

**V**CAT

victorian civil &  
administrative  
tribunal

# Delivering justice in a time of change

ANNUAL REPORT  
2020/21





## **Acknowledgement of Country**

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



# About this report

Under the *Victorian Civil And Administrative Tribunal Act 1998*, VCAT provides the Attorney-General of Victoria with an annual report before 30 September each year.

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

## Feedback

Visit [vcat.vic.gov.au](https://vcat.vic.gov.au) to ask VCAT a question or tell us what you think about this report.

Dear Attorney-General

In accordance with section 37 of the *Victorian Civil and Administrative Tribunal Act 1998*, we have pleasure in submitting the VCAT Annual Report for the year ending 30 June 2021, for you to present to the Houses of Parliament.

Yours sincerely



Justice Michelle Quigley  
**President**



Mary Amiridis  
**Chief Executive Officer**



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# About VCAT

The Victorian Civil and Administrative Tribunal (VCAT) operates as an independent part of Victoria's justice system.

The *Victorian Civil and Administrative Tribunal Act 1998* establishes VCAT and governs our operations. Our independence is supported by the provision of administrative services and facilities by a statutory body corporate: Court Services Victoria (CSV).

VCAT is less formal than a court, but decisions are final and binding.

## Our vision and values

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

**Our values:** Fairness, professionalism, integrity, independence, efficiency, approachability, accessibility

**Our goal:** To be a tribunal that meets the needs of all Victorians

## Our strategic priorities

The *Strategic Plan: VCAT for the future 2018-22* was developed in consultation with our internal and external stakeholders to set a transformation agenda.

These priorities underpin everything we do at VCAT and form the foundations of our projects and initiatives. This 12-month period represents the 'home stretch' in the implementation of our strategic plan.

- Our staff and members have done an incredible job to stay focused to our five strategic priorities, under tough and unexpected conditions.

## The types of cases we decide

- Renter and rental provider disputes
- Domestic and commercial building disputes
- Consumer disputes about products or services
- Planning disputes including permits and objections
- Appointing or reviewing a guardian or administrator
- Retail and commercial lease disputes
- Human rights matters like discrimination
- Reviewing decisions made by other authorities

We resolve disputes and make decisions under more than 150 pieces of Victorian legislation.

“





### **Contemporary and customer-centric services**

Embrace innovation and digital technologies to meet contemporary service expectations



### **Inclusive and accessible**

Make it easier for all Victorians to participate and access us



### **Responsive and collaborative relationships**

Strengthen relationships with stakeholders and the community we serve



### **United leadership and culture**

Embed the leadership capability and culture needed to drive change



### **Skilled for the future**

Develop a modern and dynamic workforce for the future

# Message from our President and Chief Executive Officer

The year was extraordinarily challenging for the Tribunal. Our members and staff have performed an amazing feat over the last 12 months.

The Tribunal worked hard to maximise the number of matters we were able to hear within the significant operational constraints we faced.

What began as an emergency pandemic response in early 2020 – the cessation of face to face hearings, and a pivot to remote hearings, continued to define our hearing modalities.

The year saw us iteratively improve our remote hearing capability as we progressed through a laptop rollout to members and staff, testing different remote hearing platforms, and very importantly, the introduction of the VCAT Meeting Centre teleconference platform. The majority of our hearings for the year were conducted by teleconference.

Our commitment to continuing to provide access to justice for the Victorian community stayed strong in the face of operational and resource challenges. These challenges included a rapid and significant shift in the way we worked, without the benefit of change planning and training support. By far the most significant challenge was continuing operations with manual processes and paper files which limited our ability to return to pre-pandemic hearing capacity in our lists, and in particular, the high-volume residential tenancy list. As the year progressed, our hearing capacity became more constrained following the unexpected retirement of a number of members placing further pressure on our lists, and contributing to growing backlogs.

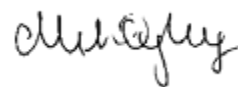
This year saw major technology changes implemented in the Planning and Environment Division – the Planning list’s workflows being the first to be fully digitised as a proof of concept to support the Tribunal’s end to end digitisation and move to a single case management system. The Division also received a three-year funding package to support a suite of service reforms to augment the digitisation program.

In a year of challenge and achievement, we also completed the delivery of two new community-based venues at Bundoora and Frankston, launched a new website, and our Residential Tenancies Division prepared for the commencement of new legislation in March which contained the most significant reforms in over two decades.

At the close of this financial year, we look ahead to both challenges as well as major opportunities. The health and wellbeing of our workforce is a key priority as we navigate the pressures of increasing backlogs and legacy systems as well as a significant transformation program.

We welcome the investment of government in the 2021-2022 state budget to support a four year digitally enabled service transformation.

We know it has been a very difficult and challenging year for all of our staff and members and for all parts of the Victorian community who interact with us as litigants or as stakeholders. We thank you all for your consistent and dedicated work and for your patience and forbearance in these difficult times.



Justice Michelle Quigley  
**President**



Mary Amiridis  
**Chief Executive Officer**



**Our commitment to continuing to provide access to justice for the Victorian community stayed strong in the face of operational and resource challenges.**

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# 2020-21 at a glance

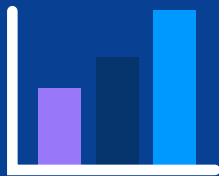
**Our decisions impact  
everyday people  
across events  
in life, business,  
and health.**

“



# A year of change, challenge and resilience

Increasing backlogs



**~50,000**



cases heard online

**75,290**



applications



**2,725**

cases resolved by compulsory conferences and mediation sessions



**40,210**

hearings via teleconference



COVID-19 is the biggest challenge in VCAT's history

**169,593**



calls answered

**814,711**



visitors to the VCAT website

**334,549**



emails managed

## Key achievements

2 new community venues in Bundoora and Frankston including Koori hearing rooms.

New accessible VCAT website improving access to justice with simplified and personalised content.

Digitisation of Planning and Environment Division as proof of concept for VCAT digital transformation.

Implementation of teleconference and videoconference hearings



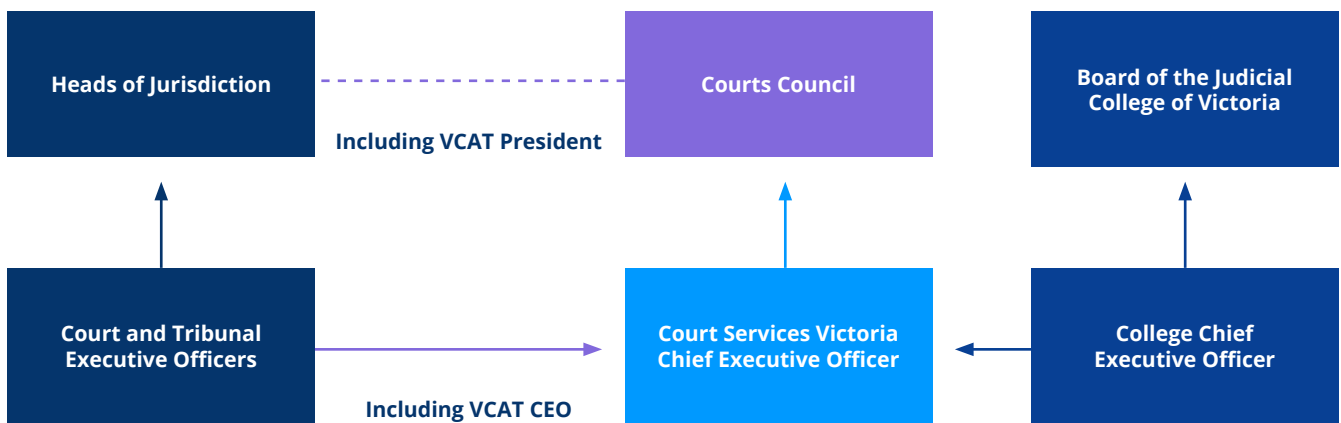
# Our people



# Our people

## Our structure

Courts Services Victoria accountability structure, including VCAT



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

## Our members and staff

	2018-19	2019-20	2020-21
Members (head count)	225	222	201
Staff (full-time equivalent, rounded)	238	254	263

### Heads of Division

#### Administrative Division

DP Heather Lambrick

#### Civil Division

DP Catherine Aird (to 3 May 2021)  
DP Ian Lulham (from 4 May 2021)

#### Human Rights Division

DP Genevieve Nihill AM

#### Planning and Environment Division

DP Teresa Bisucci

#### Residential Tenancies Division

DP Ian Proctor

#### President

Justice Michelle Quigley

#### Sitting Vice Presidents

Judge Elizabeth Brimer  
(1 July 2020 to 4 December 2020)  
Judge Felicity Hampel  
(4 January 2021 to 11 June 2021)  
Judge Samantha Marks  
(28 June 2021 to 30 June 2021)

#### CEO

Mary Amiridis

### Heads of List

#### Administrative Division

#### Legal Practice List

Senior Member Gerry Butcher RFD

#### Review and Regulation List

Deputy President Heather Lambrick

#### Civil Division

#### Civil Claims List

Deputy President Ian Lulham

#### Building and Property List

Deputy President Catherine Aird

#### Owners Corporations List

Senior Member Lindsay Warren

### Human Rights Division

#### Guardianship List

Deputy President Genevieve Nihill AM

#### Human Rights List

Deputy President Genevieve Nihill AM

### Planning and Environment Division

#### Planning and Environment List

Deputy President Teresa Bisucci

### Residential Tenancies Division

#### Residential Tenancies List

Deputy President Ian Proctor







**COVID-19  
impact and  
response**



# COVID-19 impact and response

The impact of the COVID-19 pandemic on our operations continued to be significant this year as we adapted to ways of working that prioritised the health and safety of our members, staff and users while continuing to deliver critical services to the community.

Victoria's state of emergency remained in force for the whole year, with varying levels of public health restrictions affecting the extent to which our workforce could work from our venues. To manage this challenge effectively, we continued to operate under our business continuity and crisis management plans which had been activated in March 2020.

## Key challenges

The year began with the number of pending cases already significantly above normal pre-COVID levels. This resulted from fewer finalisations following cessation of in person hearings in March 2020 as less urgent cases in most Lists were adjourned for several weeks until suitable online hearing platforms could be established. While we immediately prioritised certain Residential Tenancies List and Guardianship List matters for hearing by teleconference, throughput in those Lists was also reduced as we and our users began to adapt to new ways of working.

With very limited exceptions, our venues including our Melbourne CBD headquarters remained closed to the public throughout the year. Our users accessed us remotely via our 1300 number, website and email and participated in hearings, mediations and compulsory conferences via teleconference or online platforms such as Zoom. Call and email volumes have significantly increased, driven by factors including users contacting us about delays in heavily backlogged Lists.

We adapted processes and implemented technology to allow members and staff to work from home as far as possible consistent with continuing to hear cases where we were permitted under the public health restrictions. To support this, we undertook a major IT hardware refresh, rolling out laptops to all members and staff for the first time. Our corporate services and Service Delivery Group were able to adapt rapidly to remote working. However, given our high volume of cases and the fact that case files continued to be almost entirely paper-based, we needed to have a significant member and registry workforce present in our venues throughout the year within the limits of public health restrictions and our COVIDSafe plan. Not all our processes could be as efficiently managed remotely, placing additional strain on our capacity to manage and finalise cases.



## Health, safety and wellbeing a priority

Decisions about how we operated during the year were made with the health, safety and wellbeing of our people and the community as a priority. In line with public health directives, we developed and maintained a COVIDSafe plan for each of our workplaces. Our People, Wellbeing and Culture team worked closely with our leaders and managers to develop flexible working arrangements with staff that allowed working from home where possible and a safe workplace environment where work could not reasonably be done from home due to our paper-based systems.

## Adapting to remote hearings

Conducting hearings that users access remotely was a major and largely unplanned for shift in our service delivery this year. We built on the first steps made late last year to further refine our use of teleconferences in our high volume Lists as well as building up our capacity to conduct longer and more complex hearings in other Lists via platforms such as Zoom.

A Digital Hearings Task Force operating under the auspices of the Business Continuity Team coordinated ongoing refinement of our technology-enabled hearings. The Task Force acted as a clearing house for operational issues and risks while also supervising strategic activity such as development of criteria for what kinds of hearings are most suitable for teleconference, Zoom, hybrid or in person hearings. The Task Force supported key initiatives including embedding virtual hearings help desk to provide fast technical support to members running teleconference and Zoom hearings; this is critical given that members do not have dedicated hearing support in the form of associates or bench clerks for most cases.

The Task Force also oversaw the transition to a new teleconferencing solution, the VCAT Meeting Centre (VMC), which is now the principal hearing solution for residential tenancies and guardianship cases as well as being used for directions and procedural hearings in other Lists. VMC offers more efficient hearing management, especially in high-volume Lists, by allowing parties to call in to a virtual VCAT lobby while they wait for their hearing. Previously, members had to dial out to parties, often resulting in delays.

The efficiency and appropriateness of hearings delivered remotely remains variable across Lists and matter types. The ability for users to participate remotely potentially provides an opportunity to increase convenience and access to justice for some users compared with traditional in person hearings. In residential tenancies disputes, for example, we have seen an increased rate of participation by renter respondents. However, increased participation also means that hearings typically take longer, with implications for our member resourcing. We are also working to ensure that lack of access to technology does not create new barriers for some users; for example, users who have access only to a mobile phone may find it difficult to view detailed documents shared on a screen during hearings. In addition, participants in some case types, for example in the Guardianship List, have difficulty fully participating via teleconference or online platform.

“

**In 20-21 we did 40,210 teleconferences.**

### How we heard our cases

	2018-19**	2019-20*	2020-21
Teleconferences	n/a	11,651	40,210
Videoconferences (hearings not individual sessions)	n/a	437	6833
Mediations via phone or Zoom - video and teleconference combination as part of the Fast Track Mediation & Hearing Program for Civil Claims	n/a	137	1695

\*\* Video and teleconference matters were conducted but no data maintained as 'in person' was the norm in 2018/9 – digital by exception only

\*2019/20 data taken from period 18 March 2020 to 30 June 2020 (3.5 months only) – no YOY comparison

We supplemented traditional methods of dispute resolution by making greater use of our ability under the *Victorian Civil and Administrative Tribunal Act 1998* to decide cases solely based on written documents provided by the parties. Known as decisions “on the papers”, this mode of dispute resolution can result in faster decisions in some cases. Under the law, we can only make decisions “on the papers” where the parties agree to this, or where we are satisfied that an objection is not reasonable.

### On the papers hearings

	2018-19	2019-20	2020-21
On the papers	n/a	42	2375

## Adapting our processes

Even with relatively well-adapted hearing platforms and increasing confidence in their use, our capacity to conduct hearings at pre-COVID levels was limited by the lack of fully digital backend systems. In particular, hearings and case management activities remained dependent on paper case files and legacy case management systems incapable of automating workflows and not designed to be accessed online. Our work systems required physical co-location in an environment where physical co-location was and will continue to be severely disrupted and reduced.

Where possible, we adapted our processes using available technology. For example, our Building and Property List adopted a Microsoft SharePoint solution to make critical case file information and documents available to members and staff working remotely. We also developed an automated email function for the Residential Tenancies List which got notices to users more quickly and reliably than post, reducing registry time spent answering procedural queries and minimising delays and adjournments.

**6,833 matters  
were heard by  
videoconference  
in 20-21.**

## Challenging backlogs

Despite rapid adaptation and investment, lower clearance rates in most Lists meant that the number of pending cases grew compared with last year. In some Lists, the growth in pending cases over normal levels has been substantial and is impacting on our ability to deliver timely justice.

For the reasons outlined above, remote hearings often took longer on average than pre-COVID, particularly in high volume lists such as Residential Tenancies, Guardianship and Civil Claims. As a result, the daily throughput of cases per member decreased.

Further compounding lower throughput rates, some members decided not to seek reappointment at the end of their terms while some sessional members reduced their availability to hear cases at VCAT. The difficulties associated with rapid change and unfamiliar ways of working, as well as external pressures associated with the pandemic, contributed to the decline in member capacity available to serve our highest volume Lists.

This loss of capacity has been accompanied by a loss of senior member expertise.

In addition to seeking appropriate replacement of lost member capacity, we are exploring other ways of reducing backlogs over time including expanded forms of alternative dispute resolution such as mediation.



Case study

# Making people Covid-safe



## Evolving working models meet staff and community needs

For the People and Culture team, keeping the tribunal safely running throughout the pandemic was the top priority. Developing the VCAT COVID Safe plan was an essential part of protecting the workforce. The plan was developed in consultation with our elected Health and Safety Representatives and advice from architects, facilities management and health experts. COVID Safe principles including physical distancing, wearing a face mask, good hygiene and record keeping are widely communicated and form the basis of our plan.

New approaches and new technology have transformed how we hold hearings and how we communicate with people, opening the door to virtual and hybrid hearings. Staff have been enabled to work from home, while still ensuring the vital work of the Tribunal continues.

## Workplace Health, Safety and Wellbeing

VCAT is committed to providing a safe work environment with a focus on mental health and wellbeing. A comprehensive Pulse Survey analysis was conducted, with all staff and Members encouraged to participate in a wide-ranging questionnaire designed to determine the effectiveness of existing communication, support programs and working arrangements. The results have been instrumental in informing subsequent decision making

Extensive wellbeing programs have been implemented including proactive mental health and wellbeing coaching, voice coaching, training for leaders, exercise and mindfulness classes and support for parents balancing working from home while home schooling.

The Employee Assistance Program has been enhanced with an increased range of providers and extended access to counselling and support. Consultation with employees is key to ensuring all the success of all programs. The COVID pandemic has placed the spotlight on this work and VCAT's response has ensured the tribunal has continued to deliver services to the public while still ensuring all employees have been protected.





# A transformation begins





# A transformation begins

As reported in our 2019-20 Annual Report, we received \$5.2 million funding from the Victorian Government in May 2020 to begin digitising the work of our Planning and Environment Division. In the context of pandemic restrictions, this was critical to enable the Division to continue providing essential services to the Victorian community by determining matters involving billions of dollars in development projects.

The delayed 2020-21 State Budget provided an additional \$10.7 million in funding to support further development of digital case management and remote hearing solutions during the year, while \$9.3 million was provided over three years to support service reform in the Planning and Environment Division.

On 27 July 2020, after only 12 weeks of intensive development involving members, staff and external partners, we delivered the first release of the Planning and Environment Division's digital solution built on a Microsoft Dynamics platform. The initial release enabled users to file new applications via smart forms to be managed as digital case files.

Further releases throughout the year have refined the solution and, importantly, removed its dependence on VCAT's legacy case management system. Existing paper files have been digitised and case management data migrated to the new solution, meaning that the Planning and Environment Division is now truly digital-first. Our members and staff have undergone intensive training, not only in using the new system, but also in adapting to working with fully digital files in online hearings. Division members and staff were also the first to receive critical infrastructure, equipment and software upgrades that enabled remote work.

In addition to the new technology, we implemented a range of changes to how cases are managed in the Planning and Environment Division. These changes were based on extensive stakeholder feedback and a comprehensive review and included:

- user-friendly application forms
- a reduction in Practice Notes applying to the List
- new fact sheets
- a range new and simplified initiating orders aimed at streamlining hearings.

As a result of digitisation and process reform, the Planning and Environment Division achieved a 97 per cent clearance rate for the year, significantly higher than the whole of Tribunal average of 82 per cent.

The Planning and Environment Division solution, which enabled the creation and end to end management of VCAT's first fully digital files, represents a proof of concept for a digital file management solution for the whole Tribunal that will unlock efficiencies in the way we work and transform services for our users.

VCAT welcomes investment announced in the 2021-2022 State Budget to support a four-year program of digitally enabled service transformation for the whole Tribunal that will eventually eliminate constraints associated with paper files and legacy systems, including making it easier for users to manage their cases online. The supporting funding submission and business case was a key deliverable of Project Felix in 2020-21.

**The transformation project will support members and staff to deliver a faster, contemporary service.**

“

# From paper to digital-first: Meet Project Felix



## A service transformation

Project Felix was established as a program of foundational work to build on the MVP developed for the Planning and Environment Division and prepare the tribunal to move from paper to digital-first dispute resolution and case management.

The work of the transformation program will support members and staff to deliver a faster, more contemporary service for users. The Planning and Environment Division has been used as a proof of concept for transitioning all other tribunal Lists off legacy case management systems.

## The Felix program foundation focus for 2020-21

- Transitioning and supporting the Planning and Environment Division (PED) to operate with a new digital-first case management system
- Design and analysis to support digitisation of the Guardianship List
- Developing a specialist model for targeted Lists to support expert legal and technical case management (commencing in the Planning and Environment Division)
- Funding submission and business case to seek support to continue the investment in our service transformation and extend it across VCAT Lists



Case study

# Taking a tribunal digital



## How VCAT IT supported an (almost) overnight transformation

When VCAT had to become virtual almost overnight, the IT team stepped up to support remote work, remote hearings, and adapt new processes to business as usual. Michael Van Der Arend, Director of IT said that like much of Australia, the pandemic saw an urgent shift to digital-first.

“The pandemic challenged workplaces globally to transition employees from office cubicles to their homes, and meeting rooms to Microsoft Teams,” he said.

“Enabling staff to work remotely saw us adapt our remote access solution GoConnect for desktops – starting with the call centre team to maintain baseline service delivery.”

## New assets

Through the year, the team have supported deployment of a range of tools to support hearings.

“It was the year for IT. We met daily during rollouts to tweak processes and deploy assets in line with health advice and staff safety,” said Michael.

By the end of the year, all staff had a laptop, were trained in using the new equipment and systems and were enabled to work from home where their work permitted.”







# The legislative environment





# The legislative environment

We continued to manage legislative change that impacted our service delivery, including a major change to residential tenancies legislation.

## RTAA

The *Residential Tenancies Amendment Act 2018 (RTAA)* came into effect on 29 March 2021. With over 130 reforms, it is one of the largest and most complex legislative changes ever implemented by the Tribunal.

Originally due to commence in 2020, the Act was delayed by the introduction of the *COVID-19 Omnibus (Emergency Measures) Act 2020* (the COVID Act) and the introduction of an eviction moratorium for rent arrears caused by pandemic impacts between 29 March 2020 and 28 March 2021.

Tenants are now known as renters, and landlords are now called rental providers

40,000+ residential tenancy matters a year lodged with VCAT

The tribunal's busiest List

In March 2021 the RTAA commenced – introducing the most significant reforms to renting legislation in more than twenty years and creating new rights and responsibilities for both renters (tenants) and rental providers (landlords).

Some of the key reforms introduced by the RTAA include:

- new minimal rental standards
- modifications renters can make to properties
- simpler bond claim processes
- shorter timeframes for urgent cases
- family violence considerations in possession, compliance and compensation applications (most of which commenced in March 2020).

We worked closely with a large number of stakeholders to implement the new laws, in particular: the Department of Justice and Community Safety, Consumer Affairs Victoria, the Residential Tenancies Bond Authority, and the Commissioner for Residential Tenancies.

## Justice system enhancements

In March 2021 the Justice Legislation Amendment (System Enhancements and Other Matters) Act 2021 made permanent a range of temporary measures introduced in response to the pandemic. This included an amendment to the VCAT Act to allow for “on the papers” hearings that ensure more matters are heard quickly.

## Environment and resources

During the year, VCAT undertook significant work to prepare for the commencement of the Environmental Protection Act 2017 on 1 July 2021. The Act was originally scheduled to commence on 1 July 2020, but like the RTAA was postponed owing to the impact of pandemic. The Act gives the Environmental Protection Authority (EPA) greater powers – VCAT will have greater authority for independent review of EPA decisions.



## Jurisdiction

Recent decisions of the High Court and the Victorian Court of Appeal have found that VCAT and other State tribunals do not have power to hear certain types of matters that, under the Commonwealth Constitution, must be heard by a court. This includes cases between individuals where one of the individuals resides interstate – hundreds of such cases are initiated in VCAT every year, especially in its Residential Tenancies and Civil Claims Lists.

Towards the end of 2020-21, a Bill was introduced to Victorian Parliament to amend the Victorian Civil and Administrative Tribunal Act 1998 and other relevant legislation to fix this problem. The changes will allow for affected matters to instead be heard by the Magistrates' Court of Victoria.

The Bill has been passed and will commence on a date to be confirmed. VCAT is working to support the Magistrates' Court to begin to hear matters in this new jurisdiction.

**The RTAA is one of the biggest changes to VCAT jurisdiction in VCAT history.**

“

# “We’re implementing a generational change to the Act”



## Managing 40,000+ rental cases each year

As Commissioner for Residential Tenancies, Dr Heather Holst looks out for the interests of Victorian renters – and plays a key role in getting different parts of the sector together. In a year of change, Dr Holst said that VCAT was a critical part of the rental ecosystem.

“The pandemic brought extraordinary impacts on renters. We saw thousands and thousands of tenants move, others not able to take up leases, and big changes to the way residential tenancies were working,” she said.

“VCAT were on the front line of helping people work out what was going on. There were changes that happened fast around hearings before evictions, and hearings by phone. The whole of VCAT - the members and the registry - really mobilised quickly to make that workable.”

## Working together

Dr Holst said VCAT has been an active participant in industry groups, including the Tenant Education Community of Practice. The group brings together the main agencies that produce tenant information: Consumer Affairs, Tenants Victoria, and Victoria Legal Aid.

“It’s a very complex area, and there is always scope for more understanding of each other’s work and perspective,” she said.

“We’re also part of the VCAT User Group convened by Deputy President Ian Proctor, which brings various perspectives together all at once.”

## The silver linings of change

Changes that allow for email notifications and phone hearings have boosted engagement from renters – the majority of tenants don't attend hearings to decide their case.

"What we know is that when the tenant attends and puts forward their situation, the whole case will be better rounded, the determination will be better informed, and the tenant is much, much more likely to get what they need out of it," said Dr Holst.

"We're implementing a generational change to the Act. We've particularly appreciated VCAT's openness to feedback from stakeholders like us, and their commitment to doing their best in the high-stakes environment of these cases."

**VCAT were on the front line of helping people work out what was going on.**

“



# Digital Hearings Taskforce



## Making hearings happen

The Digital Hearings Taskforce was created in 2020 as an executive decision-making function: a place to get decisions made fast to keep hearings happening.

For founding member, Judy O'Connor, the scope of the Taskforce shifted quickly as they soon started to address implications beyond technology as the pandemic continued to place pressure on all parts of the tribunal.

“Digital hearings were a cultural change for the whole tribunal. Every jurisdiction had specific challenges, and the taskforce became a clearinghouse for any issues impacting hearings,” she said.

“When we did have restrictions or closures, we prioritised what could be heard with a single view of what was happening across tribunal listings.”

## A roadmap through change

With the way members conducted hearings, “turned on its head”, the Taskforce oversaw real-time decisions as well as planning a roadmap through the pandemic.

“We were conscious of cases building up, but we also had to prioritise staff and members and avoid overwhelm. The whole exercise was about the wellbeing and safety of our members, staff, and our users,” said Judy.

“If we continued to build cases up at the rate that we had been, there was a risk to wellbeing, accessibility, and timeframes.

“The taskforce became a clearinghouse for any issues impacting hearings.”

## An agile approach

The Taskforce oversaw decisions across implementing video and phone conferencing functionality so VCAT could sustain critical hearings through evolving health advice, and in support of user, staff and member wellbeing. Taking an agile approach to pushing solutions out and then tweaking became important to meeting demands. Gerry Cronin, Manager Community Access Services, said agility was important to workflow.

“We had to try things and see what would work. We tried scanning; it wasn’t going to work. We tried sharing email inboxes, it didn’t work. We kept pushing through with new ways until we set up our shared drive systems.”

“We jumped in to use the tech we had and tried to improve it. How can we fix it? Some of these were low tech but immediate solutions. We were open and we were running. We had a small period of adjournments, but for the most part, we just kept going,” he said.

## Adapting fast

Judy said the user, staff and members response to change was extraordinary.

“Some people were reluctant about video conferences, and the change in 6 months was just phenomenal.”

“In all Lists, aside from residential tenancies, we had less than 30 matters held over across 18 months. For a tribunal with 85,000 cases a year, that is an enormous achievement.”

“

**Some people were reluctant about video conferences, and the change in 6 months is just phenomenal.**



# Adapting to video hearings

## Anita Smith, Member, Human Rights Division

I found using video technology (Zoom) was very efficient for compulsory conferences in the Human Rights List.

While face-to-face conferences will work better in some situations, you can sometimes lose valuable time when moving yourself or moving parties and/or their representatives between breakout rooms. Using breakout rooms in the online conferences meant that there was more immediacy to the discussions - and better recall - between rooms and the flow of the mediation process was smoother.



# Connection without the face-to-face



## Adapting to video and phone conferences in Guardianship

Video and phone hearings, while they may offer some convenience for some, bring challenges for the kinds of hearings that take place in the Guardianship List.

Being unable to have hearings in person has affected people who use the Guardianship List, because so often the person at the centre of each hearing faces challenges with communication, and participating by telephone or video conference can be especially difficult.

A Senior Member for the Human Rights Division said that telephone or video conference hearings can present a challenge for some to engage and participate.

“Guardianship matters may be confronting or confusing for applicants and their families, and when hearings are not held in person, it’s harder for all parties to establish rapport and trust – for example, you do not have the benefit of reading body language.”

“When hearings are not held in person, it’s harder for all parties to establish rapport and trust.”

VCAT members have persevered to support people involved in Guardianship matters. In one case, the member found the video conference was both daunting and a success for the applicant.

“In dealing with a person experiencing mental illness, who had lived in supported accommodation for around 40 years – they were not prepared for what a hearing would entail. Support services had discovered this person had lived without access to their own income for over a decade,” she said.

“Establishing rapport was critical to supporting the video hearing geared towards safeguarding his finances and wellbeing – every member will have their own methods to adapt to circumstances. The video conference helped overcome some significant barriers and helped achieve a positive outcome for this person.”





# Services



# Services

Our services in 20-21 balanced a continued response to the impacts of the pandemic, with moving some new approaches to business as usual mode.

We made significant improvements our accessibility by: launching a new website that provides a more personalised guide to VCAT, opening two new accessible community venues, and establishing a range of communications and support tools to assist Koori users.

“

**The tribunal is the first experience in the legal system for many people.**

## 20-21 services

	2018-19	2019-20	2020-21
Incoming emails managed	237,394	278,600	334, 549
Counter enquiries handled at our main hearing venue, 55 King St	20,505	15,225	-
Calls answered	210,416	247,951	169, 593

## Online lodgements

Proportion of online lodgements	2017-18	2018-19	2019-20	2020-21	Variance
Civil Claims List	67%	64%	72%	87%	21%
Human Rights List	34%	38%	40%	50%	25%
Owners Corporations List	76%	72%	81%	89%	10%
Review and Regulation List	29%	25%	35%	55%	57%
Residential Tenancies List	86%	79%	70%	74%	6%

## New website enhances communication and accessibility

Eighty (80) per cent of our users do not have professional legal representation. This was a key driver behind the VCAT website redevelopment, which brought user experience insights to the forefront.

The new website is the result of comprehensive user testing and feedback. Through the use of plain language and helpful formatting, it guides, supports, and enables our users throughout their journey with us.

- Simple online experience, customised to the user's circumstances
- Natural language, not legalese
- Right information, at the right time
- Steps users through the process and legal requirements
- Supports informed decision-making
- New help and support function

- Inclusive resources for vulnerable groups and people with disability
- Online and voice search (Siri and Alexa) optimisation
- Dedicated resources for the Koori Community

The website change has resulted in a decrease in pages viewed online, as part of a deliberate strategy to answer common queries on the page without the need for another click. The shift in strategy reflects website behaviour trends that users are less likely to stay on a website where they have to search for answers.

Our web engagement	2018-19	2019-20	2020-21
Pages viewed online	4.1 million	4.2 million	3.4 million

### Web pages views and sessions

Year	Sessions	Users	Page views (millions)	Pages per session	Average session (min:sec)
2020-21	1,318,535	814,711	3.4	2.5775	3:53
2019-20	1,453,475	916,743	4.2	4.9	3:28
2018-19	1,337,696	824,434	4.1	3.1	3:50

**It's important not to use legal jargon when 80% of our users don't have professional legal representation or assistance.**

“

# New venues open at Frankston and Bundoora



The opening of new tribunal venues at Frankston and Bundoora saw more than the latest hearing technology as part of the planning.

As part of VCAT's commitment to accessible justice, both venues incorporate human-centred design features; design to empower people in unfamiliar environments navigate services, systems and spaces.

VCAT knew that a welcoming, less formal, and more empowering environment was important.

"Human centred design is totally focused on the user and making sure everything is really easy to use and easy to occupy," said VCAT Director, Corporate Services, Barbara Oleczek.

"We know attending a civil matter in a formal criminal court can be daunting, we have heard that feedback first-hand. Access to justice is about being able to participate. It's being able to present your arguments and get support in the proceedings. Our new venues and hearing rooms have been designed to encourage and empower parties to participate openly."

"There are differences between criminal and civil cases, and those differences should be reflected in design."

Elements like natural light, culturally appropriate design, seating height, and the layout of waiting areas, was considered through the design process.

Parties are able to sit together at a round table on the same level, in the same seating, with a fixed place for the VCAT member hearing the matter.

## Impact on our people

Barbara said the new community venues have increased satisfaction for users and staff.

"Our users rate the sense of being respected and being able to participate very highly," she said.

"Staff are telling us how proud the venue makes them to work for VCAT. It showed us how important the environment is for our own people as well as the community."

- Close to public transport and community hubs.
- The buildings are light-filled, welcoming, and functional - supported by colour choices based on human-design principles.
- Waiting areas offer a range of seating styles, space for private conversations, and areas with technology for work or entertainment. A children's corner provides a dedicated area for parents.





**Human centred design is totally focused on the user and making sure everything is really easy to use and easy to occupy.**

“







## Case study

# Connecting with Koori culturally safe spaces and resources



Engaging with the Koori community as users of the tribunal is a key part of our diversity and inclusion strategy, developed to remove barriers for effective access to justice for Aboriginal and Torres Strait Islander people.

Three key steps towards inclusion and culturally appropriate justice came in the form of recruitment of Koori support officers, a new website resource, and new culturally safe hearing rooms.

As part of VCAT's new website, a dedicated Koori Support [web page](#) was developed in addition to our Koori Helpline to support to the Koori community – providing important information in a culturally sensitive way and connecting the Koori community with information and services.

Driven by extensive user experience feedback and developed in consultation with members of the Koori community, Koori community members can access tailored assistance, advice, and referrals to services like the Victorian Aboriginal Legal Service, Victoria Legal Aid, CALC Koori consumer advice and Koori family violence support organisations.

Wendy Harris, VCAT Koori Engagement Manager said the online resources were developed after extensive feedback and in consultation with members of the Koori community and service providers.

“Our dedicated Koori support team provide a direct contact point for Koori people seeking support.”

“The Koori Support webpage offers step-by-step guides, culturally informed videos, and case studies to help the Koori community navigate VCAT.”

“Our Koori Support Officers also offer non-legal assistance with preparing for a hearing, explaining notices, or simply providing cultural support in-person. Our dedicated Koori support team can assist in booking specialist Koori hearing rooms at VCAT venues.”

Throughout this reporting period, the team has provided virtual support to hundreds of Koori people, with a particular focus on our most vulnerable represented persons in the Guardianship and Administration List.

“These are dedicated, culturally appropriate spaces where Aboriginal and Torres Strait Islander users can feel more comfortable in their surroundings.”

The ability to book new, culturally safe hearing rooms in three new VCAT venues – Oakleigh, Frankston and Bundoora – is a huge step forward for accessible justice.

“Each room has been smoked and contains flags, artwork and possum skin cloaks. An acknowledgment of the traditional owners of the land takes place at the start of each hearing.”

“These are dedicated, culturally appropriate spaces where Aboriginal and Torres Strait Islander users can feel more comfortable in their surroundings,” said Kym Williams, Team Leader for the Koori Support Team.

Koori hearing rooms, along with convenient virtual hearing modes, give the Koori Support team optimism that higher hearing attendance rates will continue where their support is in place.

# Cases

While lodgements fell only 6%, we finalised 19% fewer cases than 19-20. The 90% rise in pending cases – lodged but not finalised – reflects a range of people and process limitations resulting from the pandemic.

**Legislative changes impacted how we could deliver some services.**

**Changes to mode of hearing cases, case management and administration processes.**

**Building and Property (5%) and Guardianship (9%) Lists experienced modest lodgement increases.**



## 20-21 case overview

Overview	2018-19	2019-20	2020-21	% change
Cases initiated	85,850	80,395	75,290	-6%
Cases finalised	83,414	76,245	61,563	-19%
Cases pending (at end of FY)	9,653	14,656	27,848	+90%
Clearance rate	97%	95%	82%	-14%
Hearing venues used	59	60	n/a^	

## 20-21 cases and timeliness by List

Lists	Cases lodged per List				Timeliness (weeks) 80th percentile		
	2018- 19	2019- 20	2020- 21	% change	2018-19	2019- 20	2020- 21
<b>Civil Division</b>							
Building and Property	2,298	2,295	2,406	5%	34	37	60
Civil Claims	9,488	8,756	7,608	-13%	16	15	39
Owners Corporations	3,245	3,445	2,665	-23%	13	12	24
Residential Tenancies	52,412	49,022	44,685	-9%	7	9	13
Legal Practice	124	121	90	-26%	33	48	53
Review and Regulation	1,100	1,034	1,039	0%	51	60	66
Planning and Environment	2,652	2,259	2,136	-5%	34	34	47
<b>Human Rights Division</b>							
Guardianship	14,076	12,981	14,169	9%	N/A	N/A	N/A
Human Rights	455	510	492	-4%	30	29	42
<b>Total</b>	<b>85,850</b>	<b>80,423</b>	<b>75,290</b>	<b>-6%</b>	<b>24</b>	<b>32</b>	<b>23</b>

Victorians still needed help to resolve disputes and make decisions.

“

# Alternative Dispute Resolution

Our commitment to alternate dispute resolution (ADR) – through mediation and compulsory conference formats – remains unchanged. ADR plays an important role at the Tribunal in facilitating resolution of disputes informally and cost-effectively.

As a leader in the delivery of ADR services, we are committed to providing users with the chance to resolve their case before going to a contested hearing. It can be better for parties to agree on a mutually beneficial result rather than have an outcome imposed on them, and ADR is typically less resource intensive than formal hearings – particularly in complex matters.

Mediations are private meetings where parties come together to discuss ways to reach an agreement (settle) with the help of a mediator.

Compulsory conferences enable parties to confidentially discuss ways to resolve their dispute with the help of a VCAT member.

**46%**  
overall resolution rate using  
mediation and compulsory  
conferences

**+19%**  
building and property matters  
resolved using ADR

**Fast track mediation speeds up  
the dispute resolution process  
for hundreds of small civil claims  
each year**

### Our dispute resolution services

	2018-19	2019-20	2020-21
Cases heard by mediation or compulsory conference	2,516	2,051	2,725
Resolution rate for cases at mediation or compulsory conference	56%	52%	46%

**A rise in cases heard by ADR reflects our commitment to resolving matters at the earliest opportunity.**



## Compulsory conferences and mediation

In 20-21, 33 per cent more cases were heard by compulsory conference and mediation. However, this increase follows a decrease in 19-20 resulting from the suspension of in-person hearings from March 2020. If 20-21 is compared to 18-19, there was an 8 per cent rise in cases heard by mediation or compulsory conference.

Residential Tenancies had a substantial (78 per cent) decrease in matters heard by ADR as a result of emergency COVID Omnibus legislation requiring hearings for possession and termination matters prior to eviction. This removed those matters from ADR, and impacted timeliness of ADR for bond and compensation claims.

Cases resolved by ADR had an overall 16 per cent rise, with significant rises in human rights (62 per cent) and owners corporation cases (64 per cent), and modest increases across most other Lists.

While the numbers rose, the percentage of matters resolved by ADR dropped by 6 per cent.

See Appendix page 122 for detailed tables with results by List.

**Decisions agreed on in mediation and compulsory conferences are made legally binding by VCAT.**

“



Total cases heard by compulsory conference or mediation

Total cases heard by compulsory conference or mediation										
List	Compulsory conference			Mediation			Total			2020-21 % Variance
	2018-19	2019-20	2020-21	2018-19	2019-20	2020-21	2018-19	2019-20	2020-21	
<b>Total</b>	<b>2,154</b>	<b>1,666</b>	<b>2,352</b>	<b>362</b>	<b>385</b>	<b>373</b>	<b>2,516</b>	<b>2,051</b>	<b>2,725</b>	<b>33%</b>

Total cases resolved (settled) by compulsory conference or mediation

List	Compulsory conference			Mediation			Total			2020-21 % Variance
	2018-19	2019-20	2020-21	2018-19	2019-20	2020-21	2018-19	2019-20	2020-21	
<b>Total</b>	<b>1,186</b>	<b>828</b>	<b>1,041</b>	<b>261</b>	<b>250</b>	<b>210</b>	<b>1,415</b>	<b>1,076</b>	<b>1,251</b>	<b>16%</b>

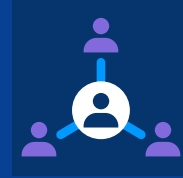
Percentage of cases resolved (settled) by compulsory conference or mediation

List	Compulsory conference			Mediation			Total			2019-20 % Variance
	2018-19	2019-20	2020-21	2018-19	2019-20	2020-21	2018-19	2019-20	2020-21	
<b>Total</b>	<b>55%</b>	<b>50%</b>	<b>44%</b>	<b>63%</b>	<b>65%</b>	<b>56%</b>	<b>56%</b>	<b>52%</b>	<b>46%</b>	<b>-6%</b>

Fast Track Mediation and Hearing program

Video and teleconference combination - Fast Track Mediation & Hearing Program - Civil Claims	2019-20	2020-21
Mediations via phone or Zoom	137	1,695

# Fast Track Mediation: Resolving small civil claims sooner



VCAT and the Dispute Settlement Centre of Victoria (DSCV) offer a fast-track service to resolve goods and services disputes valued between \$500 and \$10,000.

During the pandemic, VCAT and DSCV transitioned to conducting mediations via phone and Zoom teleconferences.

1. VCAT identifies potential cases suitable for fast-track mediation.
2. If both people in dispute agree, VCAT schedules a mediation session.
3. A trained mediator from the Dispute Settlement Centre of Victoria or VCAT supports the people in dispute to discuss and resolve the matter.
4. If the case is not resolved at the session, a VCAT hearing is scheduled within a few hours.
5. A VCAT member listens to submissions and evidence and makes a decision at the end of the hearing or in writing afterwards.











# **Our services by division**

# Our services by division

## Our divisions

The type of matters we manage make up 9 individual Lists under 5 divisions.

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

The tribunal divisions are supported by the administration executive and registry staff.

## Heads of Division

### Administrative Division

DP Heather Lambrick

### Civil Division

DP Catherine Aird (to 3 May 2021)

DP Ian Lulham (from 4 May 2021)

### Human Rights Division

DP Genevieve Nihill AM

### Planning and Environment Division

DP Teresa Bisucci

### Residential Tenancies Division

DP Ian Proctor



**Administrative  
Lists**

Legal Practice  
Review and Regulation



**Civil  
Lists**

Civil Claims  
Building and Property  
Owners Corporations



**Human Rights  
Lists**

Guardianship  
Human Rights



**Planning and  
Environment  
Lists**

Planning and Environment



**Residential Tenancies  
Lists**

Residential Tenancies





# Administrative Division

The Administrative Division deals with professional conduct inquiries and applications to review decisions made by government and other authorities.

The Administrative Division has two Lists:

- **Legal Practice**
- **Review and Regulation.**

Over the last 12 months, the Administrative Division has experienced significant change in how we hear matters. All cases are now heard via phone or video link (and occasionally “on the papers”).

In the Administrative Division, the shift has had noticeable benefits. It is easier to have relevant material on hand; witnesses can be brought into the hearing room from their home/office, even when interstate or overseas; and we make better use of specialist Sessional Members.

Less reliance on in-person matters has had a positive impact on open justice, with media often present in our online hearings.

## Legal Practice List

The Legal Practice List hears and decides disputes between lawyers and clients about legal services and costs. There is no monetary limit.

We decide professional disciplinary cases brought by the Victorian Legal Services Commissioner (VLSC), and review decisions made by the Victorian Legal Services Board regarding practising certificates.

While we hear civil disputes between lawyers and their clients about costs and legal services, most civil disputes continue to be brought under the *Australian Consumer Law and Fair Trading Act 2012*.

## Year in review

New applications to the List have reduced by 26%, likely as a result of the pandemic.

This enabled a focus on clearing older cases, with an increase in the clearance rate from 72% to 126% year on year.

Our transition to electronic case management and digital hearings has included facilitating one case that was remotely attended by over 200 people.

We have re-designed and simplified our website and application forms. In another accessible justice initiative, a collaboration with our law librarian and Austlii has seen the Victorian Legal Professional Tribunal decisions 1990-2005 digitised and made publicly available [online](#).

**A reduction in new applications has enabled a 126% clearance rate.**

“

### 20-21 administrative matters

Caseflow	2018-19	2019-20	2020-21	Variance
Initiations	124	121	90	-26%
Finalisations	115	87	113	30%
Pending	63	43	80	86%
Clearance rate	93%	72%	126%	

### 20-21 case timeliness

Timeliness of finalised cases (weeks)	2018-19	2019-20	2020-21	
Median	17	19	29	-
80th percentile	33	48	53	-

Enabling enactments	2018-19	2019-20	2020-21	Variance
<i>Australian Consumer Law and Fair Trading Act 2012</i>	86	80	64	-20%
<i>Legal Profession Act 2004</i>	8	3	1	-67%
<i>Legal Profession Uniform Law Application Act 2014</i>	28	38	22	-42%
<i>Victorian Civil and Administrative Tribunal Act 1998</i>	2	0	3	0%
<b>Total</b>	<b>124</b>	<b>121</b>	<b>90</b>	<b>-26%</b>

## Review and Regulation List

The Review and Regulation List has jurisdiction under 80+ Acts of Parliament to review administrative decisions, conduct inquiries, accept referrals and make first instance decisions (orders in original jurisdiction).

### Year in review

Although on the face of things initiations in the List have remained constant, the types of matters being heard are changing. For example, there has been an expected decline in matters relating to working with children given restrictions – and an increase in applications filed under the *Freedom of Information Act 1982*, as government agencies come under heavy scrutiny.

We have also had cases filed which relate specifically to the pandemic – for example compensation claims filed under the *Public Health and Wellbeing Act 2008*. In order to proceed, a threshold question will be determined in relation to whether the Chief Health Officer had sufficient grounds for making relevant authorisations under Division 3 of Part 10 of the Act.

A large proportion of this List relates to VCAT review of decisions of the Transport Accident Commission.

Timeliness in the final resolution of matters has continued to decrease in 20-21, as a result of combined COVID-19 impacts.

“

The types of matters being heard are changing.

Caseflow	2018-19	2019-20	2020-21	Variance
Initiations	1,100	1,034	1,039	0%
Finalisations	1,038	820	787	-4%
Pending	646	724	705	-3%
Clearance rate	94%	79%	76%	

Timeliness of finalised cases (weeks)	2018-19	2019-20	2020-21
Median	21	27	30
80th percentile	51	60	66

Initiations (details)	2018-19	2019-20	2020-21	Variance
<i>Freedom of Information Act 1982</i>	159	151	242	60%
<i>Transport Accident Act 1986</i>	187	263	284	8%
Others	754	620	513	-17%
<b>Total</b>	<b>1,100</b>	<b>1,034</b>	<b>1,039</b>	<b>-0%</b>



<b>Finalisations (details)</b>	<b>2018-19</b>	<b>2019-20</b>	<b>2020-21</b>	<b>Variance</b>
<i>Freedom of Information Act 1982</i>	157	105	156	49%
<i>Transport Accident Act 1986</i>	223	165	157	-5%
Others	658	550	474	-14%
<b>Total</b>	<b>1,038</b>	<b>820</b>	<b>787</b>	<b>-4%</b>

<b>Pending (details)</b>	<b>2018-19</b>	<b>2019-20</b>	<b>2020-21</b>	<b>Variance</b>
<i>Freedom of Information Act 1982</i>	79	145	188	30%
<i>Transport Accident Act 1986</i>	137	489	74	-5%
Others	430	90	443	-14%
<b>Total</b>	<b>646</b>	<b>724</b>	<b>705</b>	<b>-4%</b>

See Appendices page 125 for: 2020-21 initiations by enabling enactment



# Civil Division

The Civil Division hears and decides disputes about consumer matters, domestic and commercial building works, owners corporation matters, retail tenancies, jointly owned property and use or flow of water between properties.

The Civil Division has three Lists:

- **Building and Property**
- **Civil Claims**
- **Owners Corporations.**

Over the last 12 months, the Civil Division has continued to adapt its processes to allow it to resolve disputes for Victorians in the difficult environment caused by the on-going effects of the pandemic. The List increased the number of hearings, compulsory conferences and mediations via tele and videoconference in keeping with the tribunal's response to the pandemic.

Many parties and their representatives have assisted this effort by adjusting to the 'new normal' of the COVID-19 environment, with many in the community finding it more convenient and less costly to attend online rather than in person.

It was critical that online interactions still provided parties with the same quality of experience and outcome as face-to-face interactions. While challenging, the Civil Division team remained dedicated to providing Victorians with this opportunity.

The Civil Division is committed to continuous innovation in this challenging era, as it seeks to provide efficient and just outcomes as inexpensively to the parties as is practical.

“

**Most hearings will stay online, because it works so well.**

Head of List



# Building and Property List

We hear:

- domestic and commercial building and property disputes between a property owner, builder, sub-contractor, architect, engineer or other building practitioner – or any combination of these; and disputes between a property owner and a warranty insurer.
- disputes between landlords and tenants under retail tenancies, in shops and offices, and under commercial tenancies.
- disputes between some joint property owners.
- disputes arising from the use or flow of water between properties, such as flooding from one block of land to another or water leaking between apartments.

**Apart from COVID impacts, the 22% rise in pending cases reflects a significant increase in retail tenancy initiations, as well as greater complexity.**

**In this List, the move to online hearings has made it easier and cheaper for all parties to a matter to participate without having to take a whole day off work or away from home or business.**

**Cases are becoming more complex, lasting longer, and putting a greater demand on resources.**

## Year in review

The pandemic influenced a shift in the type of cases the Building and Property List received and prioritised in 2020-21. The effects of COVID-19 on the community and on the Tribunal were different in calendar year 2020 to calendar year 2021, and this affects the statistics over the financial year referred to in this Annual Report.

In 2020-21 building applications dropped 8% and Real Property rose by 17%, while Retail Tenancy initiations increased 61%, reflecting the impact of pandemic lockdowns on commercial and retail trading. This was reflected in an equivalent increase in applications under the *Retail Leases Act 2003*.

Complex cases over \$100k increased by 13%, while small claims fell 18% and standard claims were down 6%. Priority was given to those cases with the potential for the most significant impact on lives and livelihoods. Overall finalisations were up 9% on last year, with a clearance rate of 83%.



Caseflow	2018-19	2019-20	2020-21	Variance
Initiations	2,298	2,295	2,406	5%
Finalisations	1,801	1,827	1,995	9%
Pending	1,408	1,880	2,287	22%
Clearance rate	78%	80%	83%	
Timeliness of finalised cases (weeks)	2018-19	2019-20		
Median	16	20	36	
80th percentile	34	37	60	
Initiations	2018-19	2019-20		Variance
Building	1,753	1,729	1,599	-8%
Real Property	239	239	279	17%
Retail Tenancies	306	327	528	61%
<b>Total</b>	<b>2,298</b>	<b>2,295</b>	<b>2,406</b>	<b>5%</b>

Finalisations	2018-19	2019-20	2020-21
Building	1,294	1,337	1,386
Real Property	203	218	216
Retail Tenancies	304	272	393
<b>Total</b>	<b>1,801</b>	<b>1,827</b>	<b>1,995</b>
Pending	2018-19	2019-20	2020-21
Building	1089*	1,497	1,715
Real Property	177	192	250
Retail Tenancies	142	191	322
<b>Total</b>	<b>1,408</b>	<b>1,880</b>	<b>2,287</b>

Applications by enabling enactment	2018-19	2019-20	2020-21	Variance
<i>Domestic Building Contracts Act 1995</i>	1,267	1,324	1,400	6%
<i>Property Law Act 1958</i>	146	125	146	17%
<i>Retail Leases Act 2003</i>	306	327	528	61%
<i>Water Act 1989</i>	91	114	131	15%
<i>Australian Consumer Law and Fair Trading Act 2012</i>	486*	395	195	-51%
Others	2	10	6	-40%
<b>Total</b>	<b>2,298</b>	<b>2,295</b>	<b>2,406</b>	<b>5%</b>

Applications by claim amount	2018-19	2019-20	2020-21	Variance
Small claims: <\$15,000*	728	636	523	-18%
Standard claims: \$15,000-\$100,000	560	591	556	-6%
Complex claims: \$100,000+	329	328	372	13%
No value	681	740	955	29%
<b>Total</b>	<b>2,298</b>	<b>2,295</b>	<b>2,406</b>	<b>5%</b>

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

## Case study

# 73.5% rent relief for gym franchisee



Alex disagreed with this commercial landlord on rent relief during Covid-19 restrictions and lockdowns. Alex asked VCAT to waive the rental costs and 'outgoings' over multiple periods, even though he had made only one request. The tribunal found that the rent relief request carried over and awarded Alex a 73.5 percent rent waiver for 8 months.

## The matter

In May 2020, Alex asked the landlord for rent relief for periods of COVID-19 restrictions dating back to March 2020 – including a waiver of all rental costs and relevant 'outgoings' until reopening and recovery.

The franchisee asked VCAT to waive rent for past periods, as well as through a recovery period they determined to be the end of March 2021. VCAT had to determine whether the initial request by the business could carry over to cover lockdowns that followed, and if rent relief payments were part of 'outgoings' under COVID legislation.

## The decision

The tribunal found that rent relief requests can be carried over between relief periods without new applications.

The business owner was entitled to a waiver of rent representing 73.5 percent of the rent payable for April-December 2020 (inclusive), and to a waiver of all other outgoings for specific periods during restrictions.

*This is a summary of a real VCAT case. It is not legal advice and does not cover every procedural or legal step as part of a decision.*

# Civil Claims List

The Civil Claims List hears disputes about the supply of goods or services. Claims can be issued by suppliers and consumers – for example, a tradesperson may make an application about an unpaid debt, and the owner may make an application about the tradesperson.

There is no limit on the amount that may be claimed in an application in the Civil Claims List – matters range from everyday consumer transactions to large commercial matters.

“

**The availability of online hearings adds to the ways people can access justice at VCAT.**

**The 50% increase in pending cases reflects a 3-month gap between Covid lockdowns and moving hearings online as urgent matters were triaged.**

**7,498 applications under the Australian Consumer Law and Fair Trading Act 2012.**

**Claims prioritised based on impact on quality of life for parties.**

Applications under the *Australian Consumer Law and Fair Trading Act 2012* totalled 7,498, a significant number though it reflected a fall of 13% on the previous year. The falls were reflected almost evenly across small and standard claims, which fell 14% and 15% respectively. Complex claims over \$100,000 fell by 11%.

Civil Claims prioritised claims which had the greatest impact on parties' quality of life, for example by listing a claim by a small business for payment for work completed as a higher priority than a dispute over the restoration of an inoperable motor vehicle. It listed more compulsory conferences, where this created the potential for faster outcomes. While finalisations fell 24%, the overall clearance rate for the year was 74%. The 50% increase in pending cases directly reflects the impact of COVID-19, along with significant resourcing challenges.

In partnership with the Dispute Settlement Centre of Victoria, we conducted a pilot fast-track mediation process for small civil disputes where the amount in dispute was less than \$5,000, an expansion of our existing fast track mediation program.

Caseflow	2018-19	2019-20	2020-21	Variance
Initiations	9,488	8,756	7,608	-13%
Finalisations	9,381	7,421	5,652	-24%
Pending	2,475	3,579	5,354	50%
Clearance rate	99%	85%	74%	

Timeliness of finalised cases (weeks)	2018-19	2019-20	2020-21	Variance
Median	10	10	23	-
80th percentile	16	15	39	-

Applications by enabling enactment	2018-19	2019-20	2020-21	Variance
<i>Australian Consumer Law and Fair Trading Act 2012</i>	9,474	8,660	7,498	-13%
<i>Domestic Building Contracts Act 1995</i>	3	5	TBC	67%
Others	14	96	110	15%
<b>Total</b>	<b>9,488</b>	<b>8,756</b>	<b>7,608</b>	<b>-13%</b>

Applications by claim amount	2018-19	2019-20	2020-21	Variance
Small claims: <\$15,000	8,106*	7,463	6,481	-13%
Standard claims: \$15,000-\$100,000	1,052	1,036	890	-14%
Complex claims: \$100,000+	131	135	120	-11%
No value	199	122	117	-4%
<b>Total</b>	<b>9,488</b>	<b>8,756</b>	<b>7,608</b>	<b>-13%</b>

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



# A mentor and a leader



## Farewelling Deputy President Catherine Aird

Deputy President Catherine Aird retired from her role as Deputy President and VCAT's Head of Civil Division in May 2021 after an impressive tenure. Her retirement marks a loss of critical judicial expertise and Civil Division capability.

DP Aird was an inaugural member of the former Victorian Domestic Building Tribunal. When VCAT was established in 1998, she became a sessional member of the Building List and was appointed Deputy President in 2004.

DP Aird has acted as a mentor to VCAT members and staff. Deputy President Eric Riegler fondly reflected on his time working with DP Aird.

"I credit her with shaping my career. I consider her a mentor, confidant, advisor and a friend, whose insight into complex legal issues has helped me immensely over the years."

DP Aird will continue as a sessional member to support the Civil Division. Thank you for your leadership and tremendous contribution to VCAT.

Case study

# Wedding day blues and the costs of cancellation



When Petra and Liam's wedding was cancelled due to Covid-19, their event operator offered to refund \$8,733.00, with \$3,191.00 retained to cover overheads and sunk costs. Petra and Liam rejected the offer and asked VCAT to refund \$11,013.71. The tribunal found that the event operator was entitled to cover some costs and could keep \$2,693.40 of the deposit.

## The matter

When Petra and Liam's wedding was cancelled due to Covid-19, they asked their events operator for a refund of their \$11,923.72 deposit on an event costing around \$29,000. They offered to let the events company keep \$910.01 to cover work to date by the event planner and a tasting night to choose the menu.

The events operator disagreed and offered to refund \$8,733.00 - with \$3,191.00 retained to cover overheads and sunk costs. Petra and Liam applied to VCAT for refund of the higher amount.

## The decision

The tribunal found that the event operator was allowed to recover some reasonable expenses.

The operator was ordered to pay Petra and Liam a total refund of \$9,230.32, and could retain \$2,693.40 of the deposit.

*This is a summary of a real VCAT case. It is not legal advice and does not cover every procedural or legal step as part of a decision.*

# Owners Corporations List

Owners Corporations is one of three Lists under the Civil Division.

This List hears disputes between owners corporations (formerly called 'body corporates') and lot owners about the management and use of common property and areas within subdivided land, such as apartments or units.

## Year in review

Applications under the *Australian Consumer Law and Fair Trading Act 2012* rose by 30%.

Lockdowns and restrictions on services impacted the ability of owners to maintain properties and many of these applications related to work that hadn't been completed as a result. Additionally, complex claims over \$100,000 rose by 13%, while the number of small and standard claims fell.

The high clearance rate and 24% drop in pending cases reflects the List's commitment to timely resolution of matters despite the challenges of being restricted to working via telephone or online.

This List pioneered the use of the "on the papers" hearing model where members can make a decision based on submissions without an in-person hearing.

30% increase in applications under the *Australian Consumer Law and Fair Trading Act 2012*.

The clearance rate of 110% reflects the overall drop in applications and the clearance of cases pending from the previous year.

Hearing matters over the phone slowed the process.

“  
This is where people live and the issues are emotive.

Head of List

Caseflow	2018-19	2019-20	2020-21	Variance
Initiations	3,245	3,445	2,665	-23%
Finalisations	2,885	2,911	2,971	2%
Pending	976	1,469	1,111	-24%
Clearance rate	89%	84%	111%	-

Timeliness of finalised cases (weeks)	2018-19	2019-20	2020-21	
Median	9	17	14	-
80th percentile	13	12	24	-

Applications by enabling enactment	2018-19	2019-20	2020-21	Variance
<i>Australian Consumer Law and Fair Trading Act 2012</i>	9	10	13	30%
<i>Owners Corporations Act 2006</i>	3,193	3,401	2,626	-23%
Others	43	34	26	-24%
<b>Total</b>	<b>3,245</b>	<b>3,445</b>	<b>2,665</b>	<b>-23%</b>

Applications by claim amount	2018-19	2019-20	2020-21	Variance
Small claims: <\$15,000	2,740*	2,988	2,258	-24%
Standard claims: \$15,000-\$100,000	162	115	91	-21%
Complex claims: \$100,000+	21	16	18	13%
No value	322	326	298	-9%
<b>Total</b>	<b>3,245</b>	<b>3,445</b>	<b>2,665</b>	<b>-23%</b>

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



# Disputes close to home in a pandemic

## Managing change in case types and processes

Disputes about shared property and spaces – formerly known as body corporates – had some unique influences as Victorians spent more time at home under lockdown or restrictions.

Senior Member Silvana Wilson said that while more people at home meant more scrutiny of maintenance and repairs in shared areas, restrictions also meant it was difficult for owner's corporations to properly access and maintain properties.

"Cases in this List can be emotional; this is where they live, unlike a lot of other case types that you can move on from. When you have a dispute at home, you see each other when you bring in the bins, or when you're parking your car," she said.

"We've had to determine what was reasonable for both parties in situations where it wasn't always possible for someone to enter a site."

Senior Member Wilson said high community expectations for business as usual were challenged by the impact of change internally – as members adapted to new processes, digitisation, and remote hearings.

"Members have faced a lot of challenges new to the remote hearing environment. Virtual hearings don't have the same support, and sometimes come with a mix of digitised and hard copy files - it's been a real learning curve."

"We're proud of the huge adjustments the members made to ensure the community can access.







# Human Rights Division

The Human Rights Division deals with matters about guardianship and administration, powers of attorney, medical treatment and advance care directives, equal opportunity, racial and religious vilification, health and privacy information, the Disability Act 2006 (Vic) and decisions made by the Mental Health Tribunal, ADD: Assisted Reproductive Treatment Act and Voluntary Assisted Dying Act.

The Human Rights Division has two Lists:

- **Guardianship**
- **Human Rights.**

Over the last 12 months the Human Rights Division has worked to embrace innovation and digital technologies to ensure those accessing the service are involved and informed, while also building responsive and collaborative relationships with all parties involved in a matter. People are, after all, at the core of the Human Rights Division.

The Guardianship List also continued its path through innovation as the G-Hub online submission service proved itself a prime example of technology and process working hand-in-hand.

**Triaging matters was an intensive process based on identifying what impacted someone's life, health or financial security.**

Head of List

“

# Guardianship List

The Guardianship List makes protective orders under legislation including the *Guardianship and Administration Act 2019*, the *Powers of Attorney Act 2014* and the *Medical Treatment Planning and Decisions Act 2016*.

In considering whether to make these orders members must balance the will and preference of the person, and the person's rights, with the need for protection from harm or exploitation. The orders are regularly reassessed; sometimes they need to continue, sometimes they can be revoked because the issue has been resolved or because the person has regained capacity.

The List also makes orders about enduring powers of attorney, medical treatment decisions and advance care directives.

**The 94% clearance rate reflects the commitment of staff to prioritise and address the needs of vulnerable people in the community.**

**There was a 20% increase in the submission of online applications through G-Hub.**

**Using the telephone and video conference can make the hearing process more difficult for people with disability. It can take longer to establish the best course of action**

## Year in review

This was the first full year working with the new Act. The Act creates a new framework for decision making by the Tribunal – including prioritising the “will and preference” of the represented person. In the context of Covid, the decision was made to prioritise matters that could directly impact a person's life and financial security.

There was a 20% increase in the submission of online applications through G-Hub, suggesting users are finding the online platform easy to use.

Orders about appointed medical treatment decision-makers and support persons fell a dramatic 56%, possibly reflecting the impact of Covid on the healthcare environment more broadly. This may also be suggested by the drop in Guardianship and/or Administration applications (-10%) and applications for Power of Attorney (-16%).



Caseflow	2018-19	2019-20	2020-21	Variance
Initiations	14,076	12,981	14,169	9%
Finalisations	12,971	12,920	13,361	3%
Clearance rate	92%	100%	94%	

Applications by lodgement type	2018-19	2019-20	2020-21	Variance
Guardianship Hub (online)	536	1,826	2,187	20%
Registry (manual)	13,540	11,155	11,982	12%
<b>Total</b>	<b>14,076</b>	<b>12,981</b>	<b>14,169</b>	<b>9%</b>

Major applications/activities by Act and sections	2018-19	2019-20	2020-21	Variance
Guardianship and/or administration orders	6,609	6,064	5,473	-10%
Reassessment orders	6,833	6,058	6,917	14%
Powers of attorney	734	652	548	-16%
Others	3,772	4,147	4,514	9%
<b>Total</b>	<b>17,948</b>	<b>16,921</b>	<b>17,452</b>	<b>3%</b>

Breakdown of other applications/activities by Act and sections	2018-19	2019-20	2020-21	Variance
Advice to administrator	2,793	3,108	3,268	5%
Directions	615	759	787	4%
Orders about appointed medical treatment decision-makers and support persons	86	78	34	-56%
Additional activities	278	202	425	110%
<b>Total</b>	<b>3,772</b>	<b>4,147</b>	<b>4,514</b>	<b>9%</b>

# Trailblazing work in guardianship case management

## Working together to engage users

Most people don't have professional legal representation at guardianship hearings; they need clear support, communication and resources to manage the process.

The new Guardianship and Administration Act started in March 2020, and the Human Rights Division has been committed to ensuring that the principles in that Act are put into practice. It is essential that the person the application is about has an opportunity to participate and attend the hearing, and that their will and preferences (what is important to them) is taken into account.

Everyone in the HRD works closely with users to make sure that the needs and preferences of the person are understood.

A new guardianship engagement team is setting the bar for person-centred service.

Deputy President, Genevieve Nihill AM said the new guardianship engagement team guides users through the process so they have the confidence to participate.

"It has been trailblazing work. To have a conversation with somebody who works in the registry and can explain how it all works makes an enormous difference to the people involved," she said.

"For example, a hospital social worker made an application about a person who rarely left his home and did not have a telephone. The only place he went was the hospital for fortnightly treatment. The guardianship engagement team was able to find this out in conversation and list the hearing at the hospital so he could participate. He did attend and had important things to say which we would not have otherwise heard."

## Case study

# A brother's wish to care for his sibling



Ivan has dementia and lives in aged care accommodation. When his administrator identified his brother Jakov living at Ivan's factory as a risk, they asked the tribunal to find out what Ivan wanted. The tribunal found Ivan wanted to make sure his brother was taken care of and Jakov was able to keep living at the site.

## The matter

Ivan has dementia and lives in aged care accommodation. State Trustees act as his administrator. Ivan owns a small factory, that he bought fifty years ago with his brother Jakov when they arrived here from eastern Europe. They lived in a caravan at the back of the factory and ran an engineering business together.

Because Jakov was still living at the factory and it was in an industrial zone, State Trustees could not insure it and asked VCAT's advice about what to do with Ivan's property.

VCAT asked the Public Advocate to see Ivan and find out what he wanted, because the Guardianship legislation says the wishes of the represented person are most important.

## The decision

Ivan's memory was not good, but he broke into a huge smile when Jakov's name was mentioned.

He said "Jakov is good; he's my brother". When he was asked about the property he said: "I would like to save my brother".

VCAT advised State Trustees that the small risk of loss from an insurable incident at the factory was less important than Ivan's wish to look after his brother.

*This is a summary of a real VCAT case. It is not legal advice and does not cover every procedural or legal step as part of a decision.*

# Human Rights List

We hear cases under legislation including the *Equal Opportunity Act 2010*, *Health Records Act 2001*, *Privacy and Data Protection Act 2014*, *Disability Act 2006* and *Mental Health Act 2014*.

Common matter types include:

- equal opportunity
- racial and religious vilification
- health and privacy information
- the Disability Act 2006 (Vic)
- decisions made by the Mental Health Tribunal.

## Year in review

There was an overall drop in Human Rights applications. A 14% increase in initiations under the *Disability Act 2003* may indicate that people with disability and their carers faced additional challenges during the pandemic. Falls in applications under the *Racial and Religious Tolerance Act 2001* (20%), the *Mental Health Act 2014* (14%), and the *Equal Opportunity Act 2010* (7%) may reflect the restriction of movement and interaction imposed under Covid lockdowns.

The clearance rate of 98% reflects the significance of applications under the Human Rights List and the corresponding level of staff commitment.

The new community-based venues at Bundoora and Frankston allow Human Rights cases to be heard where people live, making justice more accessible to applicants.

Human Rights hearings could not be quickly moved online because of the size and confidential nature of files. All matters were heard at VCAT.



Caseflow	2018-19	2019-20	2020-21	Variance
Initiations	455	510	492	-4%
Finalisations	439	412	480	17%
Pending	201	293	292	0%
Clearance rate	96%	81%	98%	

Timeliness of finalised cases (weeks)	2018-19	2019-20	2020-21
Median	16	17	19
80th percentile	30	29	42

Applications by enabling enactment	2018-19	2019-20	2020-21	Variance
<i>Disability Act 2006</i>	41	44	50	14%
<i>Equal Opportunity Act 2010</i>	316	322	298	-7%
<i>Health Records Act 2001</i>	30	44	45	2%
<i>Mental Health Act 2014</i>	32	44	38	-14%
<i>Assisted Reproductive Treatment Act 2008</i>	3	2	2	0%
<i>Voluntary Assisted Dying Act 2017</i>	0	2	4	100%
<i>Racial and Religious Tolerance Act 2001</i>	8	10	8	-20%
<i>Privacy and Data Protection Act 2014</i>	8	29	30	3%
Others	17	13	17	31%
<b>Total</b>	<b>455</b>	<b>510</b>	<b>492</b>	<b>-4%</b>

Case study

# A gender exemption



When a global engineering company wanted to prioritise female candidates, they asked VCAT for an exemption to the Equal Opportunity Act. The tribunal heard submissions from the company and individuals opposing the exemption. The exemption was granted for three years.

## The matter

A global construction company wanted to prioritise female candidates at one of their locations – and advertise specifically for females in some roles. They asked the tribunal for an exemption to the Equal Opportunity Act to allow for gender-specific advertising and recruitment to support workforce gender equality by 2025.

The tribunal heard from the company in support of their gender equity policies, and from other parties opposed to the exemption.

## The decision

The tribunal agreed that the company had tried to attract female workers into their workforce through other means. The tribunal granted an exemption: the engineering company can advertise for, and prioritise suitably qualified female applicants over male applicants.

*This is a summary of a real VCAT case. It is not legal advice and does not cover every procedural or legal step as part of a decision.*









# Planning and Environment Division

The Planning and Environment Division deals with reviews of decisions made by councils and other authorities.

The Planning and Environment Division divides its work into three informal streams:

- **Planning**
- **Environment and resources**
- **Land valuation and compensation.**

The Planning and Environment Division has worked to make its services more accessible to the community. This division, arguably more than any other across the Tribunal, has seen more change than any other over the course of the last 12 months. With the launch of a dedicated digitisation project, the development and implementation of the LV-Hub - an end-to-end digital solution for land valuation matters - and a dedicated COVID-19 Digital Response Program, PED has led the charge in ensuring services are innovative and accessible.

These changes, not possible without strong relationships from our stakeholders both inside and outside the Tribunal, will ensure VCAT maintains a modern presence now and into the future.

The total value of claims submitted was \$9.69 billion, an increase of 56% on the previous year and an indicator of the impact of these matters on the economy.

The economic imperative to keep Planning and Environment Division running smoothly resulted in it being the first to transition to a digitally enabled service under Project Felix.

Everyday Victorians lives are impacted by VCAT planning decisions.

Head of List

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## Year in review

The number of applications fell by 5% overall, largely because of a 36% decline in land valuation applications.

This likely reflects the significant fall in residential real estate sales in Victoria during the pandemic. Despite the overall reduction, there was an increase across all categories of claims by amount, most notably small claims under \$10,000, which rose by 136%.

PED's clearance rate of 97% reflects the success of its transition to digital service delivery and the commitment of staff to being part of the proof-of-concept pilot for Project Felix.

Caseflow	2018-19	2019-20	2020-21	Variance
Initiations	2,652	2,259	2,136	-5%
Finalisations	2,613	2,197	2,072	-6%
Pending	1,417	1,469	1,600	9%
Clearance rate	99%	97%	97%	

Timeliness of finalised cases (weeks)	2018-19	2019-20	2020-21
Median	26	26	29
80th percentile	34	34	47

Initiations	2018-19	2019-20	2020-21	Variance
Planning and Environment	2,556	2,066	2,103	-3%
Land Valuation	96	193	123	-36%
<b>Total</b>	<b>2,652</b>	<b>2,259</b>	<b>2,136</b>	<b>-5%</b>

Finalisations	2018-19	2019-20	2020-21	Variance
Planning and Environment	2,525	2,067	1,923	-7%
Land Valuation	88	129	148	15%
<b>Total</b>	<b>2,613</b>	<b>2,197</b>	<b>2,072</b>	<b>-6%</b>

<b>Pending</b>	<b>2018-19</b>	<b>2019-20</b>	<b>2020-21</b>	<b>Variance</b>
Planning and Environment	1,365	1,353	1,512	12%
Land Valuation	52	116	88	-24%
<b>Total</b>	<b>1,417</b>	<b>1,469</b>	<b>1,600</b>	<b>9%</b>

<b>Applications by enabling enactment</b>	<b>2018-19</b>	<b>2019-20</b>	<b>2020-21</b>	<b>Variance</b>
<i>Environment Protection Act 1970</i>	9	14	19	36%
<i>Planning and Environment Act 1987</i>	2,525	2,032	1,976	-3%
<i>Valuation of Land Act 1960</i>	81	167	111	-34%
Others	37	46	30	-35%
<b>Total</b>	<b>2,652</b>	<b>2,259</b>	<b>2,136</b>	<b>-5%</b>

<b>Applications by type</b>	<b>2018-19</b>	<b>2019-20</b>	<b>2020-21</b>	<b>Variance</b>
Major cases	565	460	431	-6%
Standard claims	1,991	1,606	1,582	-1%
Land Valuation	96	193	123	-36%
<b>Total</b>	<b>2,652</b>	<b>2,259</b>	<b>2,136</b>	<b>-5%</b>

<b>Applications by claim amount</b>	<b>2018-19</b>	<b>2019-20</b>	<b>2020-21</b>	<b>Variance</b>
Small claims: <\$10,000	245	103	243	136%
Standard claims: \$10,000-\$100,000	90	72	135	88%
Complex claims: \$100,000-\$1million	784	427	609	43%
Complex claims: \$1million-\$5million	452	315	346	10%
Complex claims: \$5million-\$20million	175	149	150	1%
Complex claims: \$20million+	96	87	116	33%
No value	810	1,106	537	-51%
<b>Total</b>	<b>2,652</b>	<b>2,259</b>	<b>2,136</b>	<b>-5%</b>
Approximate total value (\$billion)	\$7.75	\$6.20	\$9.69	56%

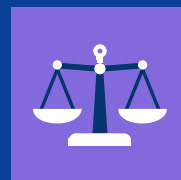
See Appendices page 124 for:

Top 20 number of applications by council during 2019-20 (by alphabetical order)

Top 20 number of applications by suburb during 2019-20 (by alphabetical order)

Case study

# How we will work in the future: the Planning and Environment Division leads the way



## The List at the centre of digital transformation

The Planning and Environment Division has been the epicentre of VCAT's ongoing digital transformation.

Planning is incredibly important to the Victorian economy, with \$6-10 billion worth of applications coming through VCAT each year. The Division deals with around 5 per cent of the state's building economy where a planning or development application is stuck with local council, has been refused, or is not being determined in a timely manner.

Planning decisions at VCAT affect the everyday lives of ordinary people in Victoria.

The focus for PED in the last half of 2020, was to ensure that every COVID-displaced application received a hearing date before the end of 2020.

Members and staff demonstrated extraordinary resilience coping with major change in the middle of the pandemic – PED went from 2,500 paper files to 99.9% digital case files, whilst continuing to conduct hearings, compulsory conferences, preliminary hearings and practice day hearings.

PED members and registry staff also undertook extensive training in the new system while they continued to deliver hearings.

PED has led the way in developing digital capability in our work and case flows. Online hearings will be a key part of PED's hearing services into the future.









# Residential Tenancies Division

The Residential Tenancies Division deals with matters involving renters (tenants) and residential rental providers (landlords) concerning private and public housing, rooming house operators and residents, caravan park owners and residents and site tenants and site owners and specialist disability accommodation.

There is only one List: **Residential Tenancies**.

The Residential Tenancies Division was hit hard by the effects of the COVID-19 pandemic. Those involved in VCAT cases struggled to cope with the financial and other implications of lockdowns and restrictions. Balancing competing hardship became a major challenging factor in deciding cases and was in focus for VCAT across 2020/21.

The Residential Tenancies Division moved to mainly telephone and Zoom hearings. Evidence from parties was even received by email.

While the virtual transition posed some challenges, they enabled hearings to continue and allowed Victorians continued access to justice. The number of renters attending hearings increased substantially and agents for residential rental providers - often working from home - responded positively. This shift, paired with the COVID-19 Omnibus (Emergency Measures) Act 2020, the Residential Tenancies Amendment Act 2018 and a critical new email correspondence system paved the way for a diverse 2020/21.

## Residential Tenancies List

The Residential Tenancies List is a high-volume List that aims to promote non-adversarial dispute resolution so parties can maintain rental relationships.

The pandemic has diminished the ability to promote that non-adversarial resolution.

The COVID-19 Omnibus (Emergency Measures) Act 2020, introduced in late April 2020 to implement the Victorian Government's policy of a 'moratorium' on evictions related to non-payment of rent, was by July 2020 well in place as the basis for VCAT deciding cases.

December 2020 saw a revolution in communication from the Division to parties. Automatically sending information to parties by email virtually replaced mail by Australia Post. We also improved our system for sending information by text to parties. Parties receive emails when applications start, when a hearing is listed and reminders as the hearing approaches. VCAT encourages everyone to attend the hearing. On 29 March 2021, the long anticipated Residential Tenancies Amendment Act 2018 came into force. It introduced over 130 reforms, creating new rights and responsibilities for renters, residential rental providers and others. VCAT's extensive internal implementation and training, largely during the pandemic, enabled a smooth and efficient introduction. While it was a small aspect of the implementation, VCAT met the long-standing request of rooming house operators to make applications online via VCAT's RT Hub.

The 78% reduction in actions brought by the Director of Housing Victoria highlights consideration given to public tenants during the pandemic.

The Residential Tenancies Amendment Act 2018 commenced on 29 March 2021, containing over 130 reforms and creating new rights and responsibilities for renters, rental providers and others.

Members have the difficult task of balancing competing hardships. Many renters/tenants lost their income and struggled to pay rent during COVID lockdowns, and landlords/rental providers faced financial stress as a result.

As the 'unprecedented' reality of COVID-19 continued, VCAT was faced with a necessity to prioritise only the highest priority applications to the Tribunal. Most cases were taking longer to deal with due to the challenge of virtual hearings, an increase in the number of applications with parties in severe hardship and the increased complexity of the Omnibus Act. Often, this impact was most obvious concerning bond and compensation applications.

In a year dominated by pandemic lockdowns, applications fell by 9% overall. A national moratorium preventing some evictions due to the pandemic reduced all applications, particularly possession and rent applications (-43%), and possession, rent and bond applications (-33%).

There was no significant variation in the proportion of applications by renters and rental providers compared to the previous year.

The number of pending cases more than tripled from 5,199 on 30 June 2020 (already a significant YOY increase) to 16,419 on 30 June 2021.

**Both renters  
and rental  
providers  
faced significant  
hardship.**

Head of List

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Caseflow	2018-19	2019-20	2020-21	Variance
Initiations	52,412	49,022	44,685	-9%
Finalisations	52,171	47,650	34,132	-28%
Pending	2,467	5,199	16,419	216%
Clearance rate	100%	97%	76%	

Timeliness of finalised cases (weeks)	2018-19	2019-20	2020-21	Variance
Median	3	4	5	-
80th percentile	7	9	13	-

Applications by enabling enactment	2018-19	2019-20	2020-21	Variance
<i>Residential Tenancies Act 1997</i>	49,857	42,175	43,569	-7%
<i>Victorian Civil and Administrative Tribunal Act 1998</i>	2,397	2,043	1,061	-48%
<i>Australian Consumer Law and Fair Trading Act 2012</i>	138	124	46	-63%
Others	20	4,680*	9	13%
<b>Total</b>	<b>52,412</b>	<b>49,022</b>	<b>44,685</b>	<b>-9%</b>

Highest number of applications by case type	2018-19	2019-20	2020-21	Variance
Possession and rent	14,443	8,176	8,424	3%
Bond - unpaid rent and loss or damage or both (landlord)	8,834	7,933	7,017	-12%
Bond and compensation (landlord)	5,589	4,862	5,163	6%
Renewals	4,374	3,725	n/a	n/a
Possession, rent and bond	5,351	3,610	90	-190%

Applications by applicant type	2018-19	2019-20	2020-21	Variance
Director of housing	8,628	6,619	1,462	-78%
Private rental provider	35,793	34,253	35,607	4%
Renter	6,703	6,986	6,936	-1%
Others	1,288	1,164	680	-42%
<b>Total</b>	<b>52,412</b>	<b>49,022</b>	<b>44,685</b>	<b>-9%</b>

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

See Appendices pages 121-125 for complete data set.

## Case study

# Inspections for sale OK in pandemic



Lee is a neonatal intensive care nurse. When the rental property she lives in was put on the market, Lee objected to open house visits based on the risk of contracting Covid-19. The Tribunal allowed the open houses with strict conditions to safeguard Lee's health.

## The matter

Lee is a registered nurse employed in several large hospitals and by DHHS Covid-19 testing teams.

In October 2020, she was concerned that open house inspections in her rental property would increase her risk of exposure to the virus and put her at risk of being unable to work. She was also concerned that if she became infected at work, people inspecting the property might become infected from her. This was causing her anxiety. Lee asked the tribunal to rule that she could refuse entry for sales inspections as virtual tours were a reasonable alternative.

The tribunal also heard from the rental provider, who described their property as a "financial nightmare". They were desperate to sell to support their family through job losses in the pandemic and avoid financial hardship. Their agent said virtual tours did not effectively replace in-person inspections. At the time, Covid-19 rules permitted in-person inspections.

## The decision

Applying Covid-19 law as set out in the Residential Tenancies Act, balancing the interests of the parties in context that inspections were allowed, the tribunal ordered that limited open houses could go ahead, with strict conditions to safeguard Lee's health.

*This is a summary of a real VCAT case. It is not legal advice and does not cover every procedural or legal step as part of a decision.*

# Appeals

Under section 148 of the *Victorian Civil and Administrative Tribunal Act*, our decisions can only be appealed on questions of law – that is, where a party believes the judge or member made a legal error. This limit on appeals helps give certainty to parties when we determine their disputes.

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

Appeals to Supreme Court	2018-19*	2019-20	2020-21
Leave to appeal not granted	34	9	3
Leave to appeal granted and appeal dismissed	9	3	2
Leave to appeal granted and appeal upheld	11	4	3
Administrative disposal/discontinued/finalised by consent	35	26	15
Awaiting decision	21	43	53
<b>Total number of appeals lodged</b>	<b>110</b>	<b>85</b>	<b>76</b>

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







The image features a large, solid blue arrow pointing from the left towards the right. On the left side of the arrow, there is a vertical strip containing a photograph of a modern building's interior, showing a perforated ceiling and curved architectural elements. The word "Leadership" is written in white, bold, sans-serif font across the center of the blue arrow.

# Leadership

# Leadership

Our leadership includes VCAT members, appointed by the Governor in Council to ensure the tribunal's independence, and senior staff employed by Court Services Victoria.

## President

Justice Michelle Quigley

### Sitting Vice Presidents

Judge Elizabeth Brimer  
Judge Felicity Hampel

### Vice Presidents

Twelve County Court Judges serve as Vice Presidents.  
Judge Elizabeth Brimer  
Judge Sandra Davis  
Judge Mark Dean  
Judge Felicity Hampel  
Judge Michael Macnamara  
Judge Samantha Marks  
Judge Jeanette Morrish  
Judge Andrea Tsalamandris  
Judge Ted Woodward

## Administrative Division

### Head of Division

Deputy President Heather Lambrick

### Legal Practice List

#### Head of List

Senior Member Gerry Butcher RFD

### Deputy Head of List

Senior Member Elisabeth Wentworth

### Review and Regulation List

#### Head of List

Deputy President Heather Lambrick

### Deputy Heads of List

Senior Member Anna Dea  
Senior Member Jonathan Smithers

## Civil Division

### Head of Division

Deputy President Catherine Aird  
(to 3 May 2021)  
Deputy President Ian Lulham  
(from 4 May 2021)

### Civil Claims List

#### Head of List

Deputy President Ian Lulham

### Deputy Heads of List

Senior Member Stella Moraitis  
Senior Member Silvana Wilson

### Building and Property List

#### Head of List

Deputy President Catherine Aird  
(to 3 May 2021)  
Senior Member Suzanne Kirton  
(from 4 May 2021)

### Deputy Heads of List

Deputy President Eric Riegler  
Senior Member Mark Farrelly  
Senior Member Suzanne Kirton  
(to 3 May 2021)

### Owners Corporations List

#### Head of List

Senior Member Lindsay Warren

### Deputy Heads of List

Senior Member Charlene Price  
Senior Member Silvana Wilson  
(from 30 Oct)

## Human Rights Division

### Head of Division

Deputy President Genevieve Nihill AM

### Guardianship List

#### Head of List

Deputy President Genevieve Nihill AM

### Deputy Heads of List

Senior Member Bernadette Steele  
Senior Member Brendan Hoysted

### Human Rights List

#### Head of List

Deputy President Genevieve Nihill AM

### Deputy Head of List

Senior Member Bernadette Steele

## Planning and Environment Division

### Head of Division

Deputy President Teresa Bisucci

### Planning and Environment List

#### Head of List

Deputy President Teresa Bisucci

### Deputy Heads of List

Senior Member Margaret Baird  
Senior Member Carol Daicic  
Senior Member Bill Sibonis

## Residential Tenancies Division

### Head of Division

Deputy President Ian Proctor

### Residential Tenancies List

#### Head of List

Deputy President Ian Proctor

### Deputy Heads of List

Member Kylea Campana  
Member Andrea Treble (from 15 Aug)

### Alternative Dispute Resolution

#### Director, Alternative Dispute

#### Resolution

Deputy President Ian Lulham

### Deputy Director,

#### Alternative Dispute Resolution

Senior Member Charlene Price

## Administration Executive and Operations

### Chief Executive Officer

Mary Amiridis

### Senior Strategic Adviser

Stuart Moran

### Principal Registrar

Mary Amiridis (from 17 June 2020)  
Warwick Mitchell (to 17 June 2020)

### Executive Director

#### & Registrar, Services and Legal

Warwick Mitchell (from 17 June 2020)

### Director, Finance

Catherine Sim

(from 15 July 2019 – 29 April 2021)

Tracey Archer (3 May 2021)

### Director, Information Technology

Michael Van Der Arend

### Director, Strategic and Operational Program (former Director, Operations)

Melissa Biram

### Executive Director, People, Culture and Wellbeing

Cheryl Woollard (from 29 June 2020)

### Director, Strategic Communications

Mahala Summers (Acting)

(from 10 February 2020 – 30 October 2020)

Elisa Berg (1 October 2020 – 25 June 2021)

Trinette Stevens (28 June 2021)

### Director, Infrastructure

#### and Capital Projects

(former Director, Corporate Services)

Barbara Oleczek

### Manager Community Access Services

(former Manager Service Delivery Group)

Gerry Cronin

### Manager Registry Services

(former A/Director Operations)

Chris Stergiou (1 January 2021)

### Manager Member Support and Hearing Services (former Strategic Lead-Digital Hearings - Operations Manager)

Judy O'Connor

### Manager Koori Engagement

Wendy Harris





The image features a large, dark blue geometric shape that resembles a stylized arrow pointing to the right. This shape is superimposed over a photograph of a meeting room. The photograph shows a wooden table, a grey upholstered chair, and a dark wood paneling on the wall. The word "Governance" is written in white, bold, sans-serif font across the center of the blue arrow.

# Governance

# Governance

## Our structure

Under the Victorian Civil and Administrative Tribunal Act 1998 and the Court Services Victoria Act 2014, primary responsibility and accountability for the administration of the Tribunal lies with our President, Vice Presidents and Chief Executive Officer.

The CEO has additional accountabilities and responsibilities under other legislation, including the *Public Administration Act 2004* and occupational health and safety legislation.

The Principal Registrar has accountabilities and responsibilities under the VCAT Act.

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

Our members are appointed by the Governor in Council on the advice of the Attorney-General. They have specialist knowledge and legal or other professional qualifications. All our members must have:

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

Our executive and other staff are employed by Court Services Victoria. CSV is a statutory body corporate established to support the independence of Victoria's courts and VCAT by providing our staff, administrative services and facilities. VCAT's President is a member of CSV's governing body, the Courts Council.

## Our leadership realignment

During the year we began transitioning to a new leadership structure for our registry and administrative services which will be organised across four portfolios led by executive directors. These changes are designed to better support VCAT to achieve our strategic objectives and serve the community. The restructure was originally planned for 2019-20 but was delayed due to the pandemic.

Our registry and service delivery functions have become part of a new Services and Legal portfolio, while core corporate, finance and human resources functions have been reorganised into People, Culture & Wellbeing, and Finance & Business Services. We have also established a new portfolio dedicated to Experience, Strategy & Transformation which will drive continuous improvement and service transformation initiatives.

# External governance

## Judicial Commission of Victoria

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

## Internal governance

Under the *Victorian Civil and Administrative Tribunal Act 1998*, the President and Vice Presidents direct the business of the Tribunal and are responsible for the management of the Tribunal's administrative affairs.

Under the *Court Services Victoria Act 2014*, the Tribunal has a CEO who manages the administrative support services of the Tribunal, including providing support to the President. The CEO has additional responsibilities under the *Public Administration Act 2004* and occupational health and safety legislation.

VCAT's internal governance arrangements provide appropriate decision making and quality assurance support to these key statutory officeholders in an increasingly complex legislative, policy and service delivery. Governance structures at VCAT are regularly reviewed and adapted to ensure that they remain fit for purpose.

VCAT's current governance structure was established in late 2019. This structure consists principally of:

- Board of Management
- Member Advisory Group
- three standing committees
  - Finance, Risk, Audit and Performance
  - Service Reform and Delivery
  - Workplace and Culture.

It was intended that this structure would be formally reviewed after twelve months of operation, but the impact of the COVID-19 pandemic delayed the review. It is expected that the review will be completed in early 2021-22.

One of the impacts of the pandemic was that significant strategic and operational decisions needed to be made in real time in response to rapidly changing circumstances, including levels of restriction on economic and social activity. These factors sometimes interrupted business as usual governance structures and required they be supplemented by additional means for supporting decision making and compliance. In particular, the Business Continuity Team met regularly to consider and advise the President and CEO on business continuity and crisis management responses to pandemic conditions.

The Business Continuity Team also auspiced subcommittees including a Digital Hearings Task Force and a Return to Office Working Group. In addition, all Heads of Division and Heads of List met with the President, Vice President and CEO at least fortnightly as a means of timely communication, consultation and issue identification.

The experience of these alternative governance groups will inform the review of internal governance arrangements in 2021-22.



The **Board of Management** was chaired by CEO Mary Amiridis and considered key strategic and operational issues including:

- progress against our strategic and business plans, and progress of strategic projects
- our financial position and performance, and our compliance with relevant legislation and policy
- governance responsibilities and obligations specified in legislation
- compliance with occupational health and safety, workforce and wellbeing obligations
- significant risks or opportunities related to our operations.

The Board of Management met three times during the year and conducted a further meeting on the papers.



The **Member Advisory Group** was chaired by the President and provided a structured forum for member input on issues including:

- our strategic direction
- significant initiatives or risks impacting the Tribunal
- organisational wellbeing
- engagement with key external stakeholders
- communications with members

The Member Advisory Group formally met twice during the year, with many of its functions absorbed by the regular meeting of Heads of Division and Heads of List.

The **Finance, Risk, Audit and Performance Committee** was chaired by independent external chair Stewart Leslie and provided oversight in relation to:

- financial management, performance and reporting
- risk management
- internal controls and compliance with applicable legislation and policies
- internal and external audit activities
- tribunal performance against targets or measures set by its strategic or other business plans or for government reporting purposes.

The Committee met eleven times during the year.





The **Service Reform and Delivery Committee** was chaired by Deputy President Teresa Bisucci and helped oversee delivery of our core services, including in relation to. It drives service reform aligned with our strategic plan, including in relation to:

- project management and delivery of projects within budget and agreed timeframes
- infrastructure and services planning
- development and management of CBD, metro and regional accommodation requirements
- support of Koori justice and monitoring progress against the Self Determination Action Plan.

The Committee met three times during the year.



The **Workplace and Culture Committee** was chaired by members Anita Smith and Megan Carew and provided oversight of matters including:

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

The Committee met four times during the year.

## Rules Committee

The Rules Committee is established under the VCAT Act. It is responsible for developing rules of practice and procedure for the tribunal. It is also responsible for developing guides to VCAT processes, known as practice notes. The Committee ensures that VCAT members are educated in relation to rules, practice notes and they are up-to-date and consistent with any changes in the law.

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

In 2020-21, the Rules Committee met four times.

## Changes to rules

On November 2020, the Committee made the Victorian Civil and Administrative Tribunal Miscellaneous Further Amendments Rules 2020.

The amendments included changing the Principal Rules:

- to allow the principal registrar to give notice of a hearing by electronic communication;
- to set out a process for the re-opening of an order of the Tribunal for enforcement reasons;
- to make various changes in relation to the lodgement of documents for residential tenancies matters;
- to allow the principal registrar to exercise certain additional Tribunal functions; and
- to amend the functions of the review and regulation list, civil claims list, building and property list, human rights list, residential tenancies list, and planning and environment list.

**Rules are updated  
to reflect changes  
to law or jurisdiction.**

“

## Changes to practice notes

### Owners Corporation

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

- Introduction of PNOC1 – Owners Corporations List (fee recovery disputes) General Procedures (effective 1 July 2020)

### Planning and Environment

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

- PNPE2 – Information from Decision Makers and Authorities

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

- PNPE9 – Amendment of Planning Permit Applications and Plans

The following practice notes were repealed as part of the PED digitisation project:

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

### Allocation of jurisdictions

An enabling enactment is the legislation that confers jurisdiction on the tribunal. In 2020-21, the following enabling enactments were allocated under Schedule 1 to the *Victorian Civil and Administrative Tribunal Rules 2018*:

### Review and Regulation List

- *Disability Service Safeguards Act 2018*
- *Fire Rescue Victoria Act 1958 (formerly, Metropolitan Fire Brigades Act 1958)*
- *Professional Engineers Registration Act 2019*
- *Road Safety (Vehicles) Interim Regulations 2020 (revoked Road Safety (Vehicles) Regulations 2009)*
- *Worker Screening Act 2020 (repealed Working with Children Act 2005)*

### Human Rights List

- *Gender Equality Act 2020*

### Planning and Environment List

- *Melbourne Strategic Assessment (Environment Mitigation Levy) Act 2020*





# Appendices

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# 1. Financial information

VCAT's 2020-21 accounts are audited as part of Court Services Victoria (CSV) accounts. The CSV financial information is audited by the Victorian Auditor-General's Office, is fully compliant with the reporting guidelines set by the Department of Treasury and Finance for Victorian Government agencies and is compliant with the Australian Accounting Standards.

Due to delays caused by the COVID-19 pandemic, VCAT's financial information will be reported as part of the final consolidated and audited CSV Annual Report 2020-21.

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

VCAT's 2020-21 accounts are audited as part of Court Services Victoria (CSV) accounts and published in the consolidated CSV Annual Report.

The CSV financial information is audited by the Victorian Auditor-General's Office (VAGO), is fully compliant with the reporting guidelines set by the Department of Treasury and Finance for Victorian Government agencies and is compliant with the Australian Accounting Standards.

At the time of publishing this report, VAGO were yet to form an audit opinion on the CSV accounts due to a difference in legislated reporting timeframes.

## Our finances (millions)

	2018-19	2019-20	2020-21
How much Parliament appropriates for VCAT costs	27.739	34.609	39.527
Fees retained as appropriations	9.931	8.335	7.899
Funds from Consumer Affairs Victoria (in trust, for dispute services)	19.480	20.749	20.589
<b>Total</b>	<b>57.150</b>	<b>63.693</b>	<b>68.015</b>

as at 30 June 2021

## 2. Enabling enactments

*Aboriginal Heritage Act 2006*

*Accident Compensation Act 1985*

*Accident Towing Services Act 2007*

*Accident Towing Services Regulations 2019*

*Adoption Act 1984*

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

*Architects Act 1991*

*Assisted Reproductive Treatment Act 2008*

*Associations Incorporation Reform Act 2012*

*Australian Consumer Law and Fair Trading Act 2012*

*Back to Work Act 2015*

*Biological Control Act 1986*

*Births, Deaths and Marriages Registration Act 1996*

*Building Act 1993*

*Bus Safety Act 2009*

*Business Franchise (Petroleum Products) Act 1979*

*Business Licensing Authority Act 1998*

*Catchment and Land Protection Act 1994*

*Cemeteries and Crematoria Act 2003*

*Children, Youth and Families Act 2005*

*Children's Services Act 1996*

*Child Wellbeing and Safety Act 2005*

*Climate Change Act 2017*

*Commercial Passenger Vehicle Industry Act 2017*

*Company Titles (Home Units) Act 2013*

*Congestion Levy Act 2005*

*Conservation, Forests and Lands Act 1987*

*Conveyancers Act 2006*

*Co-operatives National Law Application Act 2013*

*Country Fire Authority Act 1958*

*Credit Act 1984*

*Dairy Act 2000*

*Dangerous Goods Act 1985*

*Development Victoria Act 2003*

*Disability Act 2006*

*Disability Service Safeguards Act 2018*

*Domestic Animals Act 1994*

*Domestic Building Contracts Act 1995*

*Drugs, Poisons and Controlled Substances Act 1981*

*Duties Act 2000*

*Education and Care Services National Law Act 2010*

*Education and Training Reform Act 2006*

*Electoral Act 2002*

*Electricity Safety Act 1998*

*Emergency Management Act 1986*

*Emergency Services Superannuation Act 1986*

*Environment Protection Act 1970*

*Equal Opportunity Act 2010*

*Equipment (Public Safety) Act 1994*

*Essential Services Commission Act 2001*

*Estate Agents Act 1980*

*Firearms Act 1996*

*Fire Rescue Victoria Act 1958*

*First Home Owner Grant Act 2000*

**Enabling enactments  
as at 30 June 2021  
continued**

*Fisheries Act 1995*  
*Flora and Fauna Guarantee Act 1988*  
*Freedom of Information Act 1982*  
*Fundraising Act 1998*  
*Gambling Regulation Act 2003*  
*Gas Safety Act 1997*  
*Gender Equality Act 2020*  
*Guardianship and Administration Act 2019*  
*Health Complaints Act 2016*  
*Health Practitioner Regulation National Law*  
*Health Records Act 2001*  
*Health Services Act 1988*  
*Heavy Vehicle National Law Application Act 2013*  
*Heritage Act 2017*  
*Housing Act 1983*  
*Labour Hire Licensing Act 2018*  
*Land Acquisition and Compensation Act 1986*  
*Land Tax Act 2005*  
*Legal Profession Uniform Law Application Act 2014*  
*Livestock Disease Control Act 1994*  
*Local Government Act 1989*  
*Local Government Act 2020*  
*Long Service Benefits Portability Act 2018*  
*Major Events Act 2009*  
*Major Transport Projects Facilitation Act 2009*  
*Meat Industry Act 1993*  
*Medical Treatment Planning and Decisions Act 2016*  
*Melbourne Strategic Assessment (Environment Mitigation Levy Act 2020*  
*Mental Health Act 2014*  
*Mineral Resources (Sustainable Development) Act 1990*  
*Motor Car Traders Act 1986*  
*Non-Emergency Patient Transport Act 2003*  
*Occupational Health and Safety Act 2004*  
*Occupational Health and Safety Regulations 2017*  
*Owner Drivers and Forestry Contractors Act 2005*  
*Owners Corporations Act 2006*  
*Parliamentary Salaries, Allowances and Superannuation Act 1968*  
*Payroll Tax Act 2007*  
*Petroleum Act 1998*  
*Pharmacy Regulation Act 2010*  
*Pipelines Act 2005*  
*Planning and Environment Act 1987*  
*Plant Biosecurity Act 2010*  
*Powers of Attorney Act 2014*  
*Prevention of Cruelty to Animals Act 1986*  
*Privacy and Data Protection Act 2014*  
*Private Security Act 2004*  
*Professional Boxing and Combat Sports Act 1985*  
*Professional Engineers Registration Act 2019*  
*Property Law Act 1958*  
*Public Health and Wellbeing Act 2008*



*Racial and Religious Tolerance Act 2001*  
*Racing Act 1958*  
*Rail Safety National Law Application Act 2013*  
*Relationships Act 2008*  
*Residential Tenancies Act 1997*  
*Retail Leases Act 2003*  
*Retirement Villages (Contractual Arrangements) Regulations 2017*  
*Retirement Villages Act 1986*  
*Road Management (General) Regulations 2016*  
*Road Management Act 2004*  
*Road Safety (Vehicles) Regulations 2009**Road Safety Act 1986*  
*Rooming House Operators Act 2016*  
*Sale of Land Act 1962*  
*Seafood Safety Act 2003*  
*Second-Hand Dealers and Pawnbrokers Act 1989*  
*Sentencing Act 1991*  
*Service Victoria Act 2018*  
*Sex Work Act 1994*  
*Small Business Commission Act 2017*  
*State Employees Retirement Benefits Act 1979*  
*State Superannuation Act 1988*  
*Subdivision Act 1988*  
*Superannuation (Portability) Act 1989*  
*Supported Residential Services (Private Proprietors) Act 2010*  
*Surveying Act 2004*  
*Taxation Administration Act 1997*  
*Therapeutic Goods (Victoria) Act 2010*  
*Traditional Owner Settlement Act 2010*  
*Transport (Compliance and Miscellaneous) Act 1983*  
*Transport Accident Act 1986*  
*Transport (Safety Schemes Compliance and Enforcement) Act 2014*  
*Transport Superannuation Act 1988*  
*Trustee Companies Act 1984*  
*Unclaimed Money Act 2008*  
*Valuation of Land Act 1960*  
*Veterinary Practice Act 1997*  
*Vexatious Proceedings Act 2014*  
*Victims of Crime Assistance Act 1996*  
*Victoria State Emergency Service Act 2005*  
*Victoria State Emergency Service Regulations 2017*  
*Victorian Plantations Corporation Act 1993*  
*Voluntary Assisted Dying Act 2017*  
*Water Act 1989*  
*Wildlife Act 1975*  
*Worker Screening Act 2020*  
*Workplace Injury Rehabilitation and Compensation Act 2013*

Current at 30 June 2021

## 3. VCAT member directory

### President

Justice Michelle Quigley

### Vice Presidents

\*Judges assigned to VCAT full-time in 2020-21

Judge Elizabeth Brimer

Judge Sandra Davis

Judge Mark Dean

Judge Felicity Hampel

Judge Michael Macnamara

Judge Samantha Marks

Judge Jeanette Morrish

Judge Andrea Tsalamandris

Judge Edward Woodward

### Deputy Presidents

Ms Catherine Aird (to 3 May 2021)

Ms Teresa Bisucci

Mr Mark Dwyer

Ms Heather Lambrick

Mr Ian Lulham

Ms Genevieve Nihill AM

Mr Ian Proctor

Mr Eric Riegler

### Senior Members, non-sessional

Ms Margaret Baird

Mr John Bennett

Mr John Billings

Ms Susan Burdon-Smith

Mr Salvatore Cimino

Mr Geoffrey Code

Ms Carol Daicic

Ms Anna Dea

Mr Mark Farrelly

Ms Leneen Forde

Mr Laurie Hewet

Mr Brendan Hoysted

Ms Justine Jacono

Ms Suzanne Kirton

Mr Philip Martin

Ms Stella Moraitis

Ms Rachel Naylor

Mr Ian Potts

Ms Charlene Price

Mr Bill Sibonis

Mr Jonathan Smithers

Ms Bernadette Steele

Mr Lindsay Warren

Ms Elisabeth Wentworth

Mrs Silvana Wilson

### Senior Members, sessional

Ms Catherine Aird

Mr Robert Davis

Judge Pamela Jenkins

Mr Michael Levine

Ms Margaret Lothian

Ms Jacqueline Preuss

Ms Jeanette Rickards

Mr Alan Vassie

Mr Rohan Walker

### Members, non-sessional

Ms Pamela Barrand

Ms Diane Bates

Ms Claire Bennett

Ms Elizabeth Bensch

Ms Deirdre Bignell

Ms Kerrie Birtwistle

Ms Tracey Bilston-McGillen

Ms Michelle Blackburn

Ms Danica Buljan

Mr Domenico Calabro

Ms Mary Cameron

Ms Kylea Campana

Mr Neill Campbell

Ms Megan Carew  
Ms Dalia Cook  
Ms Lara Crocker  
Mr Robert Daly  
Mr Michael Deidun  
Ms Spiridoula Djohan  
Mr Christopher Edquist  
Ms Nicole Feeney  
Mr Sydney Fry  
Mr Peter Gaschk  
Ms Alison Glynn  
Ms Juliette Halliday  
Mr Christopher Harty  
Ms Brook Hely  
Ms Louise Johnson  
Mr Barry Josephs  
Mr Andrew Kincaid  
Ms Jessica Klingender  
Ms Kim Knights  
Ms Judith Leshinsky  
Ms Susanne Liden  
Mr Owen Mahoney  
Ms Sarah McDonald  
Ms Felicity Marks

Ms Anne Moon  
Ms Holly Nash  
Mr Michael Nelthorpe  
Ms Katherine Paterson  
Ms Judith Perlstein  
Ms Tania Petranis  
Mr Charles Powles  
Dr Linda Rowland  
Mr Ian Scott  
Ms Karina Shpigel  
Ms Alison Slattery  
Ms Anita Smith  
Ms Jane Tait  
Mr Reynah Tang AM  
Ms Mary-Anne Taranto  
Mr Joel Templar  
Mr Chris Thwaites  
Ms Annemarie Tilley  
Dr Andrea Treble  
Ms Tracy Watson  
Ms Susan Whitney  
Mr Shiran Wickramasinghe  
Ms Cynthia Wilson  
Dr Rebecca Wilson

#### **Members, sessional**

Mr Benjamin Adcock  
Ms Vanessa Aitken  
Dr George Alexander  
Ms Dianne Anderson  
Ms Mary Archibald PSM  
Mr Stephen Axford  
Ms Pamela Barry  
Dr James Baxter  
Dr Philip Bender  
Ms Wendy Boddison  
Ms Siobhan Boyd-Squires  
Ms Emma Bridge  
Mr Robert Buchanan  
Ms Marietta Bylhouwer  
Mr Louis Cali  
Ms Rebecca Cameron  
Dr Melainie Cameron  
Mr Geoffrey Carruthers  
Mr Gregory Chase  
Mr John Clampett  
Ms Vicki Cogley  
Ms Gwenneth Crawford  
Ms Bernadette Cremean  
Ms Vicki Davies  
Mr Frank Dawson

**VCAT member directory**  
**Current at 30 June 2021**  
**continued**

Dr Clare Delany  
 Dr Anthony Dickinson  
 Associate Professor Barry Draper  
 Ms Annette Eastman  
 Mr Michael El Moussalli  
 Dr John Farhall  
 Dr Peter Farrelly  
 Ms Natalie Fleming  
 Mr John Forsyth  
 Ms Danielle Galvin  
 Ms Michelle Gardner  
 Mr Jayce Gilbert  
 Dr John Gleeson  
 Ms Megan Goulding  
 Mr Xu Ming Gu  
 Mr Raymond Gymer  
 Mr Paul Gysslink  
 Mr Nicholas Hadjigeorgiou  
 Ms Mary Hally  
 Ms Elisabeth Hancock  
 Ms Diana Harding QC  
 Ms Fiona Harrison  
 Dr Christopher Hart  
 Ms Margaret Harvey  
 Mr Anthony Horan  
 Dr Alan Johnston  
 Mr Colin Jones  
 Ms Ann Keddie

Mr David Kim  
 Ms Kay Kirmos  
 Ms Carolyn Manning  
 Dr Elizabeth Mason  
 Mr Colin McIntosh  
 Ms Patricia McKeown  
 Dr Peter McNeill  
 Dr Roderick McRae  
 Ms Katherine Metcalf  
 Dr Patricia Molloy  
 Ms Lorina Nervegna  
 Ms Kathryn Norman  
 Dr Elissa O'Brien  
 Mr Rodney Page  
 Ms Kathryn Partenio  
 Ms Rosslyn Pearson  
 Ms Annette Peart  
 Mr Christopher Perera  
 Dr Yi-Lee Phang  
 Mr Robert Phillips  
 Ms Marian Power  
 Mr Mark Prince  
 Ms Erin Rankins  
 Dr Aruna Reddy  
 Dr John Reggars  
 Dr Colin Riley  
 Mr John Sharkie  
 Mr Gregory Sharpley

Ms Felicity Slee  
 Dr Rowan Story AM RFD  
 Dr Angela Sungaila  
 Mr Michael Sweeney  
 Ms Anna Tantau  
 Mr Bryan Thomas  
 Ms Vivienne Topp  
 Mr Christopher Torr  
 Mr Peter Tyler  
 Mr Blair Ussher  
 Ms Jill Walsh  
 Dr Laurie Warfe  
 Dr John Waterhouse  
 Mr Philip West  
 Dr Angela Williams  
 Ms Catherine Wilson  
 Mr Samuel Zheng

**Number of VCAT members  
 at 30 June 2021**

Judicial members	10
Deputy presidents	7
Senior members	25
Senior members (sessional)	9
Members	61
Members (sessional)	98
<b>Total</b>	<b>201</b>



# 4. List tables and figures

## ADR

Snapshot ADR - Total cases heard by compulsory conference or mediation

List	Total cases heard by compulsory conference or mediation									2020-21 % Variance
	Compulsory conference			Mediation			Total			
	2018-19	2019-20	2020-21	2018-19	2019-20	2020-21	2018-19	2019-20	2020-21	
<b>Civil Division</b>										
Building and Property	386	385	558	300	317	280	686	702	838	19%
Civil Claims	354	287	322	5	3	1	359	290	323	11%
Owners Corporations	165	89	158	6	2	2	171	91	160	76%
<b>Residential Tenancies Division</b>										
Residential Tenancies	107	49	10	0	0	1	107	49	11	-78%
<b>Administrative Division</b>										
Legal Practice	33	16	26	0	0	0	33	16	26	63%
Review and Regulation	270	199	221	0	0	0	270	199	221	11%
<b>Planning and Environment Division</b>										
Planning and Environment	714	551	911	0	0	0	714	551	911	65%
<b>Human Rights Division</b>										
Guardianship	6	12	16	1	4	0	7	16	16	0%
Human Rights	119	78	130	50	59	89	169	137	219	60%
<b>Total</b>	<b>2,154</b>	<b>1,666</b>	<b>2,352</b>	<b>362</b>	<b>385</b>	<b>373</b>	<b>2,516</b>	<b>2,051</b>	<b>2,725</b>	<b>33%</b>

### Snapshot ADR - Total cases resolved (settled) by compulsory conference or mediation

List	Compulsory conference			Mediation			Total			2020-21 % Variance
	2018-19	2019-20	2020-21	2018-19	2019-20	2020-21	2018-19	2019-20	2020-21	
<b>Civil Division</b>										
Building and Property	174	151	248	186	209	161	360	360	409	14%
Civil Claims	241	171	190	4	2	1	245	173	191	10%
Owners Corporations	98	50	81	1	2	1	99	50	82	64%
<b>Residential Tenancies Division</b>										
Residential Tenancies	78	42	10	0	0	0	78	42	10	-76%
<b>Administrative Division</b>										
Legal Practice	21	12	15	0	0	0	21	12	15	25%
Review and Regulation	118	67	64	0	0	0	118	67	64	-4%
<b>Planning and Environment Division</b>										
Planning and Environment	366	274	326	0	0	0	366	274	326	19%
<b>Human Rights Division</b>										
Guardianship	2	6	7	0	1	0	2	7	7	0%
Human Rights	88	55	100	38	36	47	126	91	147	62%
<b>Total</b>	<b>1,186</b>	<b>828</b>	<b>1,041</b>	<b>261</b>	<b>250</b>	<b>210</b>	<b>1,415</b>	<b>1,076</b>	<b>1,251</b>	<b>16%</b>

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

List	Compulsory conference			Mediation			Total			2019-20 % Variance
	2018-19	2019-20	2020-21	2018-19	2019-20	2020-21	2018-19	2019-20	2020-21	
<b>Civil Division</b>										
Building and Property	45%	39%	44%	62%	66%	58%	52%	51%	49%	-2%
Civil Claims	68%	60%	59%	80%	67%	100%	68%	60%	59%	-1%
Owners Corporations	59%	56%	51%	17%	100%	50%	58%	55%	51%	-4%
<b>Residential Tenancies Division</b>										
Residential Tenancies	73%	86%	100%	0%	0%	0%	73%	86%	91%	5%
<b>Administrative Division</b>										
Legal Practice	64%	75%	58%	0%	0%	0%	64%	75%	58%	-17%
Review and Regulation	44%	34%	29%	0%	0%	0%	44%	34%	29%	-5%
<b>Planning and Environment Division</b>										
Planning and Environment	51%	50%	36%	0%	0%	0%	51%	50%	36%	-14%
<b>Human Rights Division</b>										
Guardianship	33%	50%	44%	0%	25%	0%	29%	44%	44%	0%
Human Rights	74%	71%	77%	76%	61%	53%	75%	66%	67%	1%
<b>Total</b>	<b>55%</b>	<b>50%</b>	<b>44%</b>	<b>63%</b>	<b>65%</b>	<b>56%</b>	<b>56%</b>	<b>52%</b>	<b>46%</b>	<b>-6%</b>

### Fast Track Mediation and Hearing program

<b>Video and teleconference combination - Fast Track Mediation &amp; Hearing Program - Civil Claims</b>	<b>2019-20</b>	<b>2020-21</b>
Mediations via phone or Zoom / hearing via zoom	137	1,695

<b>Assessments</b>	<b>2019-20</b>	<b>2020-21</b>
Number of cases assessed as suitable, including cases that may be scheduled for mediation and hearing in 2021-22	2,960	2,286

<b>Mediations conducted and settled</b>	<b>2019-20</b>	<b>2020-21</b>
Mediations conducted	998	971
Mediations settled	599	565
Mediation settlement rate	60%	58%

<b>Settled before mediation</b>	<b>2019-20</b>	<b>2020-21</b>
Total matters settled before mediation, including DSCV-assisted settlement	655	441
Settled before scheduled mediation	22%	21%
Settled with assistance from DSCV after making initial contact with parties	188	250
DSCV assisted settlement %	6%	11%
DSCV resolution rate – mediation and assisted settlements %	66%	69%

## Planning and Environment List

Top 20 number of applications by council during 2020-21 (by alphabetical order)

	2018-19	2019-20	2020-21	Variance
Banyule City Council	80	53	55	4%
Bayside City Council	120	81	85	5%
Boroondara City Council	133	121	87	-28%
Darebin City Council	100	83	64	-23%
Glen Eira City Council	65	34	66	94%
Greater Geelong City Council	49	58	55	-5%
Hobson's Bay City Council	47	43	41	-5%
Manningham City Council	70	62	47	-24%
Maroondah City Council	67	55	42	-24%
Melbourne City Council	140	93	87	-6%
Monash City Council	123	109	110	1%
Moonee Valley City Council	43	46	46	0%
Moreland City Council	102	63	58	-8%
Mornington Peninsula Shire Council	242	130	125	-4%
Port Phillip City Council	97	92	81	-12%
Stonnington City Council	101	101	91	-10%
Surf Coast Shire Council	29	38	40	5%
Whitehorse City Council	54	45	58	29%
Whittlesea City Council	45	68	52	-24%
Yarra City Council	121	124	116	-6%

Top 20 number of applications by suburb during 2019-20 (by alphabetical order)

	2018-19	2019-20	2020-21	Variance
Brighton	35	31	32	3%
Brunswick	31	16	17	6%
Clayton	21	27	28	4%
Doncaster	10	24	22	-8%
Eltham	18	13	16	23%
Fitzroy	13	20	18	-10%
Fitzroy North	14	15	16	7%
Glen Waverley	25	17	21	-24%
Kew	24	19	24	26%
Melbourne	117	47	47	0%
Mount Waverley	25	21	19	-10%
Northcote	20	12	19	58%
Port Melbourne	17	14	19	36%
Preston	20	31	20	-35%
Reservoir	25	17	17	0%
Richmond	36	54	37	-31%
South Melbourne	24	18	21	17%
South Yarra	18	18	21	17%
St Kilda	16	12	16	33%
Toorak	21	17	17	0%



## Review and Regulation List

### 2020-21 initiations by enabling enactment

	Total
<i>Transport Accident Act 1986</i>	284
<i>Freedom of Information Act 1982</i>	242
<i>Health Practitioner Regulation National Law (Victoria) Act 2009</i>	88
<i>Taxation Administration Act 1997</i>	83
<i>Victorian Civil and Administrative Tribunal Act 1998</i>	38
<i>Children, Youth and Families Act 2005</i>	31
<i>Working with Children Act 2005</i>	28
<i>Racing Act 1958</i>	21
<i>Building Act 1993</i>	21
<i>Firearms Act 1996</i>	20
<i>Land Tax Act 2005</i>	19
<i>Victims of Crime Assistance Act 1996</i>	14
<i>Domestic Animals Act 1994</i>	14
<i>Public Health and Wellbeing Act 2008</i>	13
<i>Occupational Health and Safety Act 2004</i>	8
<i>Estate Agents Act 1980</i>	8
<i>Education and Training Reform Act 2006</i>	7
<i>Transport (Compliance &amp; Miscellaneous) Act 1983</i>	6
<i>Private Security Act 2004</i>	6
<i>Emergency Services Superannuation Act 1986</i>	5
<i>Births, Deaths and Marriages Registration Act 1996</i>	5
<i>Health Complaints Act 2016</i>	3
<i>Education and Care Services National Law Act 2010</i>	3
<i>Duties Act 2000</i>	3
<i>Wildlife Act 1975</i>	2
<i>Road Safety Act 1986</i>	2
<i>Motor Car Traders Act 1986</i>	2
<i>Country Fire Authority Act 1958</i>	2
<i>The Workplace Injury Rehabilitation and Compensation Act 2013</i>	1
<i>First Home Owner Grant Act 2000</i>	1
<i>Accident Compensation Act 1985</i>	1
Others or unspecified	58
<b>Total</b>	<b>1,039</b>

## Other

### 2020-21 suppression orders at VCAT by List

List	2018-19	2019-20	2020-21
Building and Property	0	0	0
Civil Claims	0	0	1
Guardianship	0	0	0
Human Rights	45	84	117
Legal Practice	0	0	4
Owners Corporations	0	0	0
Planning and Environment	0	0	1
Residential Tenancies	7	8	4
Review and Regulation	76	96	87
<b>Total</b>	<b>128</b>	<b>188</b>	<b>214</b>

# 5. Complaints

We received 313 complaints this year about VCAT people or processes.

We encourage people to discuss the matter with the staff member in person, by phone or by email before they decide to make a formal complaint to VCAT.

The Judicial Commission of Victoria is responsible for investigating complaints about judicial officers and VCAT members.

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

## Complaints about VCAT

Complaint topic	Upheld	Partially upheld	Not upheld	Dismissed	Judicial Commission of Victoria	Total
Member	1	2	35	1	6	45
Staff	0	0	4	0	0	4
Administrative service	13	4	110	0	0	127
Other	0	0	59	0	0	59
Decision	0	0	4	73	1	78
<b>Total</b>	<b>14</b>	<b>6</b>	<b>212</b>	<b>74</b>	<b>7</b>	<b>313</b>

## 6. Glossary

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<b>Alternative Dispute Resolution</b>	Resolution of a dispute through a VCAT-facilitated process other than a hearing. Examples include settling the dispute through mediation or a compulsory conference.
<b>Applicant</b>	The party applying to VCAT for orders or relief.
<b>Caseflow</b>	Caseflow is a way of measuring the work of the tribunal. It consists of three numbers: a count of new matters commenced, a count of matters finalised and matters still pending.
<b>Clearance rate</b>	The number of finalised applications divided by the number of new initiated/commenced applications, expressed as a percentage.
<b>Compulsory conference</b>	A form of dispute resolution where a VCAT member facilitates a confidential discussion between the parties.
<b>CSV</b>	Court Services Victoria
<b>DBDRV</b>	Domestic Building Dispute Resolution Victoria – a government agency that provides free services to help resolve domestic (residential) building disputes.
<b>Directions</b>	Directions are orders made by VCAT to promote the fair and expeditious hearing of a case – for example, directions to file or serve certain documents. VCAT may give directions at any time.
<b>Directions hearing</b>	A preliminary hearing where VCAT hears from the parties as to directions that might be made, or other preliminary matters.
<b>Division</b>	VCAT has five divisions – Civil, Administrative, Residential Tenancies, Human Rights and Planning and Environment.
<b>80th percentile</b>	VCAT aims to have 80 per cent of applications finalised within a certain number of weeks. The number of weeks varies for different types of cases.
<b>Enabling enactment</b>	An Act of Parliament or regulation under which jurisdiction is given to VCAT.
<b>Enduring power of attorney</b>	A legal document that allows another person to make personal or financial decisions on a person's behalf.

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## Glossary continued

<b>Finalisations</b>	The number of applications finalised by VCAT.
<b>Initiations</b>	Applications commenced at VCAT.
<b>Injunction</b>	A type of order that directs a person to do, or not to do, something.
<b>Judicial member</b>	A VCAT member who is a judge of the Supreme Court of Victoria or County Court of Victoria.
<b>Jurisdiction</b>	The legal authority given to VCAT to hear and decide certain types of cases.
<b>List</b>	An area of VCAT that handles a specific type of case. VCAT has nine lists.
<b>Median</b>	The midpoint value in the distribution of finalised applications in weeks.
<b>Mediation</b>	Another form of dispute resolution involving confidential meetings and discussion between the parties. Unlike a compulsory conference, it is conducted by a trained mediator.
<b>Member</b>	A person who is a legal practitioner, or in the opinion of the Minister, holds extensive knowledge or experience in relation to any class of matter in respect of which functions may be exercised by VCAT. Members are appointed on a sessional or non-sessional basis through the Governor-in-Council.
<b>Non-sessional member</b>	A full-time or part-time member of the tribunal.
<b>Objector</b>	A person who has lodged an objection to a proposed planning permit with the responsible authority.
<b>ODR</b>	Online dispute resolution
<b>Order</b>	VCAT's written instructions or final decision in a case.
<b>Original jurisdiction</b>	When VCAT is the original decision maker, rather than reviewing the decision of a responsible authority.
<b>Party</b>	A person or organisation that has applied to VCAT or who is defending claims made against them, or whom VCAT joins as a party.
<b>Pending</b>	The number of applications that have been commenced and are not yet finalised.



<b>Presidential member</b>	The President, a Vice President or a Deputy President of VCAT.
<b>Real property jurisdiction</b>	Co-ownership disputes under the Property Law Act 1958 and claims arising from an unreasonable flow of water under the Water Act 1989.
<b>Registry</b>	The administrative section of VCAT that coordinates the exchange of information between VCAT and the parties, supports the members in their duties and handles enquiries about cases.
<b>Respondent</b>	The party against whom orders or relief is sought by an applicant.
<b>Responsible authority</b>	The government department or agency that an Act of Parliament names as the body with power to act in a particular situation.
<b>Review jurisdiction</b>	VCAT's powers to review decisions made by other decision-makers.
<b>Sessional members</b>	A VCAT member who is available as required; not full-time or part-time.
<b>Settlement</b>	An agreement between parties that finalises some or all of their dispute, so that VCAT does not have to decide it for them.
<b>Target</b>	A standard against which performance is measured, for example, weeks to finalise or numbers of cases. The target is measured in relation to the 80th percentile (not the median).
<b>TAC</b>	Transport Accident Commission
<b>Tribunal</b>	The Victorian Civil and Administrative Tribunal established under Part 2 of the Victorian Civil and Administrative Tribunal Act 1998.
<b>User groups</b>	Key stakeholders with interest in particular lists.
<b>VCAT Act</b>	The Victorian Civil and Administrative Act 1998.
<b>Variance</b>	Percentage difference between the current and previous financial year.
<b>VPS</b>	Victorian Public Service

# 7. Index

# 8. Contact details

**Main office**

55 King Street, Melbourne VIC 3000

**Telephone**

1300 01 8228 (1300 01 VCAT)

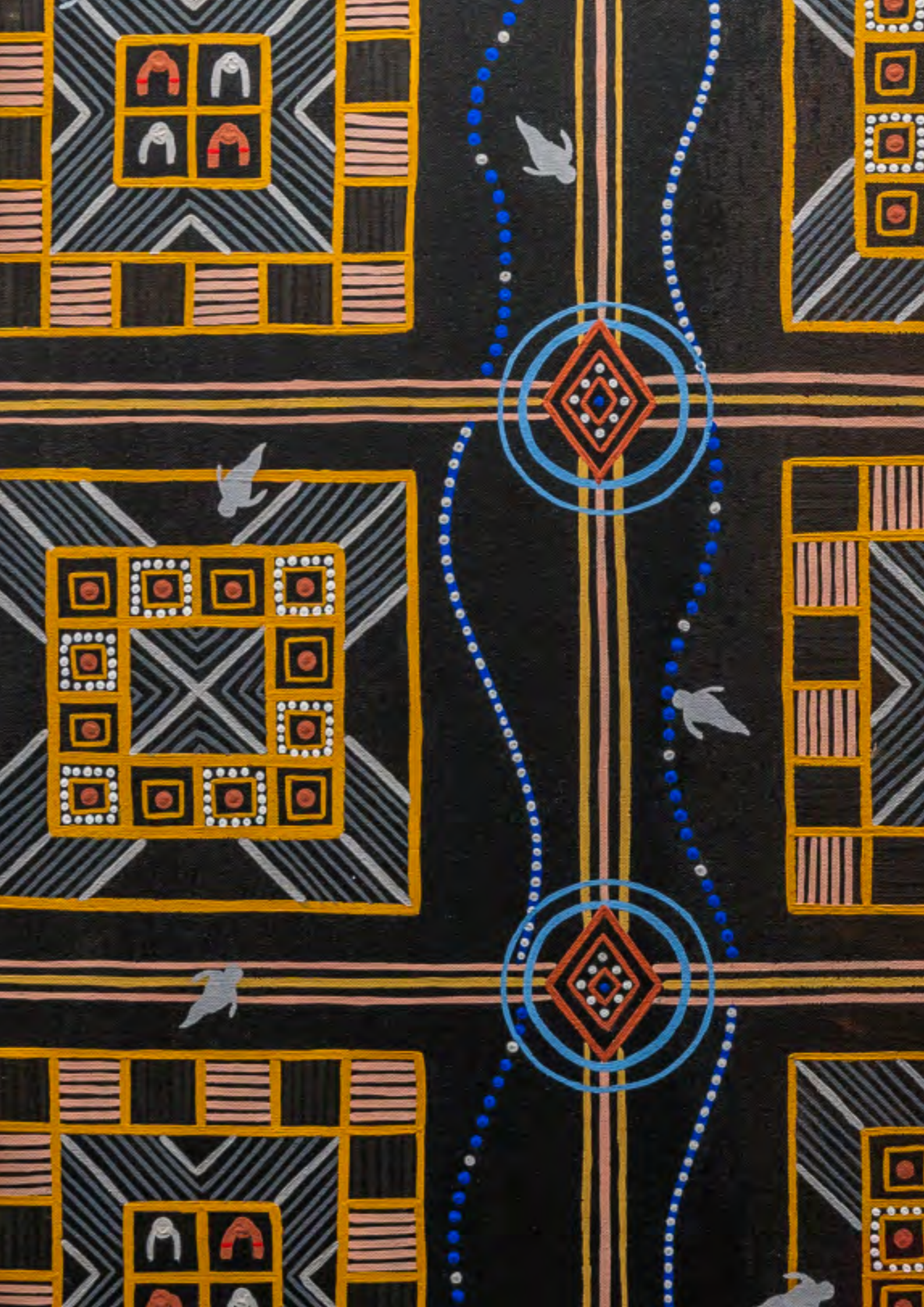
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VCAT

victorian civil &  
administrative  
tribunal

