Presidents and Senior Members spoke at public information gatherings. Refer to individual list performance starting on page 16.

### Increased media interest

As a demonstration of our openness and transparency, we granted the Channel Nine television program *A Current Affair* permission to film Civil Claims hearings at VCAT for the first time. The eight-minute segment went to air on 6 March 2000 and featured at least 10 different cases that highlighted the accessibility and affordability of VCAT, and users' views of their experience. The segment attracted nearly two million viewers nationally.

In May 2000, the production crew was invited back to VCAT to film live proceedings of the Residential Tenancies List. This segment aired on 29 May 2000 and attracted an estimated 600,000 viewers in Melbourne alone and, again, almost two million viewers nationally.



*Vice President Judge Wood addresses guests at the launch of the ANSTAT publication 'VCAT Freedom of Information' in May 2000.*



*For the first time, the national television program 'A Current Affair' was allowed inside VCAT's hearing rooms to film live cases that highlighted VCAT's accessibility and affordability, and users' views of their experience.*



*The television crew was invited back to film live proceedings conducted by the Residential Tenancies List of VCAT in May 2000.*



# information technology

Information technology plays a vital role at VCAT in assisting members and staff to efficiently serve the needs of users. During 1999–2000, we succeeded in achieving several key initiatives, particularly in the areas of case management, telecommunications and digital recording, as well as successfully implementing our Year 2000 program.

## Case management

When VCAT began operations in July 1998, our overall strategy was to create two main computer systems to support our case management. Since then, we have successfully amalgamated four previously independent systems.

During 1999–2000, we made further improvements to our case management systems, focusing mainly on developing the Tribunals Management System (TM) and the Case Management System (Caseworks).

These two systems store extensive information about cases for the whole of VCAT, enabling members and staff to manage cases more efficiently throughout each stage of the process from application to resolution.

### *Tribunals Management System*

Tribunals Management system (TM) supports the high volume Residential Tenancies and Guardianship Lists. Further improvements to TM during the year in review enabled VCAT to reap substantial benefits in terms of increased efficiency gains. For example, although the case load for Residential Tenancies rose 19% in 1999–2000, the cost of running the list rose only 9% (including one-off information technology costs that will be recouped by way of improved future efficiency). Later in the financial year, we expanded TM with the introduction of VCAT Online and an Order Entry System (OES) for the Residential Tenancies List.

### VCAT Online

In June 2000, we completed the development of VCAT Online, an interactive feature of the VCAT web site.



*The team responsible for the success of information technology at VCAT, from left—(back row) David Freeman, Peter Anderson, Steven Hucker, Regina Komkha, Glenda Vazquez (front row) Janet Street, Robert Martin, Phillip Monk, Jenny Diep and Lucille De Kraan. Not shown, Gabby Cappe.*

On 28 August 2000 VCAT Online will be launched, enabling registered users of the Residential Tenancies List to complete application forms, and to generate and print notices of dispute under the *Residential Tenancies Act 1997* by way of the Internet. VCAT Online will provide an easy way for users to lodge their applications, followed by immediate confirmation of lodgement and, in most cases, the hearing date.

VCAT Online will save time and money for users—it takes only minutes to lodge an application without the need for paperwork or sending applications by post. In addition, we anticipate that VCAT Online will streamline administrative tasks and production costs. As more users access the system, Registry staff will no longer need to reject applications or continually validate information. Currently, 12–18% of applications are rejected due to insufficient, incorrect or illegible information, causing costly delays. Under the new electronic process, if information is missing, the system will not allow the notice to be created or the application to be lodged.

Additional functionality enables users to enquire about their case using a search mode, thereby reducing the number of telephone enquiries. Likewise, VCAT Online will greatly reduce paper use and printing costs.

### Order entry system (OES)

We developed a new computerised Order Entry System (OES), which began operating in Melbourne in April 2000. OES enables members of the Residential Tenancies List to produce orders using personal computers installed in hearing rooms. This allows the majority of orders to be produced, printed and signed on-the-spot at hearings and given to the parties after the hearing.

The system promises substantial efficiency gains in the Residential Tenancies List in reducing the administration tasks required and the turnaround time for generating orders. OES automatically identifies the type of case being heard and sets up a default template that requires minimal data entry, making it a simple yet effective tool for members.

We plan to progressively introduce OES throughout suburban



*Information technology plays a vital role at VCAT in assisting members and staff to efficiently serve the needs of our users.*

and rural Residential Tenancies hearing locations in the next financial year.

### **Caseworks Case Management System**

Caseworks provides VCAT with a flexible efficient computer database that can be used to track and manage the progress of cases at VCAT from application to final decision. It allows:

- simultaneous access by multiple staff to information about one case without the need to refer to the physical case file;
- production of high quality documents such as notices of hearing that can easily be changed at VCAT to ensure that they provide users with understandable information;
- diary systems to assist with the timely progression of cases;
- improved statistical reporting to assist VCAT to better manage its resources; and
- use of a largely uniform computing system that maximises the value of computer training and enables staff and members to more easily work in a number of areas within VCAT.

We plan to enable Caseworks to handle all of VCAT's lists other than Residential Tenancies and Guardianship. At the beginning of 1999–2000, Caseworks supported the Domestic Building List, Real Property List and Retail Tenancies List. During the financial year, it was expanded to support the Anti-Discrimination List, Civil Claims List, Credit List and Occupational and Business Regulation List. By the end of 2000, we will complete the roll-out of Caseworks with its further expansion to support the General List, Land Valuation List, Planning List and Taxation List.

### **Courtlink**

The Courtlink case management system is being replaced by Caseworks because of the many advantages it offers to VCAT. We acknowledge that it

served the former Administrative Appeals Tribunal (AAT) and parts of VCAT well and thank the Information Technology Branch of the Department of Justice for their support in its development and maintenance. An enhanced version of Courtlink continues to support the operation of the Magistrates' Court of Victoria.

### **Telecommunications**

We upgraded our voice telecommunications management system in August 1999 with the aim of improving the quality of our telephone service to users. The telephone exchange service was upgraded to:

- be Year 2000 compliant;
- provide a better telephone advice service; and
- provide enough telephone lines at VCAT to handle the increasing workload.

We developed and installed computer software to support the system. This allows relevant staff and management within VCAT to track and monitor incoming calls on their computers. This allows for better allocation of staff resources to deal with enquiries.

We plan to continue to use the data from the system to improve call response times and to find ways to increase the resources that can be made available at peak times.

### **Digital recording**

Before the amalgamation of the former boards and tribunals to create VCAT, much of the work of these boards and tribunals was not recorded. The President expressed a desire for all cases to be recorded for reasons of transparency and accountability, and to assist with the availability of proper records in case of appeal to the Supreme Court.

In December 1999, we established a pilot digital recording system in 10 hearing rooms located at VCAT's Melbourne premises. The system is designed to record proceedings in multiple hearing rooms and to store the recordings onto a central computer hard

disk. The trial was a success, providing an efficient and cost-effective method of recording hearings and enabling us to keep a record of proceedings that were previously unrecorded. This helps to protect the interests of both users and members participating in hearings. In addition, it effectively monitors and improves the quality of conduct of all participants during proceedings.

Eventually, we plan to extend the system throughout all 41 hearing rooms at 55 King Street as funding allows, and to investigate a cost effective way of recording proceedings in suburban and rural locations.

### **Year 2000**

Our Year 2000 program successfully enabled a smooth transition of all technology related systems. By the start of the financial year, we had completed preparation work and the focus moved to contingency planning in the second half of 1999. This allowed us to guard against any major utility failures.

No year 2000 compliance issues were discovered at VCAT as we entered the year 2000.

### **The future**

Future initiatives planned for 2000–01 include the following:

- Improve public awareness of VCAT Online.
- Further improve information available on the VCAT web site, including virtual tours, an increased number of case outcomes, site maps, an online question and answer service, processing of credit card transactions and videos.
- Produce the majority of Residential Tenancies List orders in hearing rooms at the time they are announced.
- Expand the audio digital recording system as funding permits.
- Fully implement the existing computer case management systems across all lists.
- Implement an improved email and scheduling system for employees.

# how we resolve cases

The VCAT Act governs the general operation of each list. However, the functions of VCAT under enabling acts are allocated to lists (see pages 48–50). For this reason, the process often varies between lists.

Variations in how we resolve cases may occur due to the nature of the cases brought to each list. Many cases may take 15 minutes to resolve, while others may take a day. In exceptional circumstances, it may take several weeks to hear a case due to the complex nature of the issues involved.

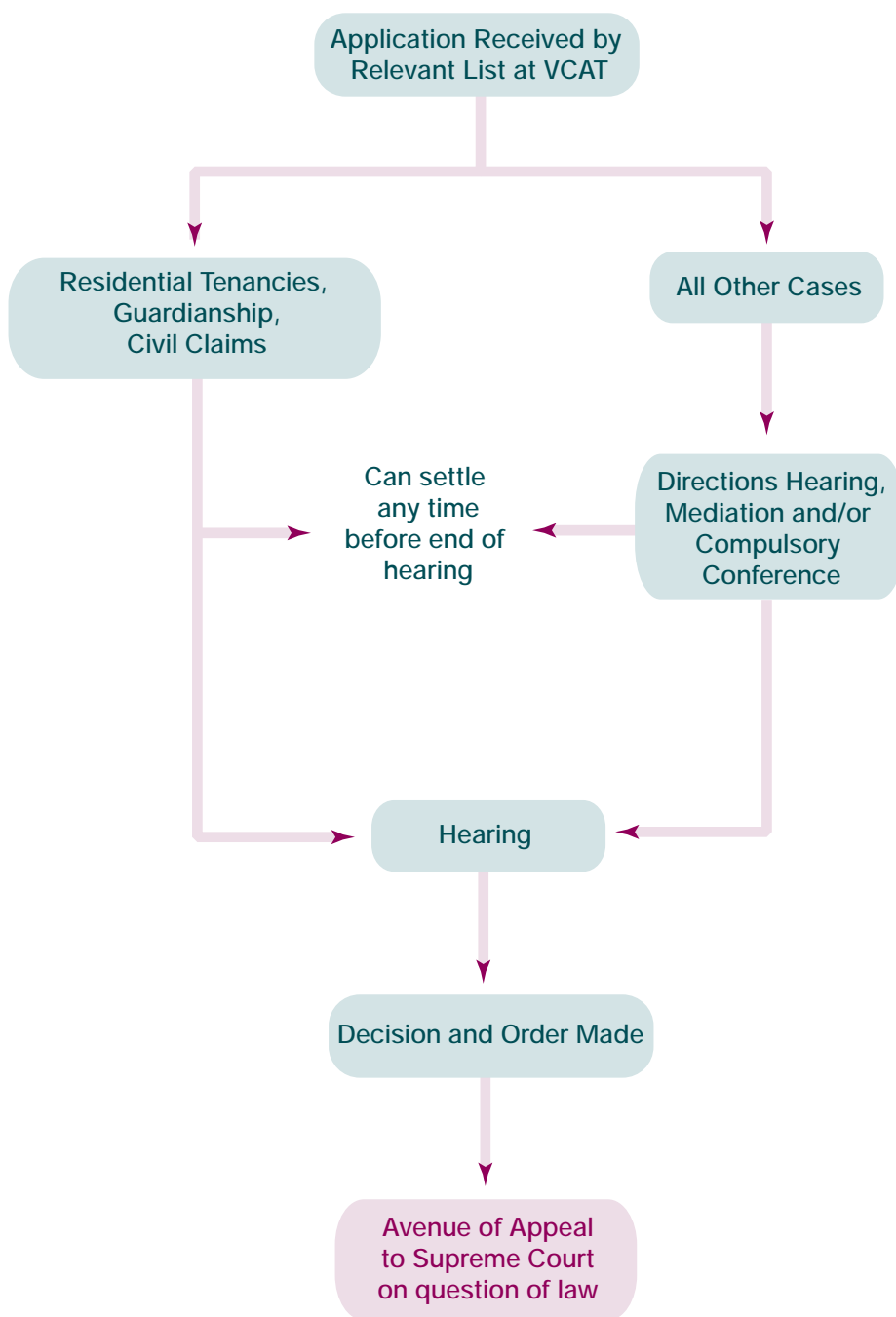
As a general guide, the flow chart opposite shows a simplified approach to the mechanisms established to resolve cases.

The process begins when a user of VCAT's services files an application with the relevant list. To help settle a dispute, a mediation, directions hearing or compulsory conference may take place depending on the case. However, many cases proceed to a hearing. Hearings give parties the opportunity to call or give evidence, ask questions of witnesses and make submissions.

At the end of the hearing, a member of VCAT either gives a decision on-the-spot, or writes a decision after the hearing and delivers the decision as soon as possible.

The people involved in a dispute may at any time agree to resolve their differences without the need for a mediation, directions hearing, compulsory conference or a hearing. If the case does proceed to a hearing, there is still an opportunity to settle prior to delivery of the decision.

Decisions of VCAT can be appealed to the Supreme Court of Victoria on questions of law.



# outlook

*We must anticipate user demands and establish the resources necessary to meet those demands.*

To ensure VCAT continues to operate effectively, we must anticipate user demands and establish the resources necessary to meet those demands. We initiated plans to complete several key projects during the next financial year, determined the major influences that may have an impact on case volume, and prepared our forecasts of VCAT's workload.

## Mediation directorate

We plan to establish a Mediation Directorate to manage mediation throughout VCAT, irrespective of the specialised needs of the lists. It is proposed that the Directorate will be led by a Senior Member of VCAT with specialised mediation skills. This principal mediator will appoint specialist mediators to focus on the particular work of individual lists. Our aim in establishing this position will be to enable a consistent approach to applying mediation standards across VCAT, while allowing for opportunities for specialisation among lists.

## New jurisdictions

Three new jurisdictions that will add to the workload of VCAT will be introduced in the next financial year.

### *Dental Practice Act 1999*

Introduced on 1 July 2000, the *Dental Practice Act 1999* (DP Act) will grant jurisdiction to VCAT to review decisions of the Dental Practice Board of Victoria to:

- refuse applications for registration;
- impose conditions on a person's registration; or
- cancel or suspend registration.

The DP Act applies to dentists, dental prosthetists and other registered dental care providers. Such matters will be allocated to the Occupational and Business Regulation List. We expect the anticipated workload will be managed within existing resources. We hope that one or two highly respected members of the dental profession will be appointed as sessional members in the near future to handle these cases.

### *Chinese Medicine Registration Bill*

The Chinese Medicine Registration Bill was introduced into Parliament and received Royal Assent on 16 May 2000. The Bill will grant a review jurisdiction to VCAT in relation to the registration of Chinese herbal dispensers, Chinese medicine practitioners and general medical practitioners registered as Chinese medical practitioners. This function will be allocated to the Occupational and Business Regulation List. We expect the anticipated workload will be managed within existing resources.

### *Information Privacy Bill*

The Information Privacy Bill was introduced into Parliament in the Autumn session. If the bill is passed, it will give VCAT a review jurisdiction in relation to a variety of matters regarding privacy and the release of personal information. The position of Privacy Commissioner will be created to conciliate such matters. If conciliation is unsuccessful, the matter will be referred to the General List of VCAT.

## Monash University pilot program

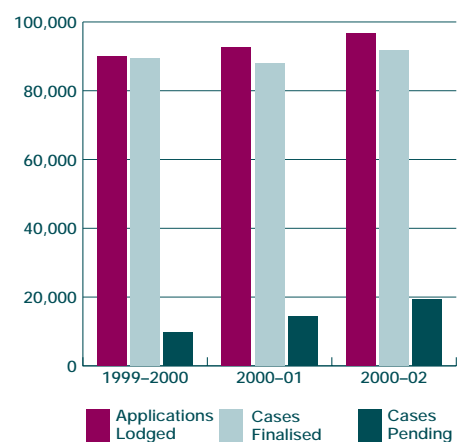
Monash University Law School will offer, for the first time in August 2000, a course specially designed for tribunal members—*Decision Making for Tribunal Members*. The six-month pilot program will make substantial use of the Internet for teaching purposes. This will enable the course to be available electronically throughout Australia and Asia. The course will cover such topics as ethics, writing a decision, conducting a hearing, applying law and policy, and planning the decision-making process. As part of our plan to continually improve the quality of decision-making at VCAT, we are pleased to assist seven full-time members and one sessional member to undertake the course. If the pilot program is a success, Monash University will consider offering a graduate diploma in tribunal procedures.

## Forecasting case workload

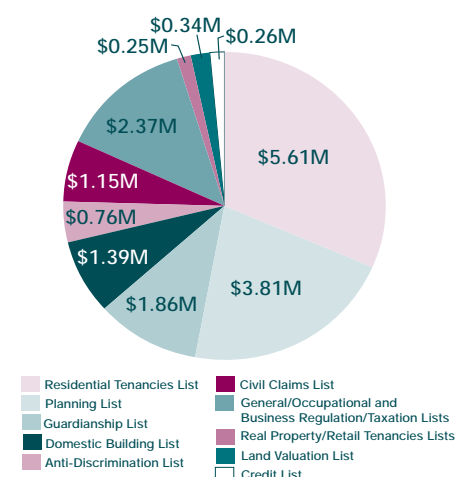
Under the VCAT Act, we are required to prepare forecasts of the workload of VCAT. We review forecasts in conjunction with the Department of Justice and the Victorian Government, and more informally, on a monthly basis through the feedback we receive from the lists' user groups. In 1999–2000, we further improved this process to better align our budget projections with our workload forecast projections.

We project that cases finalised in 2000–01 will decrease 2% compared with 1999–2000. The majority of the decrease will occur in the General, Planning and Civil Claims Lists. Our budget for VCAT expenditure allocated to each list for 2000–01 will total \$17.8 million.

### *All VCAT cases—1999–2002*



### *VCAT expenditure by list—2000–01 Total expenditure \$17.8 million*





# anti-discrimination list

## List Snap Shot

### Objective

- Hear 65% of cases within four months of application.
- Achieve settlement in at least 60% of cases referred to mediation.

### Key results

- Finalised 50% of cases within three months of application (four months in 1998–99) and 15% of cases within four months of application.
- Finalised 25% of cases within 11 months of application (40% of cases cases within nine months in 1998–99)
- Settled 65% of cases at mediation (50% in 1998–99).

### Future aims

- Further reduce waiting times so that 50% of cases are finalised within four months of application, 20% within six months and 20% within 11 months.
- Maintain the 65% settlement rate for mediations.

### Purpose

A list in the Civil Division of VCAT, the purpose of the Anti-Discrimination List is to hear and determine complaints of contravention of the *Equal Opportunity Act 1995* (EO Act). Such complaints claim discrimination on the basis of various attributes, such as sex, race, impairment, or religious belief or activity, in various areas of activity such as employment, education, and the supply of goods and services and sport. The claims also relate to sexual harassment and victimisation.

### Statistical profile

- Applications received: 519
- Cases resolved: 497
- Cases pending: 195
- Application fee: n/a
- Number of Members: 38

### Deputy President profile

Cate McKenzie, BA, LLB (Hons), was appointed Deputy President of the Anti-Discrimination List on 1 July 1998. Previously, Cate was appointed President of the former Anti-Discrimination Tribunal/Equal Opportunity Board in 1994. She began her career as a legal officer of the Parliamentary Counsel's Office in 1975 and was appointed Assistant Chief Parliamentary Counsel in 1986.

## Case profile

List members deal with two main types of applications—Complaints and Exemptions.

Complaints are first lodged with the Equal Opportunity Commission. If the Commission declines to handle a complaint, or determines that the complaint is not conciliable or if attempts to conciliate it are unsuccessful, the complainant may require the Commission to refer the complaint to VCAT.

List members determine applications for exemption from the provisions of the EO Act and hear applications made to strike out complaints on the basis that they are frivolous, vexatious, misconceived, lacking in substance or an abuse of process. In addition, the List receives a small, although significant, number of applications for interim orders to prevent a party to a complaint from acting prejudicially to conciliation or negotiation, or to VCAT's ultimate decision.

In 1999–2000, the number of complaints referred to VCAT totalled 417, compared with 316 in 1998–99, representing a percentage increase of 32%. This increase corresponds to a continuing increase in the number of complaints lodged with the Equal Opportunity Commission.

The number of exemption applications received during 1999–2000 remained steady, totalling 102, compared with 101 applications in 1998–99.

Applications made to strike out complaints dropped significantly from 79 in 1998–99 to 46 in 1999–2000, representing a 42% decrease. This may be attributed to the growing awareness of the criteria that need to be met before a strike out application can be successful, generated by the increasing body of VCAT and court decisions on the subject.

### Application types

The greatest number of complaints referred to the List continue to be employment-related, mainly involving claims such as gender discrimination and sexual harassment, but with a significant



*A telephone directions hearing for the benefit of a user in Sydney. From left, Nicole Margenberg, Joen Cvetkovic, Deputy President Cate McKenzie and Billie-Jean Williams.*

number of discrimination claims based on victimisation, race and impairment. Employment-related complaints rose slightly from 66% in 1998–99 to 70% in 1999–2000. The next highest number of complaint referrals relate to education (approximately 16%) and the provision of goods and services (approximately 13%). The attribute profile of complaints for 1999–2000 is significantly different from the profile of complaints referred to the List in 1998–99. Complaints are no longer spread relatively evenly across the range of attributes. In 1999–2000, complaints referred to the List were comprised as follows:

- 31% sex discrimination and sexual harassment (31% in 1998–99)
- 22% impairment (18% in 1998–99)
- 13% victimisation (11% in 1998–99)
- 7% race (12% in 1998–99)
- 20% other (23% in 1998–99)

### How we dealt with cases

Mediation remains a successful means of resolving disputes referred to the List. Its success rate is high, even in cases where the Equal Opportunity Commission had previously unsuccessfully attempted conciliation. In 1999–2000, about 65% of cases referred for mediation settled, compared with 50% of cases referred in 1998–99. The List's mediators are to be commended for their skilful and tireless work.

*We determine applications for exemption and complaints of discrimination fairly, quickly, informally and cost-effectively.*

### Timeliness

Waiting times between complaint referral and finalisation continued to shorten. We were able to maintain and, in some cases, better the waiting time targets we set for ourselves at the start of the financial year. The average waiting time for 50% of cases in 1999–2000 was three months, compared with our original target of four months. Another 15% of cases were finalised within four months of referral, meeting our target of 65% of cases finalised within four months.

The average waiting time for a further 25% of cases was 11 months. This result is slightly longer than the nine months achieved in 1998–99 but far shorter than the 21-month waiting time at the beginning of that year. This still better our target of 18 months.

The measures that have enabled us to achieve these results are:

- the introduction and high success rate of mediations;
- strict monitoring of compliance with directions and procedural steps prior to hearing complaints;
- a sufficient number of members to handle the case load; and
- the efforts of members and staff.

### Changes to the EO Act

In May 2000, the Equal Opportunity Act (EO Act) was amended to add the attribute of breastfeeding. Since the change is a recent one, the List did not receive complaint referrals on that basis. We do anticipate a small increase in complaints as a result of the change.

### Case study: Job application rejected due to colour vision deficiency

Mr D's application for employment with the Victoria Police was rejected due to a vision deficiency that made him unable to distinguish between some shades of the red and green colour spectrum. The State of Victoria conceded that it had directly discriminated against Mr D in relation to his application for employment due to his colour vision deficiency. The State argued that the *Equal Opportunity Act 1995* (EO Act) did not prohibit that discrimination because it fell within a number of the exception provisions. The main exceptions relied on concerned inability, because of impairment, to adequately perform the reasonable requirements of the job, and the risk which Mr D might pose to himself and others. VCAT determined that the testing performed by Victoria Police of Mr D's colour vision deficiency did not indicate either its severity or whether it would prevent Mr D from performing the reasonable requirements of being a police constable. VCAT did not order that Mr D be appointed to the police force. Instead, it ordered that Mr D be re-tested to assess the severity of his colour vision deficiency and whether he could perform the reasonable requirements of the job. His application was then to be determined in the light of the results of those tests.

### Community awareness

The Deputy President gave three talks during 1999–2000 on the subjects of costs, damages and trends in discrimination law to equal opportunity and industrial relations practitioners. In addition, the List continued to develop plain English information pamphlets about List procedures and made them available to the community through VCAT and the Equal Opportunity Commission.

### User group activities

The User Group of the Anti-Discrimination List comprised a total of 15 participants representing various groups including the Equal Opportunity Commission and the legal profession. The User Group met on two occasions during 1999–2000. Participants made valuable suggestions that were used to further streamline procedures such as improving pre-hearing documentation so that it is more comprehensive and easier to understand.

### Training and development

During 1999–2000, List members participated in various seminars conducted by VCAT and external organisations, including a seminar on Discrimination Law and Process and Aboriginal People, and a seminar on discrimination in employment.

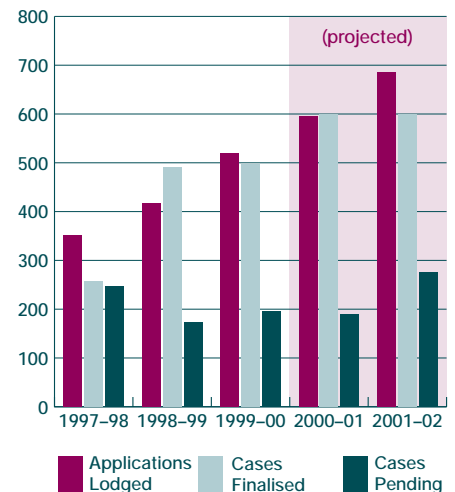
### The future

Our objectives for 2000–01 include the following initiatives:

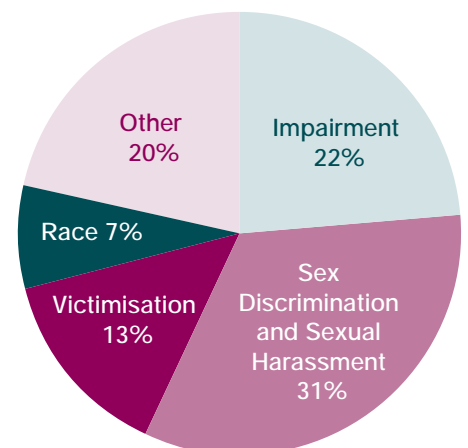
- Further streamline our procedures to cater for the increase in complaint referrals, which we anticipate will continue.
- Further reduce waiting times, so that 50% of cases are dealt with within four months of referral, a further 20% are dealt with within six months, and a further 20% within 11 months.
- Maintain the 65% settlement rate for mediation.

Maintaining and improving waiting times depends on the continuing availability of a sufficient number of members to hear or mediate cases.

### Case flow 1997\*–2002



### Complaints by type 1999–2000



\*1997–98 figures refer to the equivalent work of the former board or tribunal.

# civil claims list

## List Snap Shot

### Objectives

- Complete all cases within six weeks of application despite anticipated increase in the number of cases.
- Resolve higher value and complex cases by compulsory conference.

### Key results

- Due partly to the Impact of *Fair Trading Act 1999*, the number of applications received rose 53% from 2,498 in 1998–99 to 3,820 in 1999–2000.
- Resolved all cases within six weeks of application (compared with six weeks in 1998–99).
- Settled more than 90% of claims exceeding \$10,000 by compulsory conference.

### Future aims

- Continue to resolve all cases within six weeks of application.
- Continue to resolve higher value and complex cases by compulsory conference.

### Purpose

A List in the Civil Division of VCAT, the purpose of the Civil Claims List is to hear applications under the *Fair Trading Act 1999*, *Small Claims Act 1973*, and some matters under the *Motor Car Traders Act 1986*, the *Credit Act 1984* and *Consumer Credit Act 1995*.

### Statistical profile

- Applications received: 3,820
- Cases resolved: 3,223
- Cases pending: 812
- Application fee under the *Fair Trading Act 1999*: \$0 All others: \$25
- Average number of cases resolved per day: 12–20
- Number of Members: 57

### Deputy President profile

Michael Levine, LLB and Churchill fellow, was appointed Deputy President of the Civil Claims List on 1 July 1998. For the last 25 years, Michael has held positions as the first senior referee of the Small Claims Tribunal, first chairman of the Residential Tenancies Tribunal and the first chairman of the Credit Tribunal. Michael worked as a solicitor in private practice specialising in company liquidation and bankruptcy from 1968 to 1975.

## Case profile

In 1999–2000, the number of applications received rose substantially by 53% from 2,498 in 1998–99 to 3,820 in 1999–2000. This result may be attributed partly to the introduction of trader versus trader and fair trading disputes. The number of cases resolved increased by 4% from 3,108 in 1998–99 to 3,223 in 1999–2000. Cases pending totalled 812, compared with 245 in 1998–99 and 697 in 1997–98.

Most cases arise from disputes between the purchasers and suppliers of goods and services. In most cases, the parties involved do not require legal representation, thereby achieving considerable savings in legal costs.

Claims under \$10,000 still dominated total applications received at 90%. Claims above \$10,000 included a number exceeding \$100,000. The number of claims made by suppliers increased significantly to 12.5% of all claims in 1999–2000. In contrast, the number of applications made under the *Small Claims Act 1973* had substantially decreased to about 20% of claims received.

### Application types

The types of applications lodged comprised:

- 26% building (21% in 1998–99);
- 24% motor vehicles (20% in 1998–99);
- 21% household goods (17% in 1998–99);
- 29% other (42% in 1998–99).

'Other' application types include more than 50 separate categories.



List members Alan Vassie and Linda Rowland discuss a case involving a building dispute with Deputy President Michael Levine. Often, list members conduct on site visits to clarify issues surrounding matters under dispute.

## How we dealt with cases

While dealing with most fair trading disputes in a similar way to matters brought under the *Small Claims Act 1973*, the List dealt with most large value and complex claims exceeding \$10,000 at an early stage by compulsory conference. The List settled more than 90% of these cases by the first or second compulsory conference, resulting in minimal costs to the parties. In more than 50% of these compulsory conferences, one or more parties had legal representation. The success of this process was acknowledged both privately through user feedback and publicly through media interest.

### Timeliness

In the 1998–99 annual report, the List aimed to have all matters heard and determined within six weeks of the user lodging the application. We achieved this aim, even though applications to the List more than doubled in 1999–2000 and individual claims had become more complex.



*We resolve disputes relating to civil claims fairly, quickly, informally and cost-effectively.*

## Significant changes brought by new legislation

Changes to the workload of the List were significant. Under the *Fair Trading Act 1999*, the Civil Claims List took on increased jurisdiction to deal with disputes between purchasers and suppliers of goods and services, and damages arising out of breaches of the Fair Trading Act. The new legislation, which was commenced on 1 September 1999, allows any individual, company or business to make a claim against any other person who carries on business. Before this date, only purchasers of goods and services could apply to VCAT for assistance with a claim against a supplier.

## Community awareness

List Deputy President Michael Levine conducted a total of eight information sessions designed to raise community awareness about VCAT. These sessions included lectures and seminars involving professional, consumer and public service groups explaining the operation of the List within VCAT and, in particular, the implications of the *Fair Trading Act 1999*.

The Channel Nine television program *A Current Affair* was allowed to film Civil Claims hearings conducted at VCAT. The program was aired on 6 March 2000 showing the operation of the List from the viewpoint of both users and members.

## User group activities

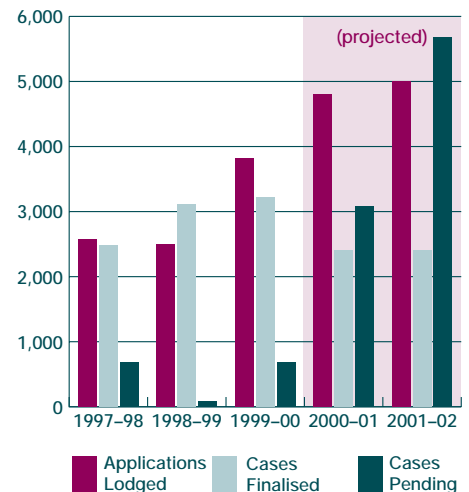
The User Group of the Civil Claims List comprises a total of eight participants representing three business groups, three consumer groups and two public service organisations. Some of those organisations include the Consumer and Tenant Resource Centre, the Australian Retailers Association and Small Business Victoria.

The User Group met on three occasions during 1999–2000. One of the more important tasks initiated by the User Group required the formation of a sub-committee in August 1999 to create a more simplified application form and guide to the List's jurisdiction, which we anticipate will appear on the VCAT web site early in July 2000 and will be available in printed form in August 2000.

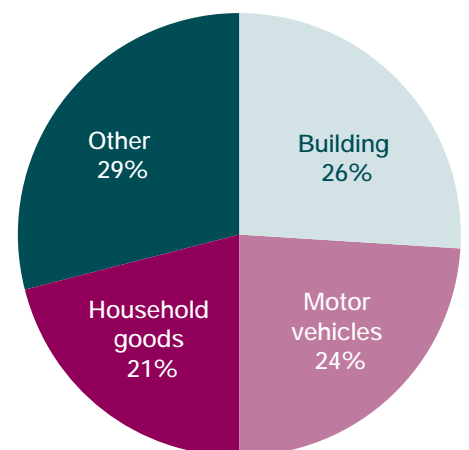
## The future

The major challenge for the Civil Claims List will be to secure sufficient funding to meet the increasing demand in case load expected in 2000–01. At the time of writing, the time taken between application and resolution had increased from six weeks to 14 weeks. We are introducing measures to reduce the backlog. However, if the volume of cases remains at its present high level, the only long-term solution will be to increase the funding available for sessional members.

### Case flow 1997\*–2002



### Applications by type 1999–2000



## Case study: Cafe owner misled by exaggerated turnover figures recovers \$20,000 in compensation

Mr E purchased a cafe in an industrial area after the then owners told him that the cafe had average weekly takings of \$4200. Total takings for the trial week were \$4420. However, during the next two months, the cafe averaged weekly takings of only \$2433. Mr E applied to VCAT stating that he had been misled by the former owners about the cafe's profitability. He wanted the contract rescinded, along with \$68,000 and lost profits that he would have earned had the business turned over as much as was claimed. At compulsory conference, Mr E agreed to settle his claim. The former owner, while denying the claim, agreed to reimburse Mr E \$20,000 of the original purchase. The compulsory conference, which took about six hours, saved at least three days' hearing time with its associated legal and personal costs.

\*1997–98 figures refer to the equivalent work of the former board or tribunal.

# credit list

## List Snap Shot

### Objectives

- Hear and determine repossession cases within 12 days of application.
- Resolve 50% of cases at directions hearing or compulsory conference.

### Key results

- Heard and determined repossession cases on average within 14 days of application (12 days in 1998–99).

### Future aims

- Resolve repossession cases within 12 days of application.
- Resolve 50% of cases at directions hearing or compulsory conference.

### Purpose

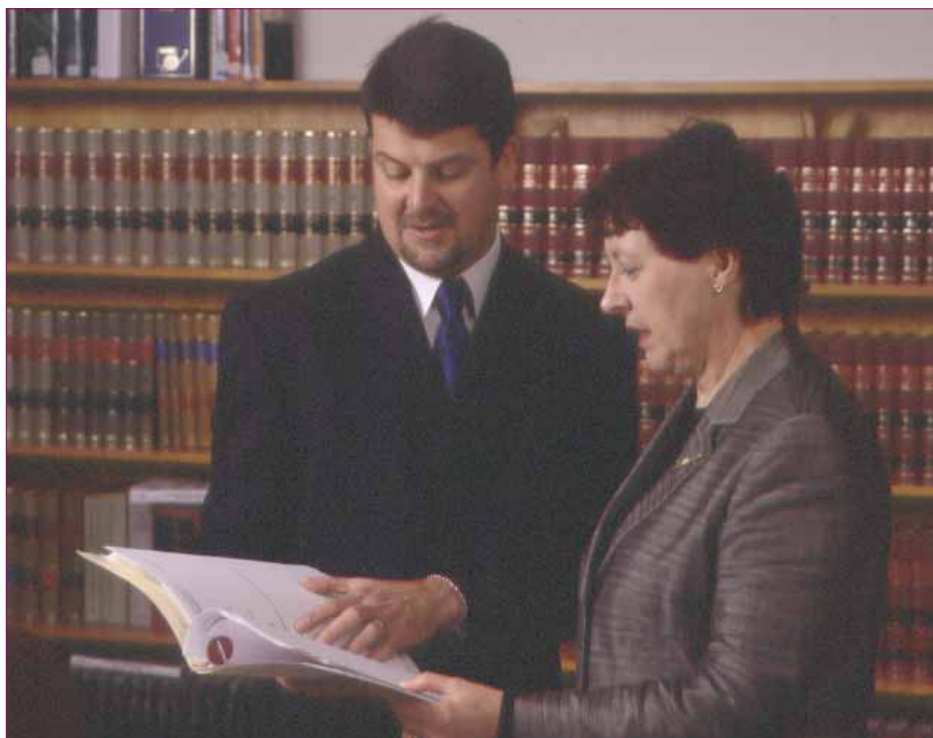
A list in the Civil Division of VCAT, the Credit List has jurisdiction under the *Credit Act 1984* and the *Consumer Credit (Victoria) Act 1995* (the Code), which operates Australia wide and supersedes the Credit Act.

### Statistical profile

- Applications received: 110
- Cases resolved: 182
- Cases pending: 55
- Application fee: \$25–\$100
- Number of Members: 4

### Deputy President profile

Anne Coghlan, BA, LLB, was appointed Deputy President of the Credit List on 1 July 1998. Anne brings to her position a strong background in administrative law and tribunal management. Previously, she was appointed Deputy President of the Anti-Discrimination Tribunal in 1996. She was appointed member of the Administrative Appeals Tribunal (AAT) in 1994, and became the first National Convener of the Social Security Appeals Tribunal in 1988. In addition to Credit List matters, Anne regularly sits in the General and Anti-Discrimination Lists.



*Deputy President Anne Coghlan (right) discusses the best way of handling the listing of an application in the Credit List with Registrar of Case Management Justin McHenry. Depending on the issues involved, applications may be listed for a directions hearing, compulsory conference or proceed directly to a hearing.*

## Case profile

In 1999–2000, the total number of applications lodged was significantly less than in previous years, totalling 110 in 1999–2000, compared with 327 in 1998–99, representing a decrease of 66%. There are no clear reasons apparent to VCAT for the reduction in the number of applications. However, industry specialists suggest that credit providers are more vigorously negotiating with borrowers to resolve matters before having to resort to VCAT.

Cases resolved decreased by 52% from 380 in 1998–99 to 182 in 1999–2000. Cases pending totalled 55 in 1999–2000, compared with 127 in 1998–99, representing a significant decrease of 57%. In May 2000, a group of 77 cases, which bore similarity to each other, were resolved following a decision in the Court of Appeal. This contributed significantly to the decrease in cases pending.

## Application types

The majority of applications lodged relate to requests for repossession orders. Credit providers may not enter residential premises without an order to recover mortgaged goods. Other applications involve credit providers who have contravened the requirements of the Code and those cases where VCAT has the power to impose a civil penalty.

The number of repossession applications lodged totalled 93, compared with 267 in 1998–99. Similarly, the number of other applications decreased to 17 in 1999–2000, compared with 60 in 1998–99.

## How we dealt with cases

Many Credit List applications concern people experiencing financial difficulties and hardship. We aim to respond to such needs in a timely manner. We first list matters for a directions hearing and often resolve disputes at this early stage. Otherwise,

*We resolve disputes relating to credit claims fairly, quickly, informally and cost-effectively.*

we list the matter for a compulsory conference. Compulsory conferences bring the parties together as early as possible and without the need to file and serve extensive written material. If we are unable to reach settlement, then we list the matter for hearing.

### Timeliness

Our objective at the start of 1999–2000 was to hear and determine repossession cases within 12 days of application. Although we came close to this goal, the statistics show that the Credit List continued to perform its task in a timely manner. Repossession applications were heard and determined on average within 14 days of application, compared with 12 days in 1998–99.

### Changes to registry

During 1999–2000, changes in registry functions occurred, involving different parts of the civil registry being responsible at different stages of credit applications. These changes are in line with a uniform approach to processing applications in the Civil Division. The aim of the changes is to provide a multi-skilled registry to ensure that the Credit List is always served by staff familiar with its procedures.

### Community awareness

In June 2000, Masters Degree students studying credit law at Monash University attended the hearing of repossession applications and participated in an informal discussion on the operation of the List. The students benefited from observing the practical application of their area of study while giving them the chance to discuss the broader perspective of their work.

### User group activities

The Credit List User Group comprises a total of seven participants representing consumers, credit providers and the Office of Fair Trading. The User Group met in June 2000. This meeting provided a useful forum for explaining the changes in registry functions that had occurred during the year, such as clerks who assist at hearings being responsible for preparing and dispatching orders.

### Training and development

List members attended general VCAT training to discuss updates in mediation, and seminars on ethics and decision writing. List membership is small and the members sit across a number of lists. There were no new

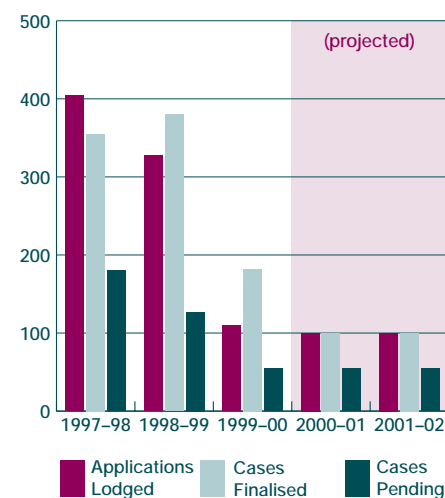
developments in the area of credit law during the financial year and no specific Credit List training programs.

### The future

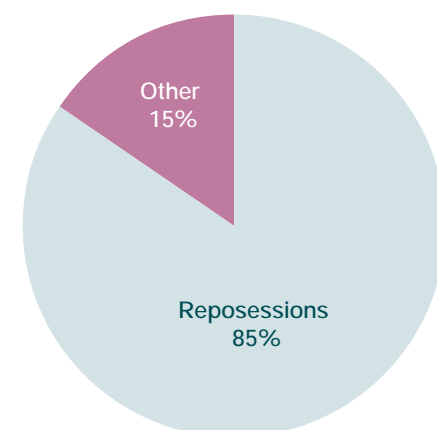
Our objectives for 2000–01 include the following initiatives:

- Ongoing efforts will be made to streamline List processes.
- With regard to filing and serving applications, we anticipate that users lodging applications for possession of mortgaged goods will be required to serve the application on the respondent, rather than VCAT serving the application.

### Case flow 1997\*–2002



### Applications by type 1999–2000



\*1997–98 figures refer to the equivalent work of the former board or tribunal.

### Case study: Mother threatened with enforcement action after son defaults on car loan

M's son P decided to buy a car. Having applied to a finance company for a loan, P approached his mother to provide a guarantee. M agreed, but by the time she went to the car dealer to sign the documents, P had already picked up the car. M said she was given no explanation by the dealer or the finance company of her obligations under the guarantee. M said the dealer told her that signing the guarantee was no more than a formality. M explained that she had not been provided with any documentation. The dealer and the finance company disputed Ms M's version of what she said had happened. P defaulted on the loan and the finance company threatened enforcement action. M sought legal assistance and made an application to the Credit List under section 70 of the Consumer Credit (Victoria) Code to re-open an unjust transaction and alleging failure to comply with other relevant provisions of the Code. The application was listed for a directions hearing. With all the parties in attendance, the matter immediately proceeded to a compulsory conference and the whole matter successfully resolved on the same day. Arrangements were made to hand the vehicle over to the credit provider and M settled all obligations she may have had with the finance company for a fixed amount.

# domestic building list

## List Snap Shot

### Objectives

- Continue to achieve a median time of 12 weeks from application to resolution for all cases.
- Increase the settlement rate for mediation.
- Increase the use of compulsory conferences.

### Key results

- Resolved most small claims (under \$10,000) within seven weeks of application (seven weeks in 1998–99).
- The median time from application to resolution for all cases was 12 weeks (12 weeks in 1998–99).

### Future aims

- Continue to improve the quality of the alternative dispute resolution techniques including mediation and compulsory conferences, thereby increasing the settlement ratio.
- Streamline procedures conducted prior to hearing.

### Purpose

A list in the Civil Division of VCAT, the purpose of the Domestic Building List is to resolve disputes between home owners, builders, insurers, architects and others. List members hear and determine:

- domestic building disputes;
- disputes relating to insurance claims concerning domestic building work;
- matters referred under the *House Contracts Guarantee Act 1987*; and
- injunctions sought in relation to domestic building.

### Statistical profile

- Applications received: 855
- Cases resolved: 817
- Cases pending: 389
- Application fee \$250–\$500
- Number of Members: 22

### Deputy President profile

Damien Cremean, PhD Law, LLB (1CHons), BA (Phil), was appointed Deputy President of the Domestic Building List on 1 July 1998. Damien is also an Associate Professor at Deakin University. Previously, he was appointed Deputy Chair of the Domestic Building Tribunal in 1996, was a senior lecturer in law and practised as a barrister for 20 years specialising in maritime law.



*From left, Secretary Bridget Boadu, Senior Member Rohan Walker, and Registry staff members Patricia Hussey and Michelle Barthelot, discuss the new standard directions with Deputy President Damien Cremean.*

## Case profile

In 1999–2000, the total number of applications received decreased by 6% from 911 in 1998–99 to 855 in 1999–2000. Cases finalised decreased by 2% from 837 in 1998–99 to 817 in 1999–2000. Cases pending totalled 389 in 1999–2000, compared with 351 in 1998–99, representing an increase of 11%.

### Application types

The types of applications lodged included:

- 72% involving disputes between owners and builders; and
- 28% relating to appeals against decisions of insurance companies.

Most cases involved claims over work delays, defective workmanship, and builders going out of business or abandoning work in progress.

### How we dealt with cases

Cases have the potential to be very expensive for the parties. They may involve a number of parties with many issues in dispute. List members aim to resolve cases quickly and at a minimum cost. The dispute resolution process gives parties adequate opportunities to settle.

Members apply intensive case flow management procedures, and may refer a matter to mediation or compulsory conference, which is conducted by a member who is a qualified mediator.

### Small claims cases

Small claims cases involve disputed amounts of less than \$10,000. We refer the majority of these cases to mediation within five to six weeks of application. Mediation lasts a maximum of one and a half hours for small claims matters. This is normally followed by a hearing on the same day if settlement is not achieved. We hold the hearing immediately after the mediation, if required, to minimise costs to the parties. This gives the parties certainty that either they will reach settlement at the mediation or the hearing will be completed on the day.

### Standard cases

Standard cases involve disputed amounts of more than \$10,000 and less than \$100,000. Standard cases, which comprise the majority of the List's work load, usually take nine months to resolve, unless settled at mediation or compulsory conference.



*We resolve disputes relating to domestic building claims fairly, quickly, informally and cost-effectively.*

### Complex cases

Complex cases involve disputed amounts exceeding \$100,000. Such cases generally involve complex matters of fact or law and generally take longer than nine months to resolve, unless settled at mediation or compulsory conference. These cases constitute a small proportion of the List's case load.

### Special referees and expert opinions

While parties in a dispute often appoint their own experts, List members may appoint experts to advise on specific issues of a case. Members appoint experts in situations where experts engaged by parties are in disagreement. List members may also use special referees where the issues involved are technical in nature or vast in number.

### Timeliness

The Domestic Building List performed in a timely manner, achieving the median time of 12 weeks from lodgement of application to resolution for all cases, compared with 12 weeks in 1998-99. When listed for hearing, most small claims were heard or mediated in less than one day.

### Membership changes

During 1999-2000, three additional full-time members were assigned to the List. This has enabled the List to benefit from a daily exchange of ideas,

and to work as a forum for discussing common problems and developing a greater pool of expertise.

### New standard directions

We introduced new standard directions, which are available for collection and review by the public at directions hearings. In this way, the List's procedures are more transparent to the public, thus increasing community awareness and understanding.

### User group activities

The User Group of the Domestic Building List comprises a total of 10 participants representing insurers, building consultants and legal professionals to provide input into the operation of the List. The User Group met on two occasions during 1999-2000, including a meeting in April 2000 to review List procedures and the Practice Note on expert evidence.

### Training and development

We initiated a system of regular lunch time meetings for members to provide an opportunity to exchange views and discuss common problems.

### The future

Our objectives for 2000-01 include the following initiatives:

- Continue to improve the quality of the alternative dispute resolution

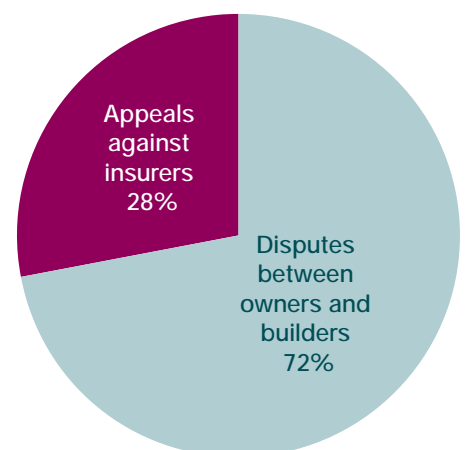
techniques including mediation and compulsory conferences, thereby increasing the settlement ratio.

- Increase our use of compulsory conferences for all complex cases that would otherwise have to proceed to hearing.
- Streamline procedures conducted prior to hearing.

Case flow 1997\*-2002



Applications by type 1999-2000



### Case study: Hearing held on site to consider defects found in extensive renovation work

Mr and Mrs D complained to VCAT about their dissatisfaction over a large number of defects found in extensive renovation work done on their home. At the start of the hearing, it was apparent that a great deal of hearing time would be spent in attempting to describe the extent of the defects alleged. VCAT adjourned the hearing on site where it heard the evidence in the presence of the parties and their counsel. VCAT considered the experts' reports in regard to each defect as it was pointed out. The hearing was then adjourned back to VCAT where the remainder of the case was dealt with and the parties were able to settle their differences prior to the end of the hearing. By proceeding in this way, the hearing time required was reduced by half, with consequent savings in costs achieved to the benefit of both parties. It is proposed to make greater use of this procedure in future cases where the nature of the matter permits.

\*1997-98 figures refer to the equivalent work of the former board or tribunal.

# guardianship list

## List Snap Shot

### Objectives

- Reduce the average waiting time from application to resolution from six weeks to four weeks.
- Conduct training and introduce new procedures to meet the challenges posed by the new legislation.
- Clear the backlog of cases awaiting resolution by August 1999.
- Improve access to VCAT in rural areas.

### Key results

- Resolved most cases within four weeks of application (six weeks in 1998–99).
- Conducted training sessions explaining the new legislation.
- Re-drafted forms and documentation for use with the Order Entry System.
- Cleared the backlog of cases awaiting resolution in August 1999.
- Combined resources of two lists aimed at increasing the frequency of circuit hearings in country Victoria.

### Future aims

- Resolve all cases within four weeks of application.
- Increase frequency of circuit hearings to rural Victoria.

### Purpose

A list in the Civil Division of VCAT, the purpose of the Guardianship List is to protect adults who as result of a disability are unable to make reasonable decisions regarding their personal circumstances or estate. The List hears and determines applications to:

- appoint guardians to make personal lifestyle decisions;
- revoke or suspend Enduring Powers of Attorney relating to medical treatment under section 5 of the *Medical Treatment Act 1988*;
- decide issues concerning medical or dental treatment;
- seek consent to special procedures such as sterilisation, termination of pregnancy, donation of non-regenerative tissue and participation in medical research;
- appoint administrators to manage financial and legal affairs;
- revoke financial Enduring Powers of Attorney (EPA) under section 118 of the *Instruments Act 1958*; and
- revoke enduring powers of guardianship.

### Statistical profile

- Applications received and reviews initiated: 8,953
- Cases resolved: 9,036
- Cases pending: 516
- Administration fee: \$0–\$100 per year
- Number of Members: 60

## Case profile

In 1999–2000, the total number of originating applications received and reviews initiated increased by 54% from 5,800 in 1998–99 to 8,953 in 1999–2000. Cases resolved increased by 60% from 5,661 in 1998–99 to 9,036 in 1999–2000. Cases pending decreased by 14% from 599 in 1998–99 to 516 in 1999–2000.

### Application types

The types of applications lodged were similar to those lodged in 1998–99 and included:

- 14.5% guardianship orders;
- 15.6% administration orders;
- 42.9% guardianship and administration orders;
- 0.4% revocation of EPAs; and
- 26.6% other.

### How we dealt with cases

Although we are required to hear applications within 30 days of lodgement, we frequently hear urgent applications within hours of being lodged. All cases within the List are resolved by hearing. List members conducted hearings in Melbourne city and suburban locations, as well as rural Victoria. List members hear cases at locations convenient for the represented person. We aim to hear 100% of cases originating in the country at a location closest to where the proposed represented person resides.

### Deputy President profile

Sandra Davis, BA Hons, M Sc (Econ), MA, LLB (Hons). Sandra was appointed Deputy President of the Guardianship List of VCAT in May 1999. Previously, Sandra practised administrative law, human rights and equal opportunity law, and industrial and commercial law. She was appointed sessional member of the former Guardianship and Administration Board in 1995. Sandra was appointed Deputy President of the Administrative Appeals Tribunal (AAT) in May 1998. Since 1997, Sandra has been a legal member of the Royal Melbourne Hospital Research Foundation Ethics Committee. This experience assisted her in developing the consent procedures for medical research made necessary by recent amendments to the *Guardianship and Administration Act 1986*.



List members and Registry staff meet to discuss the new forms that will be used with the Order Entry System (OES) when implemented. From left, Sue Lalji, Tonia Rallis, Senior Member Mary Urquhart, Deputy President Sandra Davis and Simon Huggins.

### Timeliness

The Guardianship List performed in a timely manner, resolving most cases within four weeks of application, compared with six weeks in 1998–99. In addition, we succeeded in clearing the backlog of cases awaiting resolution in August 1999.

### Improved country access

Since January 2000, members of both the Residential Tenancies List and Guardianship List combined resources to improve access for users residing in country areas. This major initiative enabled members to combine cases from both lists to develop a regular, more frequent schedule of regional and rural circuit hearings. We anticipate that further refinements of these circuits planned for 2000–01 will increase the frequency of circuits to the country, thereby further improving access to VCAT for country users.

### Changes to legislation

Changes made to the *Guardianship and Administration Act 1986* (the “GA Act”) by the *Guardianship and Administration (Amendment) Act 1999* came into force on 1 January 2000.

Those amendments:

- make minor changes to the existing guardianship and administration provisions;

*We hear applications for guardianship, administration and consent to medical treatment and research fairly, quickly, informally and cost-effectively.*

- introduce an enduring power of guardianship, by which competent adults can appoint a person to act as a guardian on their behalf when they are no longer competent to make reasonable decisions in matters such as health care, accommodation, access to services, and other personal decisions. It also gives VCAT the power to revoke or vary this new instrument in certain circumstances;
- introduce Part 4A of the GA Act, which applies to the medical and dental treatment of persons with permanent or long-term disabilities who are unable to give informed consent to such treatment, and to special procedures involving such persons; and
- provide for registering interstate orders.

Many of the List's activities have centred around implementing the amendments. The Deputy President re-drafted all application forms and guides, and all orders to conform to the new legislation.

### New initiatives

An Order Entry System (OES) will be developed to enable List members to produce orders at the conclusion of hearings. The Deputy President and Registry staff devoted considerable time and effort to developing new order forms to be entered into the OES. We expect the new system to be fully operational by March 2001.

The List benefited from the three-year assignment of a Duty Advocate from the Office of the Public Advocate (OPA) to operate full-time from 55 King Street. The Duty Advocate investigates

matters, assists members during hearings, and explains orders and List procedure to parties after hearings.

### Community awareness

The Deputy President gave approximately 20 talks to metropolitan and regional health, medical, aged care, legal and community groups in 1999–2000. The lectures aimed to introduce and explain the amendments to legislation and their impact. In June 2000, she addressed the Murdoch Research Institute, the Law Institute's Wills and Estates Study Group, and the Freemasons Geriatricians' Group.

In addition, the Deputy President was a member of the Implementation Team of the *Guardianship and Administration (Amendment) Bill 1999*. She attended numerous meetings to assist in defining the scope of the information campaign surrounding the amendments. She co-wrote the booklet entitled *All you need to know about the new Guardianship Laws*, which was released by the Department of Justice in December 1999 to introduce the amendments to the community.

### User group activities

The Guardianship List User Group comprised a total of seven participants representing such organisations as Mental Health Legal Services, Open Door Program and Oasis Program. The user group met on one occasion during 1999–2000. In 2000–01, we plan to widen the membership of the User Group to reflect the new areas of jurisdiction resulting from the changes to legislation.

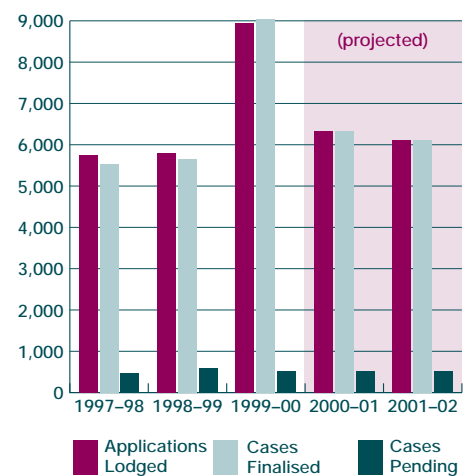
### Training and development

In November 1999 and May 2000, we held professional development days for List members. The events encouraged substantial discussion about the implications of changes to the work of the List, as well as insightful lectures from guest speakers from the medical and research communities.

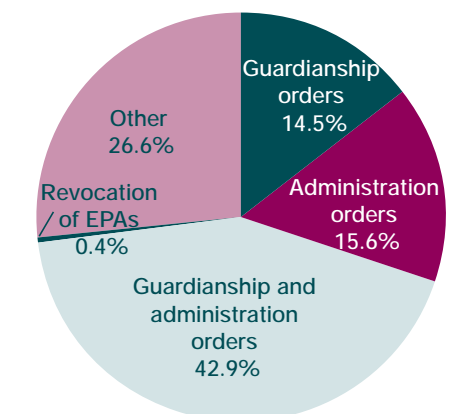
### The future

In conjunction with the OPA, we will monitor the impact of the new amendments and continue to raise awareness of the new amendments within the relevant community groups. The Deputy President will consult with the Public Advocate, relevant community groups and the Secretary to the Department of Justice about ongoing issues relating to the operation of the legislation.

### Case flow 1997\*–2002



### Applications by type 1999–2000



\*1997–98 figures refer to the equivalent work of the former board or tribunal.

### Case study: Elderly Woman with permanent disabilities refuses assistance, preferring to live in a dilapidated house

An application for guardianship and administration was made on behalf of Mrs X by a service provider. Medical reports confirmed that Mrs X suffered severe dementia. Mrs X was a 70-year-old pensioner with no family, living alone in a dilapidated house. She had injuries from a number of falls at home, and was incontinent and very underweight. She refused medical treatment. VCAT made a temporary guardianship order appointing the Public Advocate as guardian to arrange for treatment and assessment of Mrs X. At a review of that order one week later, Mrs X said she did not need assistance and wished to return home. The assessment report indicated this was not feasible. VCAT re-appointed the guardian to make decisions concerning accommodation. At the same time, VCAT determined it was necessary to appoint an administrator to manage Mrs X's estate. VCAT appointed State Trustees as administrator.



# real property and retail tenancies lists

## List Snap Shot

### Objectives

- Resolve real property cases within four months of application.
- Clear the backlog of real property cases awaiting resolution.
- Resolve most retail tenancies cases within 17 weeks of application.

### Key results

- Resolved most real property cases within 13 weeks of application (12 weeks in 1998–99)
- Cleared the backlog of real property cases awaiting resolution.
- Resolved most retail tenancies cases within 13 weeks of application (17 weeks in 1998–99)

### Future aims

- Resolve real property cases within four months of application.
- Resolve most retail tenancies cases within 17 weeks of application.

### Purpose

Both the Real Property and the Retail Tenancies Lists are part of the Civil Division of VCAT.

The Real Property List settles claims for damages and other relief under Part 1 of the *Water Act 1989* with respect to damages and disputes relating to unreasonable flows of water. The List also resolves claims for acquisition of easements as part of the sub-division process under Section 36 of the *Subdivision Act 1998*, as well as disputes relating to commissions referred to it in accordance with the *Estate Agents Act 1980*.

The Retail Tenancies List resolves disputes in relation to leases of retail premises as defined in the *Retail Tenancies Reform Act 1998* (RTR Act). Several classes of premises are excluded from the jurisdiction. For example, premises with a floor area exceeding 1,000 square metres, franchised businesses where the landlord is the franchisor and premises where the tenant is a public company. The RTR Act excludes disputes involving claims by landlords solely for rent arrears or in relation to statutory rent reviews.

### Statistical profile

#### Real Property List

- Applications received: 23
- Cases resolved: 27
- Cases pending: 17
- Application fee \$170
- Number of Members: 1

## Case profile

In 1999–2000, the Real Property List received a total of 23 applications, compared with 31 in 1998–99, representing a decrease of 26%. Cases resolved totalled 27 (37 in 1998–99) and cases pending totalled 17 (21 in 1998–99). The Retail Tenancies List received a total of 199 applications, compared with 157 in 1998–99, representing an increase of 27%. Cases resolved totalled 157 (122 in 1998–99) and cases pending totalled 75 (33 in 1998–99).

### Application types

Most applications lodged in the Real Property List involved claims for damages relating to flooding incidents typically arising from burst water pipes, drainage or sewerage back flows. Very few matters were brought under the Subdivision Act or the Estate Agents Act. The types of applications lodged in the Retail Tenancies List involved disputes arising between landlord and tenant in relation to leases of retail premises.

#### Retail Tenancies List

- Applications received: 199
- Cases resolved: 157
- Cases pending: 75
- Application fee \$250–\$500
- Number of Members: 11

### Deputy President profile

Michael Macnamara, BA (Hons), LLB (Hons), was appointed Deputy President of the Real Property and Retail Tenancies Lists of VCAT on 1 July 1998. Previously, he was appointed Deputy President of the Administrative Appeals Tribunal (AAT) in 1994 and, on two occasions, Acting Chairman of the Credit Tribunal until those tribunals were abolished on 30 June 1998. He was admitted to practice as a barrister and solicitor of the Supreme Court of Victoria in 1977. He was a member of the Victorian Bar from 1978 to 1979 and a partner in the firm Corrs Chambers Westgarth from 1981 to 1994. During that time Michael specialised in banking and finance litigation and real property law.



*From left, Regan Cupples checks the hearing schedule for Deputy President Michael Macnamara. Matters in the Real Property and Retail Tenancies Lists are generally heard as soon as the parties can prepare their case.*

### How we dealt with cases

We aim to streamline proceedings involving retail tenancies to ensure that:

- claims of \$15,000 or less are dealt with by mediation or, if necessary, fixed for hearing and determined on the same day;
- claims exceeding \$15,000, but less than \$100,000, are referred to mediation or, if unresolved, the are subject to the standard interlocutory steps and fixed for a hearing; and
- claims exceeding \$100,000 are referred first for a directions hearing.

A high percentage of retail tenancies cases sought relief either by way of a claim or counter claim. However, section 38 of the RTR Act does not include any power to grant declaratory relief. Such power may only be exercised by a Judicial Member of VCAT. Awaiting the availability of a Judicial Member may on occasion delay the final hearing. To overcome this problem, the President has sought amendment to the VCAT Act.

Alternatively, cases may proceed by way of an application for urgent interim injunctive relief, which can be

*We resolve matters relating to real property and retail tenancies fairly, quickly, informally and cost-effectively.*

granted by non-judicial members. Applications for urgent interim injunctive relief are heard immediately, often on the day they are made.

Large and complex real property disputes involve the full set of interlocutory steps. A List member specialising in engineering conducts a compulsory conference. Smaller claims are referred to mediation prior to the full range of interlocutory steps. This new procedure has been successful in achieving early settlements and cost savings to the parties.

### Timeliness

The Real Property List performed in a timely manner. Applications were heard and determined on average within three months of application, compared with three months in 1998–99. Our objective is to maintain that speed of disposition despite the expected increase in cases.

At the start of 1999–2000, a total of 21 claims remained unresolved under Part 1 of the *Water Act 1989*, which had been inherited by the Real Property List from the former Administrative Appeals Tribunal (AAT). As of June 2000, all these matters had been resolved.

Applications in the Retail Tenancies List were heard and deter-

mined on average within three months of application, compared with four months in 1998–99.

### Changes to legislation

The *Fair Trading Act 1999* was introduced on 1 September 1999, extending the jurisdiction of the Retail Tenancies List. The act will enable the List to use powers like those bestowed upon the Federal Court of Australia and the Supreme Court in appropriate cases. As a result, we anticipate an increase in the number and complexity of cases. However, since most disputes coming before the List in 1999–2000 arose out of events occurring or leases entered into before 1 September 1999, the new jurisdiction has not yet had an impact on the List's operations.

### User group activities

The User Group of the Retail Tenancies List included approximately 12 participants including legal practitioners, representatives of landlord and tenant associations and the Minister for Small Business. The User Group met on one occasion during 1999–2000 to discuss matters of relevance to users, such as organisational changes to the registry function and the impact of the *Fair Trading Act 1999*.

Due to the small number of matters handled by the Real Property List, it does not operate a User Group.

### The future

Due to low rainfall in Victoria in recent years, the volume of cases involving large scale flooding of rural properties has been minimal. However, in anticipation of changes to weather patterns, we intend to develop intensive case management and innovative procedures such as using special referees to avoid a potential backlog of claims relating to major floods.

### Real Property case flow 1998–2002



### Retail Tenancies case flow 1998–2002



### Case study: Tenant seeks interim injunction to stop building works that affected his quiet enjoyment of an office block

Mr X is a tenant of a small office suite in a suburban office block, with two years to run on his lease. A developer bought the office block and planned a complete refurbishment. At this stage, most of the other tenants had vacated. After the developer's builder started the building works, Mr X experienced noise, dust, and cuts to air conditioning and power. In addition, Mr X's clients were inconvenienced by restricted lift and foyer access. Mr X sought an interim injunction restraining the continuation of the works, which affected his quiet enjoyment of the office suite. An urgent hearing was held and the injunction was granted subject to Mr X agreeing to compensate the developer if it appears after a full hearing the work should not have been stopped. Directions were given for a final hearing to be held as soon as the parties concluded all preparatory steps. The parties were sent to mediation where the developer agreed to pay a sum of money for the surrender of Mr X's lease.

# residential tenancies list

## List Snap Shot

### Objectives

- Reduce the average waiting time from application to resolution.
- Improve service delivery to users.

### Key results

- The average waiting time from application to resolution for all cases was 26 days (29 days in 1998–99).
- Improved the speed and quality of service delivery by establishing the Order Entry System (OES) and electronic service delivery VCAT Online.

### Future aims

- Continue to rationalise and refine List processes and procedures.
- Increase accessibility to users.

### Purpose

A list in the Civil Division of VCAT, the Residential Tenancies List receives, hears and determines applications made under the *Residential Tenancies Act 1997* (RT Act). Applications arise from disputes between landlords and tenants, rooming house owners and residents, caravan park or caravan owners and residents, and others. The List may hear and determine applications for amounts up to \$10,000, although parties may authorise the List in writing to hear and determine claims for a higher amount.

### Statistical profile

- Applications received: 70,709
- Cases resolved: 70,080
- Cases pending: 5,138
- Application fee: \$25
- Typical number of cases resolved per day, per member: 20
- Number of Members: 54
- Number of venues visited: 32

### Deputy President profile

John Billings, BA, LLB (Melb), LLM (Lond), was appointed Deputy President of the Residential Tenancies List of VCAT on 1 July 1998. Previously, John was employed as a solicitor with Phillips Fox from 1980 to 1985. After studying and lecturing in Law in London, he returned to Melbourne in 1989 and joined the Victorian Bar where he practised in civil and administrative law until 1993. In that year, he was appointed a member of the Refugee Review Tribunal. In March 1997, he was appointed Chairman of the former Residential Tenancies Tribunal and Senior Referee of the former Small Claims Tribunal.

## Case profile

In 1999–2000, the total number of applications received rose dramatically, totalling 70,709 in 1999–2000, compared with 59,234 in 1998–99, representing an increase of 19%. The reason for this exceptional result may be attributed to such factors as the greater impact of new legislation operating from 1 July 1998—in particular, the establishment of the Residential Tenancies Bond Authority—and greater awareness of VCAT's role in resolving disputes under the legislation.

Cases finalised increased by 22% from 57,500 in 1998–99 to 70,080 in 1999–2000. Cases pending totalled 5,138 in 1999–2000, compared with 4,509 in 1998–99, representing an increase of 14%.

### Application types

The types of applications lodged were made by:

- landlords represented by an estate agent or property manager 59%;
- private landlords 11%;
- the Director of Housing 25%;
- tenants or residents 4%; and
- other parties 1%.

Of all applications received, 51% related to possession orders, 15.4% payment of bond, 13.6% compensation or compliance orders (alleging breach of duty) and 20% other.

### How we dealt with cases

Members resolved the majority of applications at a hearing. Some cases were finalised using default procedures, including the alternative procedure for possession. These procedures enabled the principal registrar to make orders without the need for parties to attend a hearing.

The complexity of the cases varied depending on such factors as:

- whether the proceedings were defended;
- the number of parties; and
- the number and nature of claims involved.

Legal and factual controversy and conflicting evidence also contributed to the complexity of cases.



Information technology staff members (from left) Janet Street, David Freeman and Glenda Vazquez give the new Order Entry System (OES) a test run with Deputy President John Billings.

### Timeliness

The Residential Tenancies List performed in a timely manner, despite the substantial increase in the number of applications received. We reduced the average waiting time from application to resolution from 29 days in 1998–99 to 26 days in 1999–2000.

### Meeting the challenges of an increased work load

During the financial year, the List experienced a substantial growth of 19% in the number of applications received. To meet the demand, we took various measures to accommodate the increase, while keeping waiting times within reasonable limits.

### Increased training and access

To increase the number of members available to hear residential tenancies cases, we trained an additional 20 members. A total of 40 members, including 30 sessional members, now hear residential tenancies cases, compared with 21 in 1998–99. We increased user access by increasing the number of hearing venues outside Melbourne. In addition to members attending more than 30 suburban and regional venues, a number of magistrates were available to hear residential tenancies cases in venues outside Melbourne.



*We resolve disputes relating to residential tenancies fairly, quickly, informally and cost-effectively.*

### Streamlined procedures

To further streamline List procedures and make them more efficient, we introduced new Rules and Practice Notes. We adopted new case management procedures that enable us to deal with some applications without the need for a hearing. In addition, we introduced an order entry system (OES) and VCAT Online with a view to expediting cases from lodgement of applications and the scheduling of hearings to the production of on-the-spot orders given to parties at the end of hearings. (Refer to page 12 for more information.)

### Community awareness

Another main objective during 1999–2000 was to increase List accessibility to the public, which included the following initiatives:

- Published a commentary through ANSTAT Pty Ltd on the *Residential Tenancies Act 1997* in August 1999.
- Held public conferences for approximately 600 List users in August and November 1999, including papers and workshops presented by members, senior Registry staff and others.
- Distributed conference papers to List users through the user group.
- Produced and made available information sheets and other materials about List operations.
- Published hearing schedules on the VCAT web site.

In March 2000, the List was featured on the national television program *A Current Affair*, with the estimated number of viewers in Melbourne alone exceeding 600,000.

### User group activities

The List's User Group comprises a total of eight participants including representatives from the Office of Housing, Real Estate Institute of Victoria and Tenants Union of Victoria. The Rooming House Issues Group joined the user group in May 2000. The User Group met on a total of four occasions during 1999–2000. Participants contributed their suggestions to proposals for changes to List procedures and the operation of the registry. The user group enabled VCAT users to trial VCAT Online and offer suggestions to optimise its accessibility to List users.

### Training and development

In addition to general professional development activities for List members, new List members received training specific to the jurisdiction of residential tenancies. List members participated in monthly conferences, and training and professional development sessions. Research papers and decisions of interest were prepared and discussed with a view to improving the quality and consistency of decision-making. Additional papers were produced by members for public conferences held in 1999. In addition, members received further OES computer training.

### Case study: Landlord's renovation plans and financial position would be put at risk if possession date is postponed

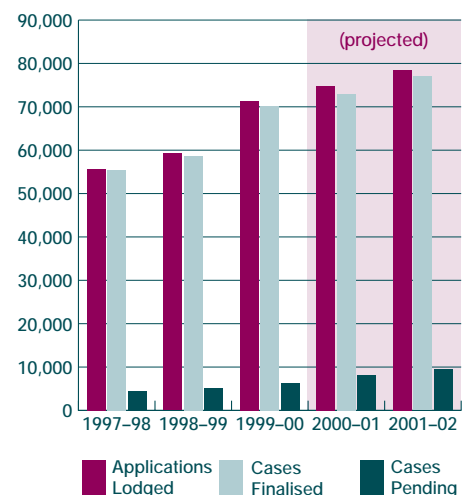
A landlord sought a possession order, having given the tenant not less than 60 days' notice to vacate on the grounds that the rented premises were to be occupied by the landlord and his family. The landlord intended to renovate the premises before moving in. He gave evidence that a builder would begin work as soon as the tenant vacated and complete the work towards the end of the year. There was evidence that any delay would cost him a few thousand dollars in additional rent and building costs. Among other things, the tenant claimed that the parties had agreed that she would be permitted to remain in possession of the property until her daughter finished VCE exams. On the evidence submitted, VCAT was not satisfied that the parties had made such an agreement. VCAT considered whether to postpone the issue of the warrant of possession. The hardship to the tenant's daughter (disruption to VCE exams) while regarded by VCAT as alarming, was held not to outweigh the potential hardship to the landlord whose building plans and financial position would be put at risk. VCAT did not postpone the possession date.

### The future

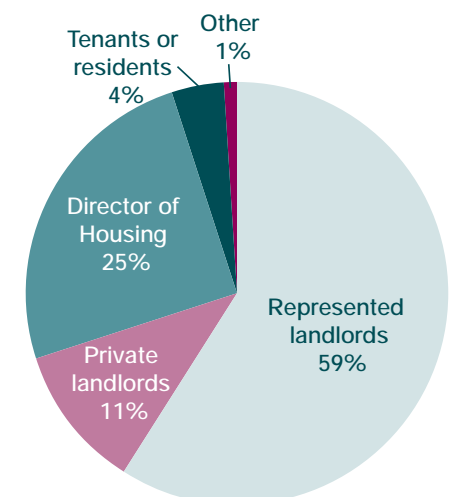
Our objectives for 2000–01 include the following initiatives:

- Refine and expand the OES so that it may be made available to users in suburban and country venues.
- Promote and maximise the use of VCAT Online, thereby increasing the List's ability to deliver efficient and speedy service to users.
- Improve the process of issuing and remitting to police warrants of possession, especially where the person applying for the warrant is located outside Melbourne.

### Case flow 1997\*–2002



### Applications by type 1999–2000



\*1997–98 figures refer to the equivalent work of the former board or tribunal.

# general and taxation lists

## List Snap Shot

### Objectives

- Reduce the average waiting time from application to resolution.
- Improve case management procedures.

### Key results

- Excluding transport accident cases, resolved most General cases within 14 weeks of application (16 weeks in 1998–99).
- Reduced the time taken to resolve most transport accident cases from 43 weeks in 1998–99 to 40 weeks in 1999–2000.
- Resolved most Taxation cases within 14 weeks of application (14 weeks in 1998–99)
- Introduced a new Practice Note and new standard orders, reducing the number of preliminary steps between application and resolution.

### Future aims

- Further reduce the average waiting time from application to resolution.
- Further refine and improve case management procedures.

### Purpose

Both the General List and the Taxation List are part of the Administrative Division of VCAT. The General List hears and determines a large variety of matters, including those falling under the *State Superannuation Act 1988*, *Transport Accident Act 1986*, the *Freedom of Information Act 1982* and the *Victims of Crime Assistance Act 1996*. The Taxation List hears disputes about assessments made by State Government Departments in the imposition of State levies and taxes.

### Statistical profile

- Applications received: 1,429
- Cases resolved: 2,064
- Cases pending: 1,237
- Application fee \$0–\$170
- Number of Members: 47

### Deputy President profile

John Galvin, BA, LL.M., was appointed Deputy President of the General List and the Taxation List on 1 July 1998. He was admitted to practice as a barrister and solicitor of the Supreme Court of Victoria in 1960. In 1988, he was appointed a deputy president of the Administrative Appeals Tribunal (AAT) after serving one year as sessional member. John was formerly a partner in the law firm then known as Mahony & Galvin.



*To achieve earlier resolution of cases and shorten the time between lodgement of an application and the hearing, the General List introduced a new Practice Note and standard orders for applications involving transport accident matters, thereby saving time and costs for the parties and the List. (Clockwise from left) Deputy President John Galvin conducts a hearing with bench clerk Menira Yaghmour, Listings Manager George Adgemis, and legal representatives Ben Hill and Craig Lynch in attendance.*

## Case profile

In 1999–2000, the number of applications received by the General and Taxation Lists totalled 1,429, compared with 1,927 in 1998–99, representing a decrease of 26%. Cases finalised totalled 2,064, compared with 2,933 in 1998–99. Cases pending totalled 1,237, compared with 1,872 in 1998–99, representing a decrease of 34%.

### Application types

Of the types of applications dealt with in the General List and Taxation List included:

- 76% transport accident cases;
- 10% freedom of information; and
- 14% other (including superannuation, criminal injuries compensation and taxation).

## How we dealt with cases

Approximately one month after an application was received, we scheduled a directions hearing at which a date for hearing was fixed. In most cases, we determined a date for compulsory conference. Occasionally, we referred matters to mediation. Mediation and compulsory conference enabled early settlement where possible, thereby eliminating the need for a hearing.

### Timeliness

Transport accident cases were heard and determined on average within 40 weeks of application, compared with 43 weeks in 1998–99. Most other General List and Taxation List cases were finalised within 14 weeks of application, compared with 14 weeks in 1998–99.

*We resolve disputes relating to general and taxation matters fairly, quickly, informally and cost-effectively.*

## Achieving speedier resolution

During 1999–2000, our top priority was to achieve earlier resolution of cases and shorten the time between lodgement of an application and the hearing. The General List introduced a new Practice Note and standard orders for applications involving transport accident matters. As a result, we were able to reduce the number of preliminary proceedings between lodgement and final resolution, thereby saving time and costs for the parties and the List.

## User group activities

The General and Taxation Lists are represented by three user groups. The General and Freedom of Information User Groups each comprises a total of eight participants. The Transport Accident User Group comprises six representatives. Each user group met on one occasion during 1999–2000. These meetings help to promote improvement and refinement of practices and procedures adopted by

the List. As a result of the Transport Accident User Group meeting, it was determined to minimise the number of preliminary directions hearings, thereby maintaining our goal of reducing the time it takes to prepare cases for hearing.

## Training and development

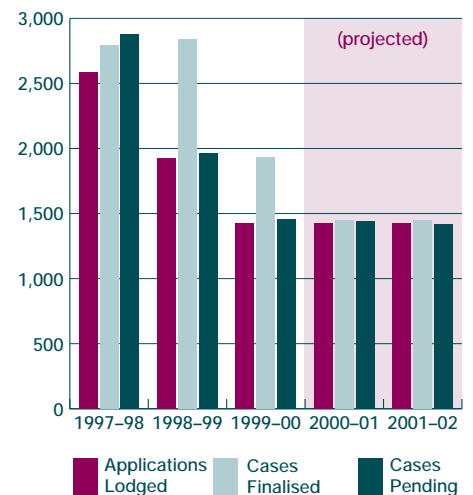
The General List's Annual Conference took place at the Monash Mount Eliza Business School in March 2000. Almost every member of the List attended, including sessional members. The program was conducted by Dr Dwight K Dowda, a consultant physician who has practised occupational medicine since 1982. Discussions centred around the fourth edition of the *AMA Guide to the Evaluation of Permanent Impairment* prescribed for the purpose of assessing permanent impairment in transport accident cases.

## The future

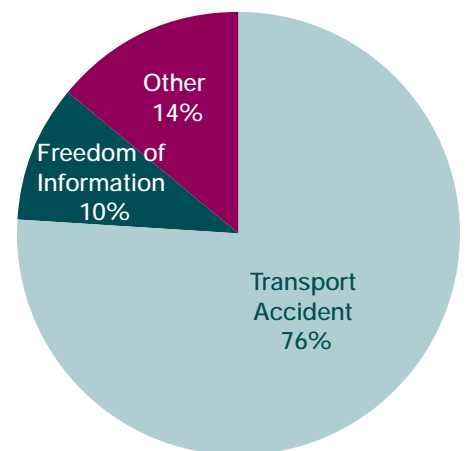
Pursuing the List's objectives and purpose will inevitably require an increased rapport with List users through the user group meeting process.

In this way, we aim to encourage users to share our objectives of refining and developing practices and procedures, thereby promoting speedier resolution and, ultimately, cost savings for both the parties and the List. To achieve this aim where possible, we intend to intensify our pursuit of early alternative dispute resolution procedures such as compulsory conferences and mediation.

## General and Taxation case flow 1997\*–2002



## Applications by type 1999–2000



## Case study: Aggrieved rate payer takes issue with local council over plans to construct a library

Mr B was an aggrieved rate payer who took issue with his local council over plans to construct a library on what he viewed to be an inappropriate site. He formed the view that there were reports from experts in the possession of the council recommending alternative sites. He made a request under the *Freedom of Information Act 1982* (FOI Act) for copies of all relevant reports. He was informed that there were two reports answering the request but that they were both internal working documents and exempt from disclosure pursuant to s.30(1) of the FOI Act. The decision having been upheld on internal review, Mr B applied to VCAT for a review of the decision. At an early directions hearing, which Mr B attended without legal representation, VCAT drew attention to the provision in the legislation that states a document is only exempt pursuant to s.30 if its release would be contrary to the public interest. At the directions hearing, VCAT referred the matter to a compulsory conference and ordered that the parties exchange statements of the heads of public interest on which they proposed to rely. At the compulsory conference, which Mr B again attended without legal representation, VCAT drew his attention to a number of VCAT decisions concerning documents of a similar kind. As a consequence, Mr B determined that on receipt of part of the documents in dispute, he would withdraw his application. Mr B agreed to such partial release and 10 days later, Mr B withdrew his application, thereby avoiding what was otherwise anticipated to be a three-day hearing.

\*1997–98 figures refer to the equivalent work of the former board or tribunal.



# land valuation list

## List Snap Shot

### Objectives

- Reduce the average waiting time from application to resolution.
- Increase the use of alternative dispute resolution techniques to achieve early settlement of cases.

### Key results

- Resolved most cases within 28 weeks of application (39 weeks in 1998–99)
- Applied alternative dispute resolution techniques such as directions hearings, compulsory conferences and mediation to promote early settlement.

### Future aims

- Continue to achieve early settlement of cases.
- Streamline procedures to prepare for expected increase in case load.

### Purpose

A list in the Administrative Division of VCAT, the Land Valuation List covers areas of jurisdiction that arise from 15 different statutes.

### Statistical profile

- Applications received: 26
- Cases resolved: 24
- Cases pending: 23
- Application fee: \$55
- Number of Members: 22

### Deputy President profile

Julia Bruce, LLB, was appointed Deputy President of the Land Valuation List on 18 October 1999. Previously, Julia was appointed Deputy President of both the Planning List and the Land Valuation List on 1 July 1998. She is a qualified legal practitioner and trustee of the Trust for Nature (Victoria). She practised as a solicitor from 1970 to 1987 when she became a barrister. Her practice included land valuation and compensation, planning, environment and local government matters. She was a sessional member of the former Land Valuation Board of Review.

## Case profile

In 1999–2000, the number of applications received totalled 26, compared with 70 in 1998–99, representing a substantial decrease of 63%. A total of 24 cases were finalised (165 in 1998–99) with 23 cases pending (21 in 1998–99).

Much of the List's work depends on the timing of municipal valuations of land for rating purposes. In 1999–2000, there was little activity with regard to challenges to municipal valuations. However, we anticipate an increase in the volume of applications in the next financial year after the new general municipal valuations are completed.

### Application types

The types of applications lodged included:

- 55% involving the review of land valuations made for rating and taxing purposes;
- 38% involving disputes relating to compensation for land acquisition; and
- 7% other.

### How we dealt with cases

As the statistics show, cases brought to the List tend to be settled rather than contested. To promote early settlement, the List offered alternative dispute resolution techniques such as directions hearings, compulsory conferences and mediation. We conducted hearings after the parties had exhausted all other means to reach settlement.

### Timeliness

Due to the light case load, there is little unnecessary delay in preparing cases for hearing. Delays are generally at the request of the parties to allow detailed preparation or further negotiation to take place. However, since the List has only one full-time member, it must rely on sessional members who can only give part-time attention to the List. This tends to lead to delays in decisions.



*From left, Deputy President Julia Bruce discusses a land valuation matter with Registry staff member Mark O'Reilly who is the first point of contact for members or parties involved in land valuation cases.*

Applications were heard and determined on average within 28 weeks of application, compared with 39 weeks in 1998–99.

## Administering the list

The challenges for the year under review have been to keep the List operating effectively, with few cases coming to a hearing, while preparing for the prospect of increased numbers of applications, following the new municipal valuation and any increase in public works leading to land acquisition.

Due to the reduced workload, the List now has only one full-time member whose time is largely devoted to the Planning List. If the workload increases as expected, additional resources will be required. Our sessional members comprise a wide range of experienced valuers. In addition, the List's senior registrar and officers deal with the administration of the List as needed. Registry staff member Mark O'Reilly is available as the first point of contact for members or parties, which gives the List some continuity and the benefit of a person who has familiarity and experience with land valuation issues.

*We resolve disputes relating to land valuation claims fairly, quickly, informally and cost-effectively.*

## Community awareness

It was apparent from the nature of applications received by the List that the changes to procedure introduced since the start of VCAT for referring objections to valuations are not well understood by the community. In many cases, objectors applied to VCAT first instead of following the correct procedure of giving notice of their objections directly to the council's valuer and allowing the valuer to refer the matter to VCAT. The objector is then required to send VCAT a copy of the notice of objection provided to the council. This process often complicates matters for List users. For this reason, we give latitude on procedural matters, using the powers available under the VCAT Act, so that an objector's rights to a hearing are not defeated by procedural difficulties.

## User group activities

With the lack of volume in the List, there has been little demand for conducting User Group meetings during 1999–2000. We anticipate that with the increased work load expected over the next 12 months, there will be a greater need for User Group activity in 2000–01.

## Case study: Issue of natural justice raised in dispute over valuation of water right volume

Mr K appeared before VCAT after the Council's valuer reviewed the values assigned to Mr K's property for rating purposes. Mr K disputed the volume of the water right and hence value assigned to that property. The valuer submitted one of the few 'comparable' sales in the area that had a water right as evidence to support the valuation. After the hearing, the valuer submitted material showing that the water right was for a considerably lesser volume than Mr K had alleged. This raised an issue of natural justice and how to deal with material that may well be relevant but which was not presented at the hearing where the other party had a chance to question and rebut it. VCAT took the view that without reliable information about the water right, it was unable to properly analyse and use this sale. Mr K was given the opportunity to comment on this late information and both parties were given an opportunity to make a further submission in writing about the water right, to be supported by available documentary evidence. No further submissions were received. VCAT proceeded to determine the application and a final decision was issued. VCAT also noted the lack of weight to be given to the Council's first 'comparable sale,' since it was a sale of a half share of a property between related parties.

## Training and development

The best training for new sessional members is to give them opportunities to sit with experienced members on hearings. When assembling a tribunal of members for a hearing, the aim has been to have an experienced valuer member and a new valuer member. Opportunities to do this during 1999–2000 were few. However, one of our most senior valuer members Ian Robinson has agreed to act as a mentor for new sessional valuers interested in benefiting from his experience.

## The future

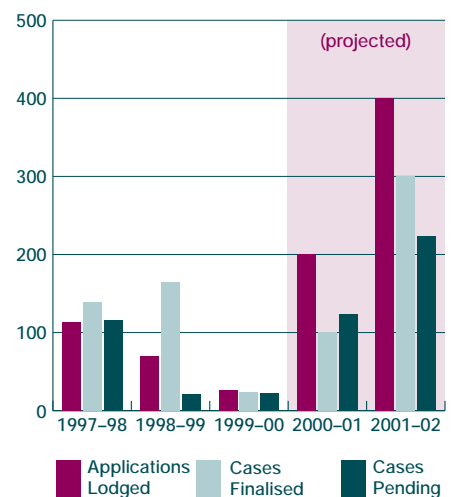
Administration of the case load in a manner appropriate to the type of cases and the experience of the parties is a continuing aim. The List has a variety of specialised jurisdictions and, as in other Lists, the parties do not always choose to obtain professional representation. For this reason, we plan to continue our practice of giving guidance to unrepresented parties through the use of directions hearings or compulsory conferences.

We plan to improve the information available on the VCAT web site, as well as other forms of information about the List such as pamphlets available to the public. Improvements will include a more simplified approach to the forms and procedures required for completing the various types of applications.

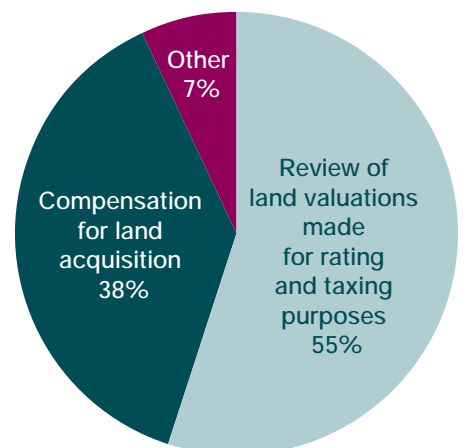
In light of budget constraints, we plan to review our procedures with regard to using a three-member tribunal (including two sessional members) as a standard to determine land values at hearing. Mediation will be used more extensively.

With the increased case load expected in 2000–01 and 2001–02 due to the timing of municipal valuations of land for rating purposes, we will seek increased resources to deal with this cyclical peak in demand. Cases finalised as shown in the graph below can only be achieved if increased resources are obtained.

Case flow 1997\*–2002



Applications by type 1999–2000



\*1997–98 figures refer to the equivalent work of the former board or tribunal.

# occupational and business regulation list

## List Snap Shot

### Objectives

- Continue to hear and determine most cases within 20 weeks of application.
- Dispose of all outstanding matters under transitional provisions of the *Liquor Control Reform Act 1998*.

### Key results

- Continued to resolve most cases within 20 weeks of application.
- Disposed of all outstanding Liquor Licensing Commission matters under the transitional provisions of the *Liquor Control Reform Act 1998*.
- Established separate user groups for the liquor jurisdiction and non-liquor jurisdiction of the List.
- Introduced an improved computer case management system.

### Future aim

- Continue to hear and determine most cases within 20 weeks of application.

### Purpose

A List in the Administrative Division of VCAT, the purpose of the Occupational and Business Regulation List is principally to hear and determine cases under the *Liquor Control Reform Act 1998*, *Medical Practice Act 1994*, *Private Agents Act 1966*, *Prostitution Control Act 1994*, *Transport Act 1983* and *Estate Agents Act 1980*.

The List has a combination of both original jurisdiction and jurisdiction to hear matters on review. Examples of the original jurisdiction involve the conduct of disciplinary proceedings in relation to a number of occupational groups. Examples of the review jurisdiction are conducting reviews of licensing decisions of the Business Licensing Authority regarding estate agents, motor car traders, prostitution service providers and others.

### Statistical profile

- Applications received: 132
- Cases resolved: 107
- Cases pending: 126
- Review application fee: \$170
- Number of Members: 51

### Deputy President profile

John Baker-Smith, LLB, was appointed Deputy President on 1 January 1999. Previously, John held various positions in the public sector, including the Criminal Law Branch of the Crown Solicitor's Office and the Policy and Research Division of the Law Department. He was Solicitor to the Estate Agents Board for many years until its



From left, administrative officer Sandra Moustakas discusses the Caseworks computer case management system with Deputy President John Baker-Smith. The system streamlines case management within the List by enabling improved tracking of cases, and more detailed and readily available information regarding the status of cases.

## Case profile

In 1999–2000, the number of applications received decreased slightly, totalling 132 compared with 146 in 1998–99. A substantial increase was achieved in the number of cases finalised, totalling 107, compared with 45 in 1998–99. This increase is attributed in part to the fact that 1999–2000 marks the first full year of the liquor licensing jurisdiction having an impact on the List since its introduction in February 1999. The number of cases pending rose 25%, totalling 126, compared with 101 in 1998–99.

abolition in 1995. John was appointed Chairperson of the Credit Authority and Deputy Chairperson of the Estate Agents Disciplinary and Licensing Appeals Tribunal (EADLAT), Motor Car Traders Licensing Authority (MCTLA) and Travel Agents Licensing Authority (TALA) in 1995. These appointments followed an earlier appointment to the Prostitution Control Board (PCB). John was appointed Chairperson of the EADLAT, MCTLA, Motor Car Traders' Guarantee Fund Claims Committee, TALA and the PCB in 1997. John chaired the Business Licensing Authority from July to December 1998.

## Application types

The types of applications resolved comprised:

- 34% liquor licensing;
- 20% Victorian Taxi Directorate;
- 10% private agents;
- 10% prostitution service providers;
- 10% estate agents;
- 7% doctors; and
- 9% other

Most cases involved considering applications to review licensing decisions and disciplinary proceedings.

### How we dealt with cases

To ensure cases were dealt with as efficiently as possible, List members conducted directions hearings prior to listing cases for hearing. This enabled an early exchange between the parties and filing of documents, together with statements of witnesses to be called at the hearing, thereby streamlining the hearing process.



*We resolve matters relating to occupational and business regulation fairly, quickly, informally and cost-effectively.*

### Timeliness

The Occupational and Business Regulation List performed in a timely manner. Applications were heard and determined on average within 20 weeks of application, compared with 20 weeks in 1998–99.

### Disposal of outstanding Liquor Licensing Commission applications

Two List members in their capacity as commissioners of the former Liquor Licensing Commission disposed of all but one of the outstanding contested applications under the repealed *Liquor Control Act 1987*. These members will continue to administer the remnant of outstanding uncontested applications.

### Improved computer case management

A major achievement for the List during 1999–2000 included the piloting, testing and introduction of an improved computer system to streamline case management within the List. We anticipate the new system will continue to provide improved tracking of cases and more detailed and readily available information regarding the status of cases for the benefit of List users.

### Case study: Man recently convicted of theft seeks permission to be employed by a motor car trader

Mr C applied to VCAT after the Business Licensing Authority refused to grant Mr C permission to be employed in a customer service capacity by a motor car trader. Mr C's application to the Authority was necessary because Mr C had recently been convicted of a number of offences of theft that arose as a consequence of his conduct while employed by a motor car trader. Mr C applied to VCAT to review the Authority's decision. VCAT conducted a hearing and took into account the nature, number and recent date of the convictions of theft. VCAT determined that giving Mr C the permission he sought to be employed in such a capacity was contrary to the public interest.

### User group activities

We established two User Groups for the liquor jurisdiction and non-liquor jurisdiction of the List. The User Groups provide a valuable forum in which feedback may be offered and ideas exchanged with the objective of improving VCAT service delivery within the List.

The liquor jurisdiction User Group comprised a total of nine participants. The User Group met on one occasion during 1999–2000. Among the matters discussed were procedures for disciplinary inquiries, and the conduct of joint liquor and planning hearings.

The non-liquor jurisdiction User Group met for the first time in May 2000 and comprised a total of 11 participants. Among the matters discussed were issues of List procedure and the large variety of work handled by the List.

### The future

In the coming financial year, we anticipate the following events to occur:

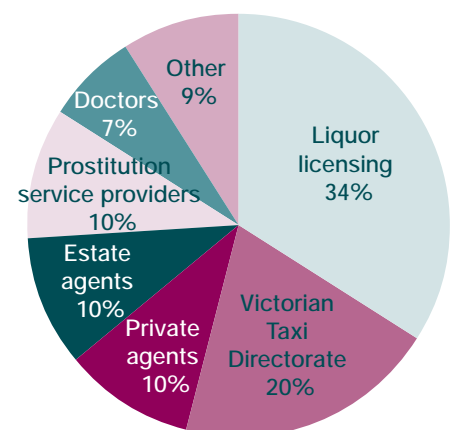
- The *Dental Practice Act 1999* provides a review jurisdiction to VCAT in relation to registration and disciplinary decisions and will commence on 1 July 2000. We do not expect this new legislation to have a substantial impact on the workload of the List.

- The benefits of the recently introduced improved computer system will streamline case management within the List and provide a better service to users of the List, including solicitors, parties to proceedings and members.

### Case flow 1998–2002



### Applications by type 1999–2000



# planning list

## List Snap Shot

### Objectives

- Maintain the average waiting time from application to resolution of 14 weeks.
- Introduce techniques to streamline case management.

### Key results

- Resolved most cases within 14 weeks of application.
- Introduced a program to increase the use of mediation and compulsory conferences.

### Future aims

- Maintain the average waiting time from application to resolution at 14 weeks.
- Increase the use of mediation and compulsory conferences.

### Purpose

A List in the Administrative Division of VCAT, the Planning List deals with:

- review jurisdiction—reviewing the decisions of responsible authorities and other authorities on applications made to them; and
- original jurisdiction—exercising powers conferred directly on it by the enabling legislation. The original application is first made directly to VCAT, rather than to a responsible authority or other authority, for matters such as enforcement orders for breaches of planning schemes and permits, amendment and cancellation of permits, and declarations on validity of permits or land use.

There are 15 enabling acts in the List's jurisdiction, including the *Planning and Environment Act 1987*, the *Local Government Act 1989*, the *Subdivision Act 1988*, the *Heritage Act 1995* and the *Environment Protection Act 1970*.

### Statistical profile

- Applications received: 3,093
- Cases resolved: 3,154
- Cases pending: 1,254
- Application fee \$23–\$170
- Number of Members: 46

### Deputy President profile

Richard Horsfall, LLB (Hons), was appointed Deputy President of the Planning List on 18 October 1999. Previously, Richard was appointed Deputy President of the Land Valuation List in February 1999. Prior to joining VCAT, Richard was appointed Commissioner of the Liquor Licensing Commission in 1993. Since beginning his legal career in 1963, he has developed a wide range of expertise including property, finance, commercial law, planning, liquor, hotels, waste disposal and environmental law.

## Case profile

In 1999–2000, the number of applications received totalled 3,093, compared with 2,801 in 1998–99, representing an increase of 10%. This rise may be attributed to the significant increase in multi-unit and residential unit development in the lead up to the introduction of the Goods and Services Tax (GST). Cases finalised totalled 3,154, compared with 2,729 in 1998–99, representing a rise of 16%. Cases pending totalled 1,254, compared with 1,315 in 1998–99.

### Application types

The types of applications lodged involved review of council decisions to grant or refuse permits and other council decisions, enforcement orders, decisions to cancel or amend permits, declarations and injunctions, and interim enforcement orders to stop purchases of planning permits in urgent circumstances.

### How we dealt with cases

Most cases proceeded to hearing without preliminary directions hearings. However, due to the complexity of most planning cases, parties could request directions hearings to resolve procedural and technical problems, and review preliminary points, such as whether or not granting a permit for a particular development was prohibited by the Victoria Planning Provisions scheme. Directions hearings could also be called if a request was made for an adjournment or an urgent hearing.

In 1999–2000, we introduced a program to increase the use of mediation and compulsory conferences in resolving planning disputes. Although in its formative stage, we intend to review the program's progress with the aim of making greater use of mediations and compulsory conferences in 2000–01.



From left, listings officer Phillip Rosevear, secretary Patricia Fernando and Planning List member Laurie Hewet discuss the allocation of members available to hear Planning List cases with Deputy President Richard Horsfall (standing). Planning List members hear on average 60 to 70 cases per week.

### Timeliness

During 1999–2000, we maintained our success of the previous financial year in hearing and determining applications within 14 weeks of application.

As stated in the 1998–99 annual report, we aimed to further reduce the time taken for most cases to be heard and determined from 14 weeks to 10 weeks from application. However, in consultation with List users and industry representatives during 1999–2000, we determined an appropriate time between lodgement and hearing is about 14 weeks. We intend to set this as the benchmark for the List. This allows sufficient time for the parties to obtain expert reports and complete the documentation necessary to adequately prepare for hearing.

To ensure the timeliness of decision-making, the Deputy President closely monitors any delays in proceedings to identify potential problems early in the process.

### VPP planning schemes

In the last financial year, the first planning schemes based on the Victoria Planning Provisions (VPP) model were

*We decide planning disputes fairly, quickly, informally and cost-effectively, and give leadership in the consistent application and interpretation of planning policy.*

introduced. During 1999–2000, in hearing applications, List members applied the new schemes to a wide range of legal issues. We encountered some initial difficulties and differences in opinion among councils as to the interpretation of the new schemes. However, their implementation is an evolving process and through our professional development program, we plan to promote consistency in their application.

### Changes to Practice Notes

We revised Planning List Practice Notes one and two, and introduced the VCAT wide Practice Note on expert evidence, which included the requirement for exchanging expert evidence reports before hearings. The Practice Notes inform parties how they should conduct proceedings before VCAT, while keeping in mind the requirement that VCAT be informal and expeditious.

### Community awareness

To raise community awareness of the List's activities, members participate in industry seminars and working groups and are members of industry professional associations. List members participated in the 'Planet' training program promoted by the Department of Infrastructure, which helps to enhance the List's profile and strengthen its public presence.

### User group activities

The User Group of the Planning List comprises a variety of participants

representing industry and professional groups. The User Group met on four occasions during 1999–2000, which provided the opportunity for obtaining valuable feedback and advising users of developments within the List. The User Group offered constructive feedback on issues such as consistency of decision-making, proposed Practice Notes and procedures, and mediation.

### Training and development

During 1999–2000, we improved the professional development program for List members with the successful introduction of an internal professional development program, including an external List conference in October 1999. Seminars on a wide range of current issues led to vigorous discussion among List members and, as a result, will lead to greater consistency and improved quality in decisions.

New members to the List were provided with a mentor.

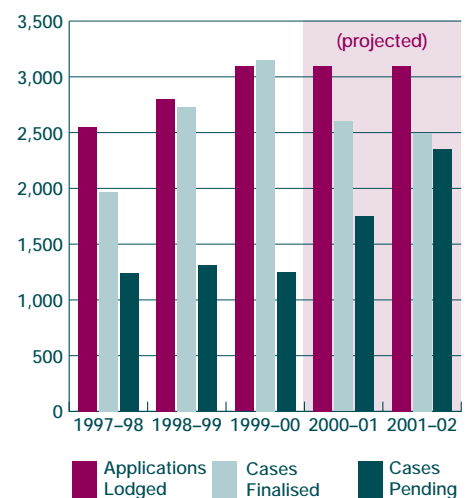
### The future

We intend to address the following key issues during 2000–01:

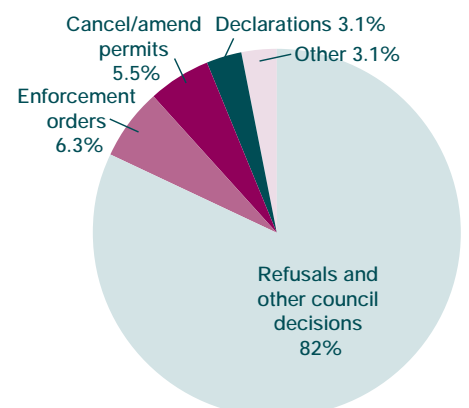
- Ensure the implementation of Amendment VC9 as to neighbourhood character.
- Study the draft ResCode 2000 and its development to ensure List members are prepared for its introduction. Its impact on the List at this stage is difficult to predict, although we expect an increase in workload as a result.

- Continue to revise the List's Practice Notes so that they may reflect current law and practice, and give clear directions to parties on our procedures.
- Continue to improve the internal professional development program.
- Increase the use of compulsory conferences, resources permitting, without the parties having their hearing date delayed if settlement does not occur.
- Continue to promote mediation to achieve early resolution of disputes and, where possible, savings in the time commitments of members.

### Case flow 1997\*–2002



### Applications by type 1999–2000



\*1997–98 figures refer to the equivalent work of the former board or tribunal.

### Case study: Two Lists combine resources to resolve dispute arising from complaints by residents about inner city hotel

A council brought applications for declarations as to the planning status of an inner city hotel, arising from long-standing complaints by residents regarding loud music and patron behaviour. The council and police brought applications for an enquiry under the *Liquor Control Reform Act 1998* against the hotel, relying on the same evidence that would be heard in VCAT's Occupational and Business Regulation List. The applications were heard together before VCAT members appointed to both Lists. This achieved significant savings in hearing time and costs to the parties by holding the joint hearing. The planning application involved, for the first time, a consideration of the new provisions relating to existing user rights under the new VPP format planning schemes. The planning application declarations stated that the hotel's existing user rights had been lost. Orders were made under the liquor applications for the suspension and variation of the hotel's licence and the imposition of financial penalties.



# governance policies

*We aim to achieve high standards of leadership in our governance activities.*

The Victorian Civil and Administrative Tribunal (VCAT) was created by the *Victorian Civil and Administrative Tribunal Act 1998* (the VCAT Act). This statement describes key details about VCAT's governance policies.

## Appointment of members

Members of VCAT are appointed in accordance with the VCAT Act and include Judicial Members in the role of President and Vice President and non-judicial members acting as Deputy Presidents, Senior Members and ordinary members.

### Judicial members

The VCAT Act provides that the President must be a Supreme Court Judge and a Vice President must be a Judge of the County Court. Judicial members are recommended for appointment by the Minister after consultation with the Chief Justice.

Subject to the VCAT Act, they hold five-year terms and are eligible for re-appointment.

They may resign their office as member by delivering to the Governor a signed letter of resignation.

### Non-judicial members

Deputy Presidents, Senior Members and Members of VCAT are appointed by the Governor in Council.

Subject to the VCAT Act, they hold five-year terms and are eligible for re-appointment.

They may resign their office as member by delivering to the Governor a signed letter of resignation.

## Directing VCAT

The President and Vice Presidents of VCAT are:

- to direct the business of VCAT;
- responsible for the management of the administrative affairs of VCAT;
- responsible for directing the professional development and training of members of VCAT; and
- to determine the places and times of sittings of VCAT.

In carrying out these functions, the Vice Presidents are subject to the direction of the President.

The President is to advise the Minister about any action that he, the President, considers would lead to the:

- more convenient, economic and efficient disposal of the business of VCAT;
- avoidance of delay in the hearing of proceedings; and
- VCAT Act or any enabling enactment being rendered more effective.

In carrying out these functions, the President and Vice Presidents consult with VCAT's Deputy Presidents, the Chief Executive Officer and Principal Registrar through monthly Heads of Lists Meetings, meetings of other committees and, on a daily basis, with individuals.

## Remuneration of members

Members are entitled to receive the remuneration and allowances that are fixed from time to time by the Governor in Council. Remuneration and allowances in 1999–2000 totalled \$7.2 million, compared with \$6.4 million in 1998–99.

## Rules Committee members

The members of the Rules Committee are:

- the President;
- each Vice President;
- a full-time member of VCAT who is not a Judicial Member or legal practitioner, and is nominated by the Attorney-General after consultation with the President;
- a current practitioner or interstate practitioner (within the meaning of the *Legal Practice Act 1996*), nominated by the Attorney-General after consultation with the Legal Practice Board;
- two persons nominated by the Attorney-General.

### Functions

The functions of the Rules Committee are:

- to develop rules of practice and procedure, and Practice Notes for VCAT;

- to direct the education of members of VCAT in relation to those rules of practice and procedure and Practice Notes; and
- any other functions conferred on it by the President.

### Quorum and meeting procedure

The quorum of the Rules Committee is four members. A question arising at a meeting is determined by a majority of votes and the person presiding has a deliberative vote and, in the case of an equality of votes, a second or casting vote. The Rules Committee must ensure that accurate minutes are kept of its meetings. In all other respects the Rules Committee may regulate its own proceedings.

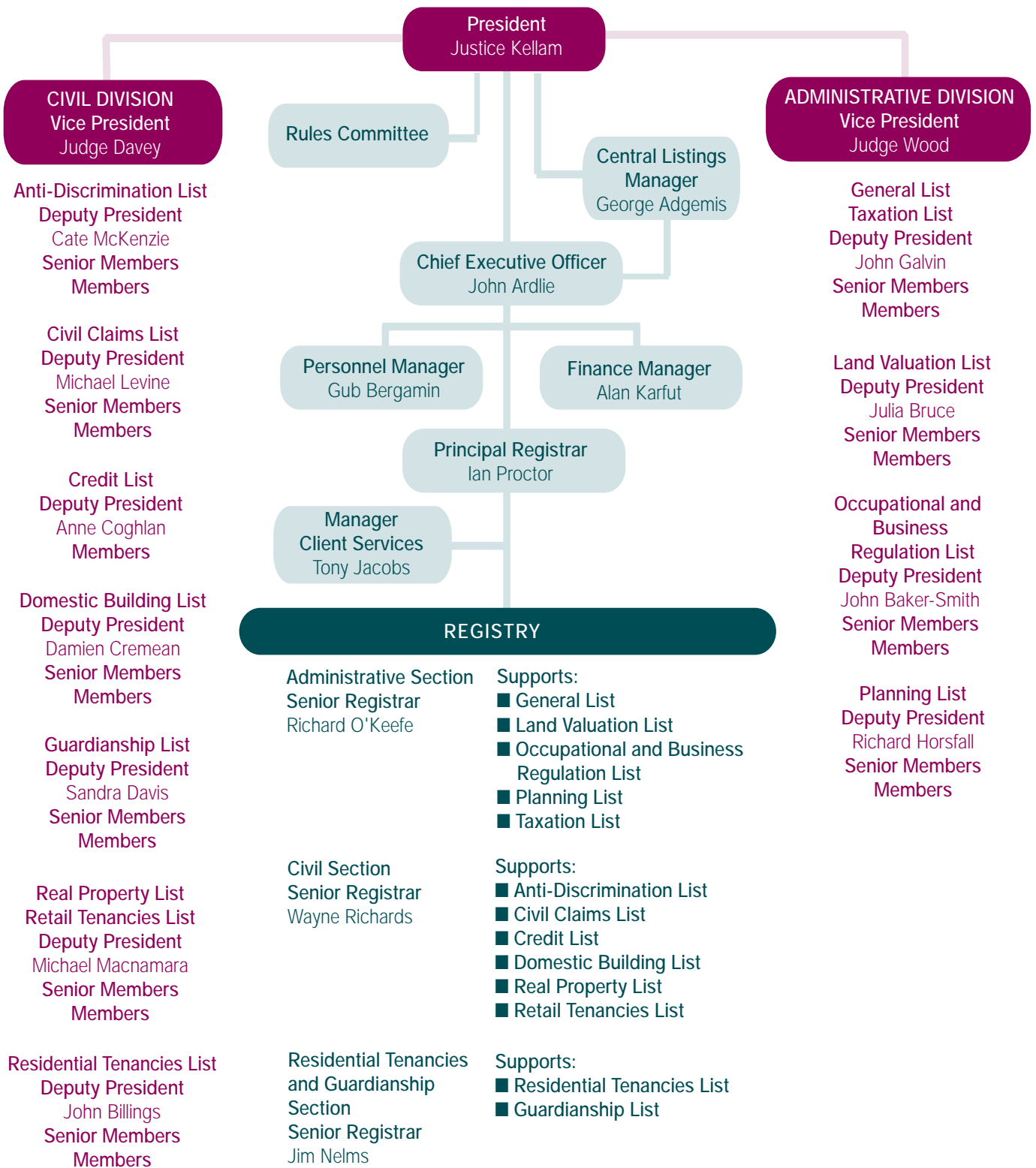
## Ethical standards

The Presidential members have taken steps to increase the knowledge and understanding of members and staff as to their ethical responsibilities. In April and May 2000, President Justice Kellam and Vice President Judge Wood gave in house seminars to reinforce commitment to these standards among members.

The mediation committee of VCAT produced a VCAT Mediation Code of Conduct as a guide for mediators and to inform parties of their rights at mediation. The Mediation Code of Conduct is detailed on page 55.

Member	No. of Rules Committee Meetings	
	Held	Attended
Justice Kellam	10	8
Judge Wood	10	8
Judge Davey	10	9
Prof. Sallmann	10	9
Louise Jenkins	10	6
Judge Holt	10	5
Jane Monk	10	8

# organisational structure



# rules committee report

Access to justice for all Victorians is a primary aim of VCAT. The Rules Committee ensures VCAT's legislation and Practice Notes are readily accessible to all VCAT users.

Appointed under the VCAT Act, the Rules Committee carries out several important functions in the leadership of VCAT. These functions include developing rules of practice and procedure, and Practice Notes.

## Rules Committee members

The Rules Committee comprises the Judicial Members of VCAT, a full-time member who is neither a Judicial Member nor a legal practitioner, a current legal practitioner and two persons nominated by the Attorney-General.

Rules Committee members were appointed on 1 July 1998. During 1999–2000, 10 meetings were held by Committee members. Members as at 30 June 2000 are as follows:

### *Justice Kellam*

LLB BJuris (Mon) LLM (Melb). Signed the Roll of Counsel of the Victorian Bar in 1977. Appointed Queens Counsel in 1991. Appointed a Judge of the County Court of Victoria in 1993. Appointed Justice of the Supreme Court of Victoria in January 1998. Deputy President of the Australian Institute of Judicial Administration (AIJA).

### *Judge Davey*

LLB (Hons) (Melb), BComm. Signed the Roll of Counsel of the Victorian Bar in 1963. Appointed Queens Counsel in 1992. Appointed a Judge of the County Court of Victoria in 1994. Appointed Chairperson of the Domestic Building Tribunal of Victoria in 1996.



*Rules Committee members, from left—Vice President Judge Davey, Vice President Judge Wood, Prof Peter Sallmann, Secretary Elizabeth Bishop, Louise Jenkins, Jane Monk and President Justice Kellam. Judge Holt not shown.*

### *Judge Wood*

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

### *Judge Holt*

LLB (Melb). Judge of the County Court. Prior to his appointment to the County Court in 1997, Judge Holt was Chairperson of a number of Boards and Authorities, including the Estate Agents Disciplinary and Licensing Appeals Tribunal.

### *Louise Jenkins*

#### *Solicitor*

BA LLB (Melb). Barrister and Solicitor of the Supreme Court of Victoria. Partner, Arthur Robinson, Hedderwicks. Member of the Legal Profession Tribunal since 1988. She practises extensively in the litigation area. Her clients include major Australian companies as well as a

range of international insurers. She is a member of the Legal Profession Tribunal and a Trustee of Law Aid.

### *Jane Monk*

Bachelor of Town and Regional Planning. A qualified urban and regional planner, Jane is a full-time member of VCAT assigned to the Planning List. She is also a sessional member of Planning Panels Victoria and is a qualified mediator. She has practised in town and regional planning for 24 years mainly working as a planner in local government. She spent time as a lecturer in town planning and was a member of the team, within the then Department of Planning, which drafted the *Planning and Environment Act 1987*. She is a past president and life member of the Local Planners Association (now subsumed into The Royal Australian Planning Institute) and formerly, a member of the Standing Advisory Committee that reviewed the Good Design Guide and Vic Code 1.



*We aim to develop rules of practice and procedure that streamline case management and ensure quality decision-making.*

## *Prof Peter Sallmann*

*Crown Counsel*

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

## **Activities and achievements**

As VCAT jurisdiction increases, new Rules are required. From time to time, anomalies in the Rules arise. These are brought to the Committee's attention for amendment. The following information details the activities and achievements of the Rules Committee in the 12 months to 30 June 2000.

### *Achieving a consistent approach*

The commencement of VCAT marked the amalgamation of a number of previously independent boards and tribunals and created several new jurisdictions. This meant that VCAT's Rules and Practice Notes were, in part, an amalgamation of the Rules and Practice Notes of the former boards and tribunals. A primary aim for 1999–2000 was to create a consistent, 'plain English' set of Practice Notes, starting with an index identifying Practice Notes by description rather than numbers.

## *Changes to list procedure*

Practice Notes made by the Committee included the following changes to individual list procedures:

- **Residential Tenancies List**—Practice Notes were made relating to adjournments, payments from the Rent Special Account and applications relating to bonds paid or to be contributed to by the Director of Housing.
- **Planning List**—Practice Notes were issued regarding general procedures and information to be provided by Responsible Authorities.
- **General List**—A Practice Note relating to transport accident matters was rewritten and an Information Sheet was issued.

## *Expert evidence*

The Rules Committee developed an Expert Evidence Practice Note. The Practice Note sets out what is required of experts in giving expert evidence at hearing and in preparing reports for use by VCAT. The primary aim of the Practice Note is to advise experts about their paramount duty to provide an unbiased and equitable approach to giving evidence. This alleviated concerns from VCAT members and users about some experts expressing views that were not impartial.

The Committee circulated a draft Practice Note among VCAT user groups and professional associations. Generally, user representatives greeted the Practice Note with acclaim, although it was accepted that it would require a significant cultural shift for a number of experts. However, solicitors for applicants in the General List were concerned that the Practice Note placed too great a burden on hospitals and treating doctors. Committee members agreed that there were important issues that needed to be addressed as to how

the Practice Note might be applied in respect to hospitals and treating doctors. Accordingly, the committee amended the Practice Note to obviate these issues.

## *Amendments to VCAT Rules*

In response to new legislation and issues raised by VCAT members and staff, as well as VCAT users, the Committee amended the Rules of VCAT to:

- include the *Children's Services Act 1996* and the *Physiotherapists Regulation Act 1998* within VCAT's jurisdiction;
- enable a more efficient transfer of cases between lists and streamline the manner in which applications to VCAT are to be made, as a consequence of the *Fair Trading Act 1999*;
- make procedures more straightforward in the high volume jurisdiction of the Residential Tenancies List; and
- enable authentication of digitally imposed signatures on orders made by members using the Order Entry System (OES), enabling documents to be lodged by facsimile.

## *Future amendments*

As a result of the introduction of VCAT Online for the Residential Tenancies List, the Committee plans to amend the Rules to support this new service, which enables registered users to create and print notices, and lodge applications electronically.

As required, the Rules Committee will continue to amend the Rules of VCAT as changes in jurisdiction occur and allocate new legislation to the lists as appropriate.

The work of producing consistent and easily understood Practice Notes and explanatory guides will continue.

# registry management

In Registry, we aim to create an administrative system that serves the increasing demands of VCAT's users effectively, while maintaining an efficient, streamlined approach to Registry management.

## Registry activities

Registry management and staff work with members to manage and track cases throughout each stage of the process from application to resolution. Some of these tasks include generating standard letters such as hearing notices and schedules, allocating members to deal with the extensive daily case load, and recording actions taken and orders made by members.

### *New centralised listing*

As a result of extensive reviews begun in 1998–99 to improve work practices and achieve further economies of scale, the various listings functions of Registry were centralised to form a new team—Central Listings—headed by Listings Manager George Adgemis.

Central Listings is vital in achieving smooth and efficient case flow management at VCAT. Central Listings enables member resources to be allocated effectively and is the foundation of cross-membership. Hearing circuits are organised with the prime objective of maximising the use of members who can hear the work of several lists. Central Listings enables constant monitoring of the activities of VCAT members, including the use of Magistrates located throughout Victoria.

## Registry management

Registry management comprised the following senior managers as at 30 June 2000:

### *John Ardlie*

Appointed Chief Executive Officer in July 1998. Formerly career clerk of courts. Joined Courts Management Division of the former Attorney-



*From left—Senior Registrars Jim Nelms, Wayne Richards and Richard O'Keefe, Principal Registrar Ian Proctor, and Listings Manager George Adgemis.*

General's Department in 1984. Held various management roles within the administration of the State's justice system, including Deputy Director, Court Operations, and Manager of Courts and Tribunal Services.

### *Ian Proctor*

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

### *Jim Nelms*

Appointed Senior Registrar, Residential Tenancies and Guardianship Section of the Registry in April 1999. Joined the former Ministry of Consumer Affairs in 1989. Appointed Registrar of the Small Claims Tribunal and Residential Tenancies Tribunal in 1991.

### *Wayne Richards*

Appointed Senior Registrar, Civil Section of the Registry in April 1999. Formerly Registrar of the Civil Claims List from July 1998. Joined the public service in 1966 and worked in the

Finance Department of the Ministry of Housing. Appointed as an inspector in the Consumer Affairs Bureau in 1976. Appointed Assistant Registrar of both the Residential Tenancies and Small Claims Tribunals in 1987.

### *Richard O'Keefe*

LLB (Deakin). Appointed Senior Registrar, Administrative Section of the Registry in April 1999. Previously a public servant with the Department of Justice (the then Law Department) since 1973. Qualified as a clerk of courts in 1975. Worked in a variety of suburban Magistrates' Courts over the past 25 years. Appointed to the registry of the Administrative Appeals Tribunal in 1996.

### *George Adgemis*

Appointed Listings Manager in July 1999. Previously held roles as the Principal Registrar of the State Coroner's Office and Director of Criminal Trial Listings, qualified as a Clerk of Courts in 1983 and worked in a number of suburban Magistrates' Courts.

# member and committee profile

## Member profile

The members of VCAT comprise the President and two Vice Presidents who are Judicial Members, and non-judicial members comprising Deputy Presidents, Senior Members and Members.

As at 30 June 2000, VCAT non-judicial membership totalled 38 full-time members (42 in 1998–99) and 147 sessional members (130 in 1998–99).

VCAT members include legal practitioners and members of other professions such as planners, engineers, architects, medical practitioners, land valuers and real estate agents who have specialised knowledge or expertise to assist VCAT in exercising its wide range of jurisdictions.

### Benefits of cross-membership

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



*Use of mediation at VCAT took on a high priority and the Mediation Sub-Committee achieved numerous key initiatives during 1999–2000. Committee members, from left—Struan Gilfillan, Greg Lyons (committee chairman), Jacky Kefford and Margaret Lothian. Members not shown—Catherine Aldr, Damien Cremean, Richard Horsfall and Annemarie Tilley.*

## Committee profile

VCAT's committee structure is managed by the Heads of List Committee, which comprises President Justice Kellam, Vice Presidents Judge Wood and Judge Davey, and the Deputy Presidents of each list. The Heads of List Committee met on 10 occasions during 1999–2000 to discuss key issues regarding the day-to-day work of list members, such as case load, finance, training and upcoming changes in legislation.

In September 1999, the committee formed the Professional Development Coordinating Committee to replace the Professional Training and Development

Sub-Committee. The aim of the six-member committee is to create and manage a number of sub-committees that oversee specific areas of professional development within VCAT, namely:

- mediation
- seminars
- publications
- new members
- library
- home page

### Key achievements

Committee members held 10 meetings during 1999–2000 and achieved several key initiatives that include the following:

- In March 2000, the first issue of the quarterly VCAT Newsletter was distributed to members and staff. The newsletter provides important information such as changes in policy and jurisdictions, relevant legal information, and items of general interest.
- Completed and distributed the New Members' Handbook. The handbook provides newly appointed members with a ready reference guide to the practical aspects of membership.

Type of Member	1998–99		1999–2000	
	Women	Men	Women	Men
Judicial Member	-	3	-	3
Deputy President	4	7	4	7
Senior Member	4	5	3	4
Sessional Senior Member	1	-	1	3
Full-time Member	10	12	11	9
Part-time Member (Three days per week)	1	1	1	1
Sessional Members	48	79	54	87
<b>Total</b>	<b>68</b>	<b>107</b>	<b>74</b>	<b>114</b>



- Conducted a survey of members to determine their needs for training seminars and completed proposals to hold future seminars on conduct of hearings, decision writing, costs and damages, and developments in the area of administrative law.
- Completed a proposal to consider economical options for professional development, including brief in house seminars, a mentoring system for new members and using the Members' Handbook more pro-actively.
- Placed significant decisions on the VCAT web site and identified shortcomings in procedures for reporting, distributing and archiving VCAT decisions and decisions of Appeal to the Supreme Court.

#### Mediation Sub-Committee

Mediation Sub-Committee members promote the use of mediation at VCAT as an effective method of alternative dispute resolution (ADR). The eight-member Committee met on 11 occasions during 1999–2000 to actively review the effectiveness of mediation procedures. Committee members achieved the following initiatives:

- Undertook a review to determine how extensively the various lists of VCAT make use of mediation. As a result, benchmarks have been established against which future changes can be measured.
- Produced a VCAT Mediation Code of Conduct as a guide for mediators and to inform parties of their rights at mediation (refer to page 55). The Code is available on the VCAT web site.
- Contributed to a Victoria Law Foundation publication on ADR, *Working It Out—A User's Guide to Dispute Resolution Processes*, which is available on request at VCAT. The booklet explains how mediation works and how to prepare for mediation.

- Produced recommendations to promote the broader use of mediation at VCAT, for accreditation standards for VCAT mediators and for dealing with complaints.
- Arranged a refresher training session on mediation in September 1999 conducted by Prof John Wade of Bond University Law School.
- Hosted, in conjunction with the VCAT Seminars Committee, a presentation by Canadian mediator and academic Allan Stitt and American mediator Michael Dickstein.

Initiatives planned for 2000–01 include the following:

- Produce printed material outlining, in various languages, how mediation works in each list and how users can prepare for mediation.
- Update the VCAT web site to include direct links to information about mediation in each list and the Mediation Code of Conduct.
- Establish a mentor program that assigns experienced mediators as mentors to new mediators.
- Conduct ongoing professional development for mediators, including opportunities for co-mediation and peer review.
- Conduct a survey of VCAT stakeholders such as users, lawyers and experts to gain feedback about how VCAT can improve its mediation services.

#### List specific training

Individual list specific training for members was conducted throughout the year in review. (Refer to individual list performance for more information, starting on page 16.)

#### AIJA Tribunals Conference

A total of 40 full-time and sessional members attended the Australian Institute of Judicial Administration (AIJA) second Tribunals Conference in Sydney in September 1999 to identify common concerns of tribunals in Australia. The AIJA is the foremost Australasian judicial administration body. The members of its

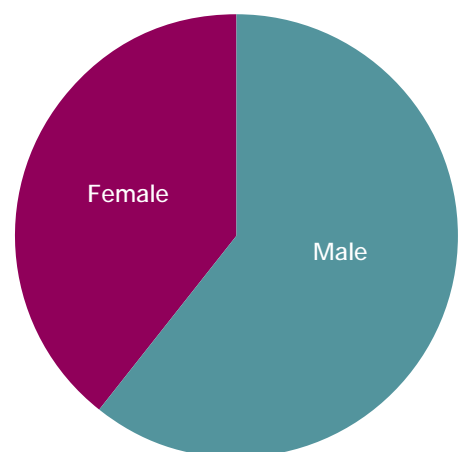
council are composed of judges, magistrates and tribunal members of all jurisdictions, together with senior court administrators, academics and senior public servants. In June 2000, a total of 80 VCAT members attended the third AIJA Tribunals Conference in Melbourne. The theme of the conference was *Serving the Community*. The conference was designed to focus on such issues as tribunals communicating to the public, the distinction between tribunals and courts, and the less legalistic nature of tribunals.

#### Restructure of remuneration

At the time VCAT began operations, significant variations in rates of pay existed for full-time and sessional members due to the amalgamation of several boards and tribunals. Effective from 1 July 1999, remuneration for members was restructured more equitably to form three categories for full-time members and three categories for sessional members.

During the year in review, the Governor in Council declared that the Judicial Remuneration Tribunal (JRT) is to enquire into and report on the salary and allowances of VCAT members. As a result, the JRT will conduct a review of remuneration at VCAT and is expected to deliver its report on adjustments to VCAT remuneration levels some time during the next financial year.

Members by gender—1999–2000



# VCAT people

During the financial year, staff took on the challenge of adapting to a new organisational structure, while continuing to enhance their skills and flexibility, and to deal with a much wider range of support tasks across VCAT.

## Staff profile

The number of full-time staff remained the same as last year, totalling 141. This total comprises five senior managers, 33 managers and supervisors and 103 administration staff. Staff numbers include staff on maternity leave, leave without pay and secondments, as well as casual staff, and two staff members from the Appeal Costs Board and Justice of the Peace Registry.

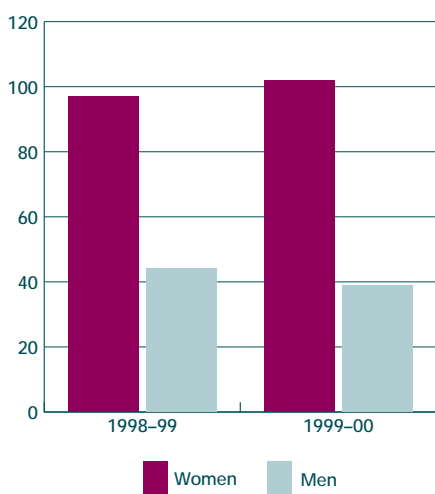
## Wages and superannuation

Salaries are performance based and staff receive performance evaluations every six months. All staff rated average, above average or better in terms of performance and the average annual salary rise was 2.2%.

Wages for staff totalled \$5.4 million for 1999–2000.

All staff are eligible for superannuation benefits provided through various funds, including the Government Superannuation Office and VicSuper.

### Staff full-time equivalent comparison



Staff Full-Time Equivalent numbers include staff on maternity leave, leave without pay, secondments and casual roles that are cost neutral to VCAT (13 as at 30 June 2000). This number fluctuates from time to time.

## Equal employment opportunity

We are an equal employment opportunity employer. Appointments and promotions are based on merit and staff members receive the training and experience required to enhance their skills and abilities. Biannually, we distribute policies on sexual harassment to reinforce the importance of appropriate staff conduct in the work place.

## Occupational health and safety

We aim to provide and maintain a working environment that is safe and without risk to the health and well being of all staff, members and visitors to VCAT. To help reinforce the importance of emergency procedures, we advise staff on a biannual basis of their responsibilities through our emergency awareness program.

A total of two WorkCover claims were made to VCAT during 1999–2000. One claim involved a minor incident that resulted in no lost work days. The second claim resulted in four lost work days. The employee resumed duties on a 'return to work plan' that assisted recovery and addressed minimal changes to the employee's role.

## Employee relations

On 30 June 2000, the Australian Workplace Agreement for staff expired. We anticipate that the next round of



Staff of the Civil Section Call Centre (clockwise from bottom left) Fe Wooley, Darvey Yun, Danielle McLean, Louise Johnston, Justin Molik and Nicoletta Fourikis.

enterprise bargaining will result in a new 12-month Enterprise Partnership Agreement for staff in the next financial year.

## Training and development

The Department of Justice (DOJ) provides a Corporate Training Program that is accessible to all employees of VCAT. Through the DOJ, we provide all staff with competency-based training, self-management programs, customer awareness programs, Occupational Health and Safety programs and computer training. A total of 39 training courses were attended by 26 staff members during 1999–2000. These included a range of subjects such as time management, cross-cultural awareness, ongoing computer training, management techniques, communication skills, stress management and quality client service.

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

VPS Band	1998–99		1999–2000	
	Women	Men	Women	Men
VPS-5 (Senior Management)	-	4	-	5
VPS-4 (Management)	1	9	2	5
VPS-3 (Supervisors)	6	8	15	11
VPS-2 (Administration)	57	13	53	10
VPS-1 (Administration)	33	10	32	8
<b>Total</b>	<b>97</b>	<b>44</b>	<b>102</b>	<b>39</b>

# operating statement for the year ended 30 June 2000

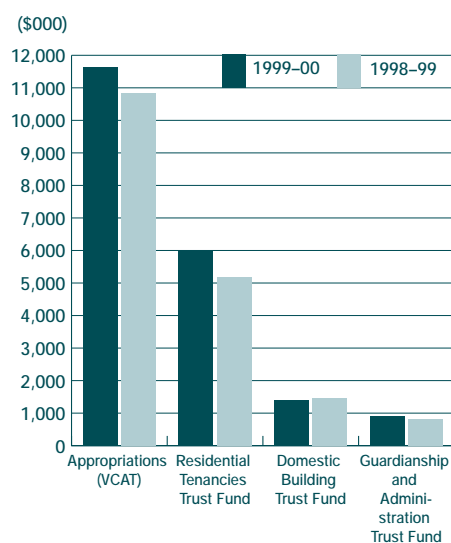
The Minister for Finance has determined under the *Financial Management Act 1994* that the financial statements of the Victorian Civil and Administrative Tribunal (VCAT) be consolidated and included in the annual report of the Department of Justice. The following information summarises VCAT funding sources and expenditure for 1999–2000 and 1998–99.

	1999–2000	1998–99
FUNDING	(\$000)	(\$000)
<b>VCAT funding sources (budget)</b>		
Appropriations (VCAT)	11,632	10,845
Residential Tenancies Trust Fund	6,019	5,170
Domestic Building Trust Fund	1,406	1,459
Guardianship and Administration Trust Fund	900	800
<b>Total:</b>	<b>19,957</b>	<b>18,274</b>
<b>EXPENDITURE</b>		
<b>VCAT operational expenditure</b>		
Salaries to staff	5,423	4,580
Salaries to full-time members	4,543	3,945
Sessional members	2,616	2,400
Salary related on-costs	1,824	2,156
Operating costs	5,551	5,193
<b>Total:</b>	<b>19,957</b>	<b>18,274</b>

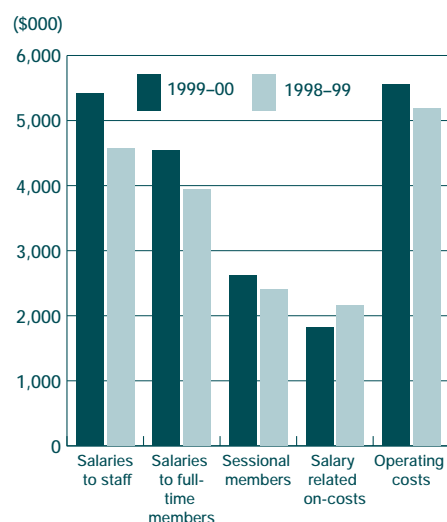
<b>VCAT expenditure allocated by list*</b>		
Residential Tenancies List	6,019	
Planning List	4,378	
Guardianship List	2,100	
General List, Occupational and Business Regulation List, and Taxation List	3,001	
Domestic Building List	1,406	
Anti-Discrimination List	894	
Civil Claims List	1,269	
Real Property List and Retail Tenancies List	140	
Land Valuation List	531	
Credit List	219	
<b>Total:</b>	<b>19,957</b>	

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

*VCAT funding sources (budget)—  
1998–2000*



*VCAT operational expenditure—  
1998–2000*





# financial discussion and analysis

## Performance

In 1999–2000, VCAT's recurrent expenditure of \$20 million divided between expenditure on salaries to full-time and sessional members (\$7.2 million), staff salaries (\$5.4 million), salary related on-costs (\$1.8 million) and operating expenses (\$5.6 million) was 9% higher than the \$18.3 million expended by VCAT in 1998–99.

The higher expenditure was due to increased demand for VCAT's services in 1999–2000. VCAT dealt with 89,868 applications, reviews and referrals—21% more than VCAT handled in 1998–99 (74,319) and 4% greater than the projection of 86,000.

As described in this annual report, VCAT experienced the majority of the rises in the Residential Tenancies List, Guardianship List, Planning List and Civil Claims List. They were, to some extent, offset by a decrease in applications to the General List. The increases resulted from demand arising out of changes to legislation and a cyclical peak in reviews in the Guardianship List.

VCAT resolved 89,368 cases in 1999–2000, an increase of 19% on the 75,076 cases resolved in 1998–99. In achieving this result, VCAT received support from the Department of Justice, the Department of Infrastructure and the Department of State Development in terms of budget supplementation.

## VCAT Funding sources

VCAT's funding in 1999–2000 was provided from the following sources:

Victorian Government appropriations (\$11.6 million) either directly from the Department of Justice or by way of other departments that make contributions to VCAT. These sources fund all but those lists funded by trust funds as described below. This funding includes revenue of \$0.5 million generated by those lists through the receipt of application fees.

- The Residential Tenancies Trust Fund established under the *Residential Tenancies Act 1997*, which wholly funds the Residential Tenancies List (\$6 million).
- The Domestic Building Fund established under the *Domestic Building Contracts Act 1995*, which wholly funds the Domestic Building List (\$1.4 million); and
- The Guardianship and Administration Trust Fund established under the *Guardianship and Administration Act 1986*, which partially funds the Guardianship List (\$0.9 million).

Our budget strategy for 2000–01 is to operate within the budget allocated from the above sources for that year.

As is discussed on page 7 of this annual report, unless case demand drops during the year and/or supplementation funding becomes available, VCAT will not be able to meet expected demand as well as it did in 1999–2000.

## VCAT audited accounts

VCAT's accounts are audited and published as part of the accounts of the Department of Justice, which are published in the annual report of the Department of Justice. Figures published in the annual report of the Department of Justice may vary from the information published in VCAT's annual report due to adjustments made after the publication of this annual report.

# legislation defining VCAT jurisdiction

The following legislation gives jurisdiction to VCAT as at 30 June 2000:

## Administrative Division

### 1. General List

The functions of VCAT under the following enabling acts are allocated to the General List of the Administrative Division:

*Accident Compensation Act 1985*;  
*Adoption Act 1984* section 129A(1)(a) (decisions regarding fitness to adopt and approval to adopt);  
*Births, Deaths and Marriages Registration Act 1996*;  
*Children and Young Persons Act 1989*;  
*Community Services Act 1970*;  
*Country Fire Authority Act 1958*;  
*Dangerous Goods Act 1985*;  
*Domestic (Feral and Nuisance) Animals Act 1994* section 98(2) (declaration and registration of dangerous dogs);  
*Drugs, Poisons and Controlled Substances (Amendment) Act 1997*;  
*Emergency Management Act 1986*;  
*Emergency Services Superannuation Act 1986*;  
*Equipment (Public Safety) Act 1994*;  
*Estate Agents Act 1980* section 81(5A) (claims against guarantee fund);  
*Freedom of Information Act 1982*;  
*Gaming No. 2 Act 1997*;  
*Health Act 1958* section 125 (compensation for seizure of property);  
*Hospitals Superannuation Act 1988*;  
*Industrial and Provident Societies Act 1958*;  
*Infertility Treatment Act 1995*;  
*Livestock Disease Control Act 1994*;  
*Local Authorities Superannuation Act 1988*;  
*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 7 of Schedule 5 (decisions of returning officers concerning how-to-vote cards);

*Lotteries Gaming and Betting Act 1966* section 7A (decisions of Victorian Casino and Gaming Authority under Part 1);

*Mental Health Act 1986* sections 79 (decision of Chief General Manager), 120 (decisions of Mental Health Review Board);

*Metropolitan Fire Brigades Act 1958*;

*Motor Car Traders Act 1986* section 79 (claims against guarantee fund);

*Occupational Health and Safety Act 1985*;

*Parliamentary Salaries and Superannuation Act 1968*;

*Road Transport (Dangerous Goods) Act 1995*;

*State Employees Retirement Benefits Act 1979*;

*State Superannuation Act 1988*;  
*Superannuation (Portability) Act 1989*;

*Tertiary Education Act 1993*;

*The Constitution Act Amendment Act 1958*;

*Transport Accident Act 1986*;  
*Transport Superannuation Act*

1988;  
*Travel Agents Act 1986* section 46 (claims against approved compensation schemes);

*Victims of Crime Assistance Act 1996*;

*Victoria State Emergency Service Act 1987*;

*Victorian Plantations Corporation Act 1993*;

*Vocational Education and Training Act 1990*.

### 2. Land Valuation List

The functions of VCAT under the following enabling acts are allocated to the Land Valuation List of the Administrative Division:

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

*Gift Duty Act 1971* section 36(1)(a) (so much of the decision of the Commissioner as relates to the value of land);

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

*Land Acquisition and Compensation Act 1986*;

*Land Tax Act 1958* section 25(1)(a) (so much of decision of the Commissioner as relates to the value of land);

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

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

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

*Pipelines Act 1967* section 22B (objections to compulsory acquisition of native title rights and interests);

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

*Probate Duty Act 1962* section 19A(1)(a) (so much of the decision of the Commissioner as relates to the value of land);

*Stamps Act 1958* section 33B(1)(a) (so much of decision of the Commissioner as relates to the value of land);

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

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

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

### 3. Occupational and Business Regulation List

The functions of VCAT under the following enabling acts are allocated to the Occupational and Business Regulation List of the Administrative Division:

*Adoption Act 1984* section 129A(1)(b) (decisions regarding approval of adoption agencies);  
*Agricultural and Veterinary Chemicals (Control of Use) Act 1992*;  
*Architects Act 1991*; Sch. 1, Part 1 cl. 2(ha)  
*Barley Marketing Act 1993*;  
*Biological Control Act 1986*;  
*Children's Services Act 1996*;  
*Chiropractors Registration Act 1996*;  
*Consumer Credit (Victoria) Act 1995* Part 4 (registration of credit providers) and section 371(1) (permission, including conditions, to a disqualified person to engage or be involved in finance broking);  
*Dairy Industry Act 1992*;  
*Dangerous Goods Act 1985*;  
*Domestic (Feral and Nuisance) Animals Act 1994* section 98(1) (registration of premises to conduct a domestic animal business);  
*Education Act 1958* section 55 (endorsement of school to accept overseas students);  
*Estate Agents Act 1980* except sections 56B(1) (see Real Property List) and 81(5A) (see General List);  
*Extractive Industries Development Act 1995* sections 39 (quarry manager's certificates) and 40 (panel inquiry into quarry manager's fitness);  
*Farm Produce Wholesale Act 1990* section 20 (licensing of wholesalers);  
*Finance Brokers Act 1969*;  
*Firearms Act 1996* section 182 (decisions of Firearms Appeals Committee);  
*First Home Owner Grant Act 2000*;

*Health Services Act 1988* section 110 (decisions of Minister or Chief General Manager under Part 4);  
*Liquor Control Reform Act 1998*;  
*Lotteries Gaming and Betting Act 1966* section 10D (licensing of amusement machine operators);  
*Marine Act 1988* section 85 (cancellation and suspension of certificates and licences);  
*Meat Industry Act 1993* section 24 (licences to operate meat processing facilities, alteration of buildings);  
*Medical Practice Act 1994* section 60 (registration and discipline of medical practitioners);  
*Mineral Resources Development Act 1990* sections 94 (mine manager's certificates) and 95 (panel inquiries into fitness of mine managers);  
*Motor Car Traders Act 1986* except sections 45 (see Civil Claims List) and 79 (see General List);  
*Nurses Act 1993* section 58 (registration and discipline of nurses);  
*Occupational Health and Safety Act 1985* section 59(6) Occupational Health and Safety (Certification of Plant Users and Operators) Regulations 1994 regulation 28 (certificates of competency, authorisation of certificate assessors);  
*Optometrists Registration Act 1996* section 58 (registration and discipline of optometrists);  
*Osteopaths Registration Act 1996* section 56 (registration and discipline of optometrists);  
*Physiotherapists Regulation Act 1998*;  
*Podiatrists Registration Act 1997* section 56 (registration and discipline of optometrists);  
*Prevention of Cruelty to Animals Act 1986* section 33 (licensing of scientific establishments and breeding establishments);  
*Private Agents Act 1966*;  
*Professional Boxing and Martial Arts Act 1985* (licences, permits and registration);  
*Prostitution Control Act 1994*;

*Public Transport Competition Act 1995*;  
*Second-Hand Dealers and Pawnbrokers Act 1989* sections 9B and 14 (correction of register);  
*Therapeutic Goods (Victoria) Act 1994* section 71 (licensing of wholesale supply);  
*Trade Measurement Act 1995* section 59 (licensing and discipline);  
*Transport Act 1983* except section 56 (see Land Valuation List);  
*Travel Agents Act 1986* except section 46 (see General List);  
*Veterinary Practice Act 1997* section 55 (registration and discipline);  
*Victoria State Emergency Service Act 1987* section 31(2)(d); Victoria State Emergency Service Regulations 1995 regulation 12 (discipline of members);  
*Vocational Education and Training Act 1990* section 81 (registration of non-college providers);  
*Wildlife Act 1975*.

### 4. Planning List

The functions of VCAT under the following enabling acts are allocated to the Planning List of the Administrative Division:

*Catchment and Land Protection Act 1994* section 48 (land use conditions and land management notices);  
*Conservation, Forests and Lands Act 1987* section 76 (variation and termination of land management cooperative agreements);  
*Environment Protection Act 1970*;  
*Extractive Industries Development Act 1995* except sections 39 and 40 (see Occupational and Business Licensing List);  
*Flora and Fauna Guarantee Act 1988* sections 34(3), 41 and 41A (interim conservation orders);  
*Heritage Act 1995*;  
*Litter Act 1987* section 8G (litter abatement notices);  
*Local Government Act 1989* sections 185 (imposition of special rate or charge) and 185AA (imposition of special rate or charge);



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

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

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

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

*Transport Act 1983* section 56 (decisions of the Public Transport Corporation or Roads Corporation): Transport (Roads and Property) Regulations 1993 regulation 18;

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

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

## 5. Taxation List

The functions of VCAT under the following enabling acts are allocated to the Taxation List of the Administrative Division:

Business Franchise Acts;

*Debits Tax Act 1990*;

*Financial Institutions Duty Act 1982*;

*Gift Duty Act 1971* with the exception of section 36(1)(a) to the extent that the decision of the Commissioner relates to the value of land;

*Land Tax Act 1958* with the exception of section 25(1)(a) to the extent that the decision of the Commissioner relates to the value of land;

*Pay-Roll Tax Act 1971*;

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

*Stamps Act 1958* with the exception of section 33B(1)(a) to the extent that the decision of the Commissioner relates to the value of land;

*Taxation Administration Act 1997*.

## Civil Division

### 1. Anti-Discrimination List

The functions of VCAT under the following enabling acts are allocated to the Anti-Discrimination List of the Civil Division:

*Equal Opportunity Act 1995*.

### 2. Civil Claims List

The functions of VCAT under the following enabling acts are allocated to the Civil Claims List of the Civil Division:

*Fair Trading Act 1999*;

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

*Small Claims Act 1973*.

### 3. Credit List

The functions of VCAT under the following enabling acts are allocated to the Credit List of the Civil Division:

*Chattel Securities Act 1987*

sections 25 (compensation for extinguishment of security interest) and 26 (compensation in relation to registrable goods);

*Credit Act 1984*;

*Credit (Administration) Act 1984*;

*Consumer Credit (Victoria) Act 1995* except Part 4 and section 371(1) (see Occupational and Business Regulation List).

### 4. Domestic Building List

The functions of VCAT under the following enabling acts are allocated to the Domestic Building List of the Civil Division:

*Building Act 1993*;

*Domestic Building Contracts Act 1995*;

*Fair Trading Act 1999*;

*House Contracts Guarantee Act 1987*.

### 5. Guardianship List

The functions of VCAT under the following enabling acts are allocated to the Guardianship List of the Civil Division:

*Guardianship and Administration Act 1986*;

*Instruments Act 1958* section 118;

*Medical Treatment Act 1988*

section 5C (enduring powers of attorney);

*Mental health Act 1986* section 86 (decisions for major medical procedures);  
*Trustee Companies Act 1984*.

### 6. Real Property List

The functions of VCAT under the following enabling acts are allocated to the Real Property List of the Civil Division:

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

*Fair Trading Act 1999*;

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

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

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

### 7. Residential Tenancies List

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

*Residential Tenancies Act 1997*.

### 8. Retail Tenancies List

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

*Fair Trading Act 1999*;

*Retail Tenancies Reform Act 1998*.

# VCAT member directory

	List(s) Assigned	Appointment Date**
<b>Judicial Members</b>		
<b>President</b>		
The Honourable Justice M B Kellam		10 Jun 98
<b>Vice Presidents</b>		
His Honour Judge F Davey, Civil Division		01 Apr 96
His Honour Judge T Wood, Administrative Division		01 Feb 98
<b>Total Judicial Members: 3</b>		
<b>Deputy Presidents</b>		
Baker Smith, John	OBR, DB, Res T	01 Jan 99
Billings, John	Res T, G	10 Mar 97
Bruce, Julia	LV, P	01 Jun 98
Coghlan, Anne	C, AD, Gen, OBR, Res T, CC, G	27 Jun 94
Cremean, Damien (Assoc Prof)	DB, CC, OBR, Ret T, Real P, G, Gen	30 Jun 98
Davis, Sandra	G, Gen, AD, OBR	01 Jun 98
Galvin, John	Gen, OBR, Tax, G	01 Jun 88
Horsfall, Richard	P, LV, OBR, DB	17 Feb 99
Levine, Michael	CC, C, DB, OBR, Gen, G, Real P	8 May 75
Macnamara, Michael	Ret T, C, DB, OBR, Gen, Real P, P, AD, CC	8 Nov 94
McKenzie, Cate	AD, Gen	04 Jul 94
<b>Total Deputy Presidents: 11</b>		
<b>Senior Members</b>		
Ball, Rowland	Gen, DB	01 Jul 89
Byard, Russell	P, Real P	01 Jul 89
Lyons, Dr. Gregory	AD, Gen, G	24 Jan 99
Megay, Noreen	Gen, G	18 Jun 96
Preuss, Jacqueline	Gen, AD, P, OBR, G	08 Nov 96
Urquhart, Mary	P, OBR, Res T, G, Gen	17 Feb 99
Walker, Rohan	Gen, Res T, CC, AD, P, DB, G	19 Dec 94
<b>Total Senior Members: 7</b>		
<b>Senior Sessional Members</b>		
Barr, Max	P	10 Jul 99
Cooney, Lillian	Gen, AD	01 Dec 96
Marsden, Ian	P	31 Jul 99
Gould, Ron	P, Real P, DB, Ret T, OBR	01 Apr 00
<b>Total Senior Sessional Members: 4</b>		
<b>Full time Members</b>		
Baird, Margaret	P	12 Jul 99
Barker, Heather	Res T, CC	23 Jun 92
Carruthers, Maureen	G, AD	06 Apr 93
Cimino, Sam	P	05 Jul 99
Davis, Robert	Gen, Ret T, Real P, DBT, OBR, P	08 Dec 98
Gibson, Helen	P	03 Oct 94
Hewet, Laurie	P	13 Sep 99
Holloway, William	Res T, CC, P, DB, G, Gen	21 May 96
Kefford, Jacquelyn	Res T, CC	08 Dec 94
Komesaroff, Tonia	P	20 Jan 99
Lambrick, Heather	Res T, CC, G, OBR	10 Aug 99
Liston, Anthony	P	15 Sep 93
Moles, Jennifer (Arup)	P	21 Aug 95
Monk, Jane	P	03 May 94

\*\*Where appointment dates precede 1 July 1998, they refer to appointments to a previous board or tribunal. The VCAT Act provides that such members will serve the remainder of their term.

	List(s) Assigned	Appointment Date**
O'Dwyer, Daniel	Res T, CC, AD, DB, G,OBR	27 Feb 95
O'Leary, Peter	P, OBR	01 Sep 98
Rickards, Jeanette	P	01 Feb 99
Scott, Robert	Res T, CC, Gen, G	21 Nov 96
Tilley, Annemarie	Res T, CC, AD, Gen, G	19 Dec 94
Wajcman, Jack	Res T, CC	19 Dec 94
<b>Total Full Time Members: 20</b>		
<b>Permanent Part Time Members (3 days week)</b>		
Adams, Hugh	G, CC, Res T	15 Jul 95
Atkinson, Judith	P	02 Jul 94
<b>Total Permanent Part Time Members: 2</b>		
<b>Sessional Members</b>		
Adams, John	P, CC, Res T	01 Dec 96
Aird, Catherine	DB, CC, Ret T, Res T	01 Apr 96
Akehurst, Jeffrey	P	08 Jun 99
Anagnostou, Chryssa	Gen, G, AD	20 Jul 99
Angell, Sally	CC, Res T, OBR, Real P, Ret T	20 Jul 99
Armitage, Roderic	OBR	18 Jun 85
Avery, Peter	P	08 Jun 99
*Barrow, Brian	G, CC, Res T, Gen, OBR	27 Jul 99
Barton, Terence	G	01 Dec 98
Baxter, Pauline	OBR	06 Jun 95
Bernard, Pauline	DB, Ret T	01 Apr 96
Bodey, Roger	LV	20 Sep 88
*Bolster, John Douglas	G, CC, Res T, Gen, OBR	27 Jul 99
Borg, Susan	Res T, CC, AD, G	06 Jul 99
Bourke, Gavan	LV	19 Apr 94
Brown, Vicki	LV	20 Sep 88
Bryant, Tannetje	P	01 Jul 88
Burdon Smith, Susan	Res T, CC	23 Jun 92
Burgess, Zena	AD, G	01 Dec 98
Callaghan, Edward (Kris)	LV	21 Jan 94
Caris, Sharon	G	21 May 99
Carleton, Glenn	AD OBR	23 Feb 99
Carr, John	LV	20 Sep 88
Castran, John Howard	LV	23 Feb 99
Cleary, Peter	LV	20 Sep 88
Clements, Jim	OBR	01 May 87
Clothier, Bryan	Res T, CC	06 Jul 99
Coate, Jennifer	OBR, G, CC, Res T, Gen	27 Jul 99
Colbran, QC Michael	G	28 Mar 95
Coldbeck, Peter	Gen, G, CC, OBR	11 Apr 00
Cremean, Bernadette	AD, CC, Res T	12 Apr 89
D'Arcy, James Alan	LV	23 Feb 99
Davies, Hugh	CC, Res T	04 Aug 98
Davies, Vicki	P	01 Jul 88
Davis, Julian (Assoc Prof)	G, OBR	01 Jul 87
Dawson, Julie	AD, G	12 Dec 95
Delves, John	Res T, CC	23 Jun 95
Dickman, Sharron Dr	OBR	01 Jul 95
Dillon, John	Gen, OBR	01 Jul 88
Dudakov, Brian	LV	30 Mar 99

\*\*Where appointment dates precede 1 July 1998, they refer to appointments to a previous board or tribunal. The VCAT Act provides that such members will serve the remainder of their term.



	List(s) Assigned	Appointment Date**
Dudycz, Dr. Maria	AD, G, OBR	01 Dec 98
*Dugdale, John Phillip	G, CC, Res T, Gen, OBR	27 Jul 99
Duggan, Anne	AD, G	20 Jul 99
Dunlop, John	OBR	01 Jul 95
Eccles, Desmond (Assoc Prof)	P	04 Aug 98
Eggleston, Peter	Res T, CC	23 Jun 95
Ferres, Dr. Beverley	AD, G, OBR	01 Dec 98
Forsyth, John	LV	19 Apr 94
Fox, Peter	Gen, C, OBR, Real P, Ret T	06 Oct 98
Gibson, Geoffrey	T	01 Jul 88
Gilfillan, Struan	P	19 Jul 94
Glover, Dr. John	Gen, T	01 Jun 88
Good, June	Res T, CC	12 Dec 97
Gordon, Michelle	AD, CC, Gen, G, OBR	06 Oct 98
Gorman, Lois	G, OBR	06 Apr 93
Graves, Phillip	G	01 Jul 87
Gray, Malcolm	OBR	01 Jul 95
Greenberger, Graham	OBR	22 Aug 95
Griffiths, Ian	DB, CC, G, Res T	01 Apr 96
Hamilton, Dr Catherine	OBR, AD	10 Dec 96
Hancock, Elizabeth	LV	01 Jul 88
Jackson, Maureen	P	08 Jun 99
Kaufman, QC John	AD	12 Aug 97
Keaney, John	P	19 Jan 99
Kincaid, Andrew	DB, Ret T	01 Apr 96
King, Janice	G, AD	21 Jan 97
Kirmos, Kay	Res T, CC	06 Jul 99
Klempfner, Yolanda	AD	30 May 00
Kominos, Angela	Res T, CC, AD, G	23 Dec 86
Krstic, Peter	P	08 Jun 99
Kullen, Gwenda	P	08 Jun 99
*Lambden, Elizabeth Anne	G, CC, Res T, Gen, OBR	27 Jul 99
Langton, Robert	CC, Res T, DB	11 Apr 00
Lee, Christopher	LV	29 Sep 88
Leigh, John	LV	13 Sep 94
Liden, Susanne	Res T, CC, G, AD	06 Jul 99
Lothian, Margaret	DB, Ret T, CC, Res T	01 Apr 96
Louden, David	OBR	15 Dec 98
Lulham, Ian	DB, Res T	01 Apr 96
Lush, Jennifer	Gen, G, AD, OBR	20 Jul 99
Mainwaring, Dr Sylvia	P, ADT, Real P	01 Apr 00
Marles, Victoria	G	11 Nov 91
McBride, Sue	Res T, CC	25 Jun 99
McCabe, Edmund	Res T, CC	06 Jul 99
*McDonald, Timothy John	G, CC, Res T, Gen, OBR	27 Jul 99
McFarlane, Timothy	G	31 Jan 95
McLeod, Fiona	G, AD	08 Jun 99
Millane, Frances	AD, G	01 Dec 98
Mitchell, Kathryn	P	08 Jun 99
Moraitis, Stella	Gen, CC, G	01 Dec 98
Moshinsky QC, Ada	Gen	12 Sep 95
Mulcahy, Peter	P, Real P	01 Jul 88
*Muling, Daniel John	G, CC, Res T, Gen, OBR	27 Jul 99
Nedovic, Peter	Gen	20 Sep 89

\*\*Where appointment dates precede 1 July 1998, they refer to appointments to a previous board or tribunal. The VCAT Act provides that such members will serve the remainder of their term.

	List(s) Assigned	Appointment Date**
Nettle, QC Geoffrey	Gen, T	06 Oct 98
Norman, Kathryn	Res T, CC	06 Jul 92
O,Bryan, Justin	G, AD	31 Jan 95
Oliver, Kenneth	Res T, CC	06 Jul 99
Osborn, Jane	P	04 Aug 98
Ozanne Smith, Eleanor (Prof)	OBR	06 Jun 95
Parry, Frank	G	31 Jan 95
Paton, Frank	Gen	02 Dec 97
Pelman, Ashley	P	15 Nov 94
Perlman, Janine	Res T, CC, AD	06 Jul 99
Pitt, Margaret	P	08 Jun 99
*Popovic, Jelena	G, CC, Res T, Gen, OBR	27 Jul 99
Preston, Diane	AD	12 Aug 97
Price, Roland	Res T, CC	12 Aug 97
Quirk, Anthony John	P, Real P	19 Apr 94
*Raleigh, Steven	G, CC, Res T, Gen, OBR	27 Jul 99
Ramsay, Peter	P	25 Oct 88
Read, Michael	P	04 Aug 98
Reid, David	OBR	26 Feb 96
Reilly, Daniel	OBR	01 Jul 95
Robinson, Ian Carlisle	LV	01 Jul 88
Robinson, Ian Duncan	LV	01 Jul 88
Rowland, Linda	Gen, Res T, CC, G, AD	04 Aug 98
Russell, Suzanne	OBR	01 Jul 95
Rust, Ian	LV	23 Feb 99
Ryan, Kevin	OBR	12 Nov 91
Scholes, Dr. Ronald	G, AD	30 Apr 93
Sharkey, Gerard	P, Real P	01 Apr 00
Shnookal, Toby	DB, Ret T	01 Apr 96
Snow, Jocelyn	OBR	06 Jun 95
Soldani, Angela	Res T, CC	12 Aug 97
Sully, Michael	LV	19 Apr 94
Sutherland, Geoffrey	LV	23 Feb 99
Teasdale, Warwick	G, Gen, OBR	06 Oct 98
Teh, Gim	Res T, CC, AD	12 Aug 97
Tenni, Francis	DB	01 Apr 96
Terrill, Howard	P, Real P	01 Jul 87
Treseder, Bernard Murray	LV	06 Oct 98
Vassie, Alan	Res T, CC	12 Aug 97
*Von Einem, Ian Maxwell	G, CC, Res T, Gen, OBR	27 Jul 99
Walsh, Michael	DB, CC, Res T	01 Apr 96
Walter, Richard	P	08 Jun 99
West, Lynda	Gen, CC, G, Res T,AD	13 Oct 98
Williams, Charles (Prof)	Gen, OBR, AD, G	20 Jul 99
Withers, Meredith	P	08 Jun 99
Young, Roger	DB, Real P, Ret T, CC, Res T	01 Apr 96
Zala, Peter	LV	23 Feb 99
Zemljak, Francis	AD	15 Jul 95

**Total Sessional Members: 141**

**Overall Total: 188 (114 Male, 74 Female)**

#### 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 Regulations) P (Planning) Real P (Real Property) Res T (Residential Tenancies) Ret T (Retail Tenancies) \* (Magistrate)

*\*\*Where appointment dates precede 1 July 1998, they refer to appointments to a previous board or tribunal. The VCAT Act provides that such members will serve the remainder of their term.*

# mediation code of conduct

## 1. The mediator's role

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

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

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

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

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

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

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

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

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

3. The mediator must not give advice. If the parties require legal or other advice, they must obtain it themselves, even though the mediator might be an experienced professional.

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

4.1 Although the parties might have been ordered to attend the mediation by VCAT pursuant to s88(2) of the Victorian Civil and Administrative Tribunal Act 1998 (VCAT Act), any party or the mediator may terminate it at any time.

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

5. The mediation must be fair.

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

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

5.3 Advocates, professional advisers and/or 'support people' may attend unless the mediator believes that their presence would make the mediation unfair. An unrepresented party will generally be considered to be acting reasonably in refusing to continue with a mediation where another party is represented, just as a represented party will generally be considered to be acting reasonably in refusing to continue with a mediation if another party is insisting that all parties should be unrepresented. However, a party who does not give the mediator the opportunity to resolve the issue of representation is acting unfairly. It is noted that under s62 of the VCAT Act, parties to a 'proceeding' (which term includes a mediation) generally do not have an automatic right to representation.

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

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

6. A mediator must not hear and determine the matter (if the mediation is unsuccessful). Section 88(6) of the VCAT Act provides that if a member of VCAT is a mediator in a proceeding, he or she cannot constitute VCAT for the purpose of hearing the proceeding.

## 7. Confidentiality

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

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

7.3 In accordance with s34(2) of the VCAT Act, a mediator must not directly disclose information about the affairs of a person acquired in the performance of functions under or in connection with the VCAT Act. (There are limited exceptions in s34(3)(b) and s34(4).)

7.4 At the end of the mediation, the mediator must notify VCAT if the parties have agreed to settle (s90, VCAT Act) or if the Mediation has been unsuccessful (s91, VCAT Act).

## 8. Settlement

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

8.2 In accordance with s93 of the VCAT Act, VCAT members may make orders necessary to give effect to a settlement reached by the parties. If the mediator is a member of VCAT, the mediator may make the orders.

## 9. Immunity of mediators

9.1 Under s143(1) of the VCAT Act, a mediator has, in the performance of his or her functions as a mediator, the same protection and immunity as a member of VCAT. Under s143(1), a VCAT member's immunity equates to that of a Judge of the Supreme Court.



# user service charter

This document tells you about the Victorian Civil and Administrative Tribunal (VCAT) and the service you can expect from us.

## *Our Purpose*

To provide Victorians with a tribunal that delivers a modern, accessible, informal, efficient and cost-effective civil justice service.

## *What we do*

We assist Victorians in resolving a range of private disputes that involve:

- Consumer purchases (whether privately or for business);
- Credit;
- Discrimination;
- Domestic building;
- Guardianship and administration;
- Residential tenancies; and
- Retail tenancies.

In addition, VCAT deals with disputes between people and government or bodies created by government about:

- Freedom of information;
- Licences to work in professions including working as doctors, travel agents and motor car traders;
- Building planning;
- Transport accident injury compensation; and
- A large variety of other administrative decisions such as rates charged by councils, state taxation issues and fire brigade charges for false alarms.

Many disputes brought to us are resolved after a legal hearing. However, in many cases the people agree to a solution either between themselves or through mediation held by us.

We provide services throughout Victoria including holding mediations and hearings at our main premises at 55 King Street Melbourne, in many magistrates' courts and at other locations as required.

We deal with a wide range of people including litigants, witnesses, lawyers, government and other tribunals and courts.

## *Who We Are*

VCAT is made up of a judge of the Supreme Court of Victoria (its president), judges of the County Court of Victoria (its vice presidents), members of VCAT and mediators who conduct mediations and hearings.

VCAT has a Registry (its office) at 55 King Street, Melbourne. The Registry has an information counter on the ground floor and also provides advice by telephone. Registry staff attend hearings conducted by VCAT at suburban magistrates' courts. Information about VCAT is available through magistrates' courts.

## *Our user service standards*

We aim to abide by the following user service standards:

- Assist people in dispute to resolve their differences within published times. For example, at the time of writing, 90% of consumer disputes were resolved within six weeks of coming to VCAT.
  - Serve you promptly and courteously (whether at VCAT's main offices or at other venues such as magistrates' courts).
  - Answer your telephone calls promptly and aim to answer your question during that call.
  - Provide you with an accurate explanation of VCAT procedures.
  - Make Information on VCAT processes and procedures available by means of explanatory brochures, through the VCAT web site and advice from staff.
  - Ensure all VCAT facilities are safe, accessible and convenient to use.
  - Ensure all VCAT staff wear name badges.
- You have a right to:
- fair and helpful assistance including appropriate arrangements to cater for special access or cultural requirements;

- be provided with an interpreter where necessary;
- have your privacy respected and keep your information confidential unless disclosure is authorised by the law;
- a fair and just mediation and/or hearing in a safe environment; and
- receive timely decisions by VCAT. You have a responsibility to:
  - give us complete and accurate information as is appropriate in your situation;
  - comply with any directions or orders of VCAT; and
  - behave courteously and peaceably in and around VCAT venues.

## *If you are satisfied*

Our aim is to ensure that all VCAT users are greeted by courteous staff who will provide clear and accurate information about VCAT.

If we have pleased you with our level of service, then please let us know. We value your feedback, either in person, by mail, telephone, fax or e-mail. (Refer to the contact details provided in this annual report.)

## *If you are not satisfied*

We take your complaints seriously and will respond quickly. If necessary we will also use the information you provide to improve our service to all of VCAT's users by changing the way we work. To make a complaint, please contact us either in person, by mail, telephone, fax or e-mail.

## *If you need more information*

Further information about our services is contained in a series of informative brochures that are available free from VCAT. Information is also available on our Internet site [www.vcat.vic.gov.au](http://www.vcat.vic.gov.au)

Written feedback about:

- members of VCAT (the people who hear and decide disputes) may be addressed to the President of VCAT; and
- the administrative services provided by VCAT may be addressed to the Principal Registrar of VCAT.

# hearing venues

City/town	Hearing venue	City/town	Hearing venue
Ararat	Ararat and District Hospital, Girdlestone Street	Colanda Centre, Forest Street Colac Court House, Queen Street	Colanda Centre, Forest Street Colac Court House, Queen Street
	Court House, Barkly Street		
Bairnsdale	Bairnsdale Regional Health Service, Acute Campus, Day Street	Civic Centre, 91–97 Thompson Avenue Heritage Centre, 81–89 Thompson Ave.	Civic Centre, 91–97 Thompson Avenue Heritage Centre, 81–89 Thompson Ave.
	Bairnsdale Court House, Nicholson Street		
Ballarat	State Public Offices, corner Mair and Doveton Streets	Dandenong Court, corner. Foster and Langhorne Streets	Dandenong Court, corner. Foster and Langhorne Streets
	Court House, Grenville Street South		
	Ballarat Health Services, Queen Elizabeth Centre, 102 Ascot Street South		
	Ballarat Health Services, Base Hospital, Drummond Street North		
	Begonia Private Nursing Home, 207 Richards Street		
Beaufort	Pyrenees Shire Offices, Lawrence Street	Daylesford	Community Health Centre, 13 Hospital Street
Beechworth	Beechworth Hospital, Extended Care Centre, Warner Road	Donald	Donald District Hospital, Aitken Avenue
Benalla	Benalla Court House, Bridge Street	Dromana	Magistrates' Court, Codrington Street
	Benalla and District Memorial Hospital, Coster Street (residents only)	Echuca	Campaspe Shire Council, Heygarth Street Court House, Heygarth Street
	Department of Human Services, 26 Church Street (clients only)	Euroa	Euroa Hospital, 36 Kennedy Street
Bendigo	Anne Caudle Centre, 100-104 Barnard Street	Frankston	Mornington Peninsula Hospital, Hastings Road Magistrates' Court Complex, Fletcher Road
Box Hill	Bendigo Court House, 71 Pall Mall	Geelong	Geelong Court House, Railway Terrace EC Dax House, 175 Myers Street
	Upton House, 131 Thames Street		
Bright	Alpine Health, Bright Campus, Cobden Street	Geelong North	Grace McKellar Centre, 45–95 Ballarat Road
Bundoora	Bundoora Extended Care Centre, 1231 Plenty Road	Hamilton	Shire of Southern Grampians, Dundas Administration Centre, Market Place Court House, Martin Street
	NEMPS Larundel Hospital, Plenty Road	Healesville	Healesville and District Private Nursing Home, Lot 1 Don Road Yarra Ranges Health Service, 377 Maroondah Highway
Burwood East	The Peter James Centre, Mahoneys Road	Heatherton	Heatherton Hospital, Kingston Road
Castlemaine	Mt. Alexander Hospital, Cornish Street	Horsham	Horsham Court House, 20 Roberts Ave. Community Advice Bureau, 24B Roberts Avenue Rural City of Horsham, Roberts Avenue
Caulfield	Caulfield General Medical Centre, 260-294 Kooyong Road	Kangaroo Flat	Community Health Centre, 13-25 Helm Street
Cheltenham	Kingston Centre, Warrigal Road	Kerang	Magistrates' Court, Victoria Street Kerang and District Hospital, Burgoyne St.
Clunes	Clunes District Health Service, 69 Service Street	Kew	Kew Residential Services, Princess Street Normanby House, St George's Health Service, 283 Cotham Road, Kew
Cobram	Magistrates' Court, Cnr. Punt Road and High Street		
Colac	Colac Community Health Services, Connor Street		

City/town	Hearing venue	City/town	Hearing venue
Kilmore	Kilmore Hospital, Rutledge Street		Goulburn Valley Base Hospital, Graham Street
Korumburra	Korumburra Court House, Bridge Street		
Kyneton	Macedon Ranges Shire Council, 129 Mollison Street	St. Albans	Sunshine Hospital, 176 Furlong Road
	Oliver House, 2 Bodkin Street	St. Arnaud	Ground Floor, St Arnaud Hospital, North Western Road
Leongatha	Leongatha Memorial Hospital, Koonwarra Road		Court House, Napier Street
Macleod	Rosanna Forensic Psychiatry Centre, Waiora Road	Stawell	Department of Human Services, 54 Main Street
Mansfield	Mansfield District Hospital, Highett Street		Pleasant Creek Centre, Horsham Road
	Court House, High Street		Stawell Hospital, Sloane Street
Maryborough	Maryborough and District Hospital, Clarendon Street		Court House, Patrick Street
	Court House, Clarendon Street	Strathdale	Bendigo Health Care Group, corner Crook and Condon Streets
Melton	Melton Civic Centre, 232 High Street	Sunshine	Magistrates' Court, 10 Foundry Road
Mildura	Mildura Base Hospital, Thirteenth Street	Swan Hill	Swan Hill Hospital, Splatt Street
	Mildura Law Courts, 62 Deakin Avenue		Court House, Curlewis Street
Moe	Court House, Lloyd Street	Traralgon	Department of Human Services, 64 Church Street
Mooroopna	Mooroopna Extended Care Centre, 2 McLennan Street	Traralgon West	Latrobe Regional Hospital, Princes Highway
Morwell	Latrobe City Offices, corner Ann Street and Hazelwood Road	Wangaratta	Wangaratta District Base Hospital, Green Street
Mount Eliza	Mount Eliza Aged Care and Rehabilitation Service, Jacksons Road		Wangaratta Court House, Faithfull Street
Myrtleford	Court House, Myrtle Street		Department of Human Services, 29 Templeton Street
Parkville	Royal Park Hospital, Park Street	Warracknabeal	Warracknabeal District Hospital, Dimboola Road
Portland	Portland District Hospital, Bentinck Street	Warragul	West Gippsland Hospital, Landsborough Road
	Court House, Cliff Street	Warrnambool	Glenelg Centre, Bohan Place, 174–178 Lava Street
Ringwood	Ringwood Magistrates' Court, 39 Ringwood Street		Lyndoch Hospital, Hopkins Road
Ringwood East	Maroondah Hospital, Mt Dandenong Rd.		Warrnambool Magistrates' Court, corner Timor and Gillies Streets
Rutherglen	Glenview Community Centre, 168 High Street	Werribee	Court House, Duncans Road
Sale	Gippsland Base Hospital, Guthridge Pde.	Wodonga	Wodonga District Hospital, Wilson Street
	Sale Court House, Foster Street		Wodonga Court, Elgin Street
Seymour	Court House, Tallarook Street	Wonthaggi	Wonthaggi Hospital, Graham Street
	Department of Human Services, 16 Station Street		
Shepparton	Shepparton Magistrates' Court, 18 High Street		
	Department of Human Services, 163–167 Welsford Street		



# access to files, publications and information

## Access to files

Under section 146 of the VCAT Act, the principal registrar must keep a file of all documents lodged in a proceeding until the expiration of the period of five years after the final determination of the proceeding.

Section 144 of the VCAT Act provides that, subject to any condition specified in the Rules, a party in a proceeding may inspect the file of that proceeding without charge. Any other person may, subject to any conditions specified in the Rules and on paying the prescribed fee (at the time of writing there was no fee):

- inspect the file in that proceeding; and
- obtain a copy of any part of the file.

The rights conferred are subject to:

- any conditions specified in the Rules;
- any direction of VCAT to the contrary;
- any order of VCAT under section 101 of the VCAT Act;
- any certificate under section 53 or 54 of the VCAT Act.

Further information about accessing proceeding files may be obtained by contacting VCAT using the telephone numbers listed on the back cover of this annual report.

### *Freedom of information*

Access to proceeding files is governed by the VCAT Act as described above. VCAT is not subject to the *Freedom of Information Act 1982*.

## Publications and information

The following publications and information about VCAT are available to the public:

- Annual Report
- VCAT Act
- VCAT Information Booklet

In conjunction with ANSTAT Pty Ltd, other VCAT related publications include:

- VCAT Freedom of Information
- VCAT Domestic Building
- VCAT Residential Tenancies
- VCAT Laws and Procedure

Other relevant publications

- include:
- Kyrou Victorian Administrative Law
  - Victorian Planning Reports
  - Administrative Appeal Reports

In addition, the VCAT web site contains links to the VCAT legislation, Practice Notes and Rules, as well as guides to each list and application forms that may be downloaded. Many VCAT decisions can be found on the Australasian Legal Information Institute (AustLII) database at [www.austlii.edu.au/au/cases/vic/VCAT/](http://www.austlii.edu.au/au/cases/vic/VCAT/).

### *Publication of determinations and orders*

For the guidance of those who may wish to bring proceedings, VCAT publishes many decisions that relate to important issues. These are available on request by contacting the individual lists using the telephone numbers provided on the back cover of this annual report, or by visiting the VCAT web site at [www.vcat.vic.gov.au](http://www.vcat.vic.gov.au) or the AustLII database referred to above.

# glossary of terms

## AAT

The former Administrative Appeals Tribunal, which was disbanded on 30 June 1998 and absorbed into the General, Land Valuation and Planning lists of VCAT.

## Compulsory conference

A list member conducts a compulsory conference to hear submissions from all parties. The compulsory conference proceeds in a similar way to a mediation but with the members being able to make definitive comments rather than merely acting as 'devil's advocate' in an attempt to resolve the matter. Members conduct the entire process on a confidential and without prejudice basis.

## Directions hearing

A directions hearing outlines the steps that the parties must take in order to get their case ready to be heard. This may include establishing the points of claim or responsible authority.

## Expert opinion

List members use the powers under section 94 of the VCAT Act relating to appointment of experts to advise VCAT members. A single expert saves time and resources for the parties, although it is common in conventional claims, and almost universal in complex claims, that the parties will appoint their own experts. Often VCAT members use this practice in cases where experts for the parties are themselves in dispute.

## Hearing

Hearings take place before a member of VCAT. Hearings are conducted in a relatively informal atmosphere where the parties have the opportunity to call or give evidence, ask questions of witnesses and make submissions.

## Interlocutory steps

Steps taken in between the time an application is received and a hearing. Any dispute that occurs along the way is called an interlocutory matter, such as a dispute before the hearing about producing privileged information.

## Mediation

Mediation is an efficient and cost effective way to settle various types of disputes. A mediator brings the parties together and guides them to reach an agreement.

## Responsible authorities

Responsible Authorities are persons or bodies who are responsible for the administration or enforcement of a planning scheme. The most common Responsible Authority is a municipal council.

## Rules and Practice Notes

Rules and Practice Notes govern the operations and activities conducted by VCAT members. Rules Committee members may make Rules and issue Practice Notes regulating the practice and procedures of VCAT members. Rules may be made for any matter listed under Schedule 2 of the VCAT Act.

## Special referee

VCAT members frequently use the special referee provision in section 95 of the VCAT Act. This initiative is particularly useful where the issues in a matter are overwhelmingly technical in nature.

## User group

User groups provide an effective forum to discuss a range of issues affecting users of VCAT's services. Selected members from each List conduct regular user group meetings, usually on a quarterly basis. The user groups involve a broad spectrum of representatives from community groups, and industry and legal professionals who are given the opportunity to provide valuable feedback with the aim of improving the service VCAT offers.

## VCAT

The Victorian Civil and Administrative Tribunal (VCAT). On 1 July 1998, VCAT was established as a judicially assisted umbrella tribunal under the *Victorian Civil and Administrative Tribunal Act 1998*.

## VCAT Act

The *Victorian Civil and Administrative Tribunal Act 1998*. A full copy of the VCAT Act is available for viewing on VCAT's web site located at [www.vcat.vic.gov.au](http://www.vcat.vic.gov.au).

# how to apply, map of hearing locations

## How to apply

Contact VCAT and ask for an application form. Alternatively, you can pick up an application form from VCAT at 55 King Street, Melbourne, Victoria 3000.

### VCAT Online

Our new interactive service VCAT Online for the high volume Residential Tenancies List, enables registered users to lodge their applications electronically, as well as to create and print notices of dispute. Simply visit the VCAT web site at [www.vcat.vic.gov.au](http://www.vcat.vic.gov.au) for more details about this service.

We plan to introduce this new technology progressively to other Lists within VCAT to allow Victorians to complete application forms by way of the Internet.

### VCAT web site

You can find out everything you need to know about VCAT by visiting the VCAT web site at [www.vcat.vic.gov.au](http://www.vcat.vic.gov.au)

The site features information about VCAT legislation, Practice Notes and Rules, a list of scheduled hearings, the daily law list and a selection of key decisions. In addition, it provides details about each list, including information about how to apply and application forms that can be downloaded and printed. It also offers links to a variety of government, judicial and related web sites.

## Main office

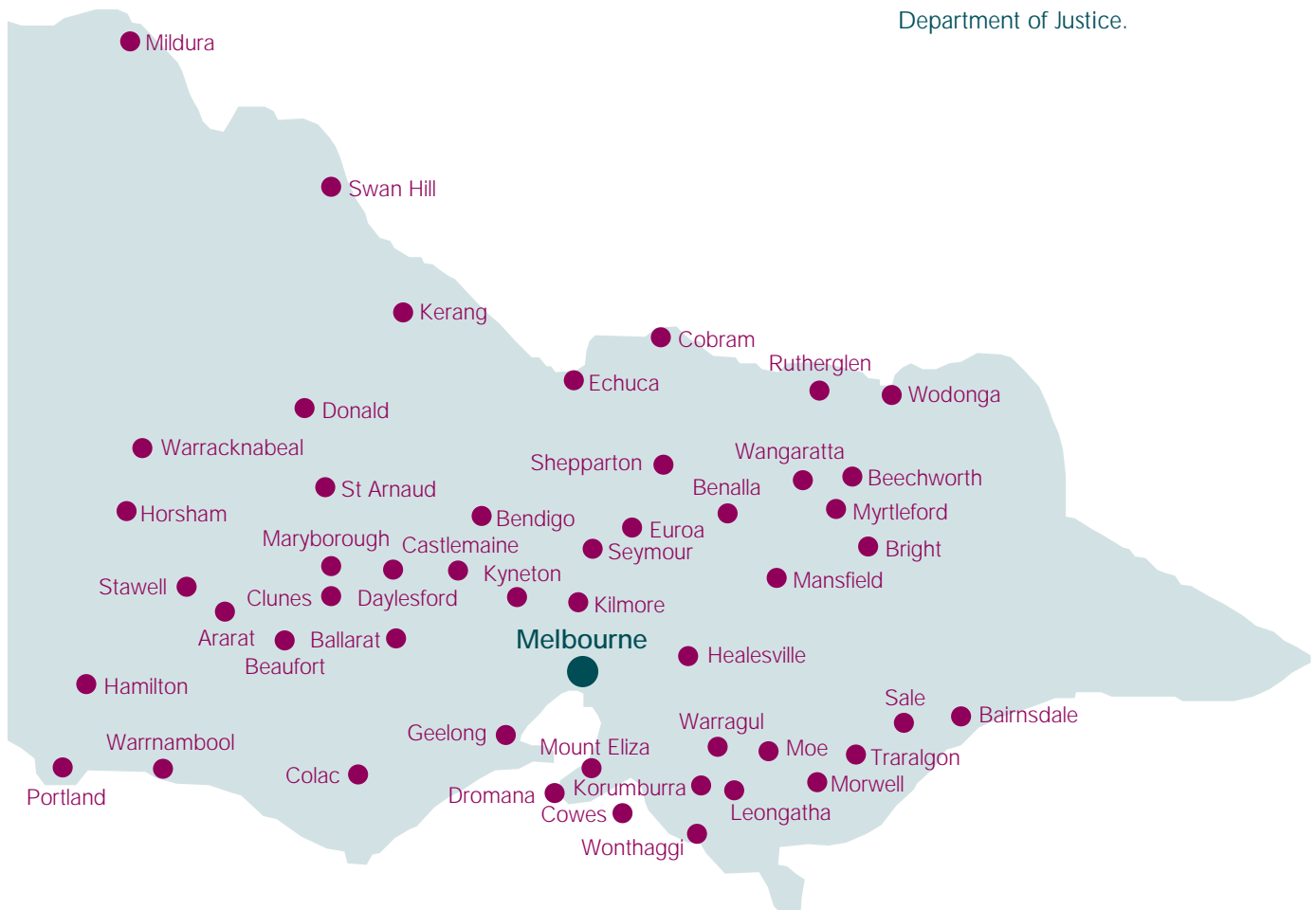
Victorian Civil and Administrative Tribunal (VCAT)  
55 King Street  
Melbourne 3000  
E-mail: [vcat@vcat.vic.gov.au](mailto:vcat@vcat.vic.gov.au)  
Web Site: [www.vcat.vic.gov.au](http://www.vcat.vic.gov.au)

See back cover for contact numbers for each list.

## Hearing locations

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

In addition, we visit the rural locations listed below. Details concerning country sittings are contained in the Law Calendar produced by the Legal Policy and Court Services section of the Department of Justice.



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



VCAT

Victorian Civil and Administrative Tribunal

55 King Street

Melbourne 3000

Telephone: 03 9628 9700

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

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



Residential Tenancies List

Contact the individual Lists below or visit our web site at  
[www.vcat.vic.gov.au](http://www.vcat.vic.gov.au)

Anti-Discrimination  
List

Tel: 9628 9900  
Fax: 9628 9988

Civil Claims List  
Tel: 9628 9830  
Fax: 9628 9988  
1800 133 055  
(within Victoria)

Credit List

Tel: 9628 9790  
Fax: 9628 9988

Domestic Building  
List

Tel: 9628 9999  
Fax: 9628 9988

General List

Tel: 9628 9755  
Fax: 9628 9788

Guardianship List

Tel: 9628 9911  
Fax: 9628 9822  
1800 136 829  
(within Victoria)

Land Valuation  
List

Tel: 9628 9766  
Fax: 9628 9788

Occupational and  
Business

Regulation List  
Tel: 9628 9755  
Fax: 9628 9788

Planning List

Tel: 9628 9777  
Fax: 9628 9788

Real Property List

Tel: 9628 9960  
Fax: 9628 9988

Residential  
Tenancies List

Tel: 9628 9800  
Fax: 9628 9822  
1800 133 055  
(within Victoria)

Registered users  
can access VCAT  
Online through  
the web site.

Retail Tenancies  
List

Tel: 9628 9960  
Fax: 9628 9988

Taxation List

Tel: 9628 9770  
Fax: 9628 9788