# How VCAT works – video transcript

Hello, my name is Ian Proctor. I'm a deputy president VCAT, and I've been with the tribunal when it started in 1998. 4

So 25 years on, the tribunal still is going strong as it's always gone strong in terms of delivering dispute resolution in Victoria. So I'm here really to provide some guidance to coming to VCAT to use the service it provides in dispute resolution across a great range of areas of life in Victoria and indeed beyond the Tribunal.

It’s an organisation that impacts over one million Victorians every year. It has a huge impact in civil and administrative law in Victoria.

One of the messages I wanted to deliver today is that you don't have to remember everything I say today and that's a good thing. You don't have to remember because – since really the Internet got going and websites became a thing – VCAT’s had a website.

That website's been through many versions. Much thought, and much refining has happened. If you want to know about VCAT and what it does and the services it provides, you can go to the website and you'll quickly find out what that is.

So for example, if you go to the website today, first thing you see is a button that says find out what we do. If you go and click on that then you can see a whole range of areas where we work.

We work in residential tenancies. We work concerning people with disability, and guardianship and administration. We work with respect to people who live and own lots in owners corporations, in areas of equal opportunity, environment law, planning and land use decisions in Victoria, and a whole range of other areas. And I should mention the review of government decisions where citizens dispute that citizen and professional regulation.

Now, so there's this tribunal. It can help you with disputes, but no one really wants to come to VCAT because they don't want a dispute in their lives. And you can avoid VCAT by negotiating some form of solution to the issue you face.

But when you come to the tribunal, I come back to the website: That's where you go to make an application to the tribunal. It's not just filling in a form. There's all sorts of vital information there with respect to what you need to make the application in terms of information that you might need. And in terms of more detail, the sorts of powers and orders the tribunal might have.

So you go to the website, go to the subject area and have a good look and a good read and to think about whether you want to lodge an application at the tribunal.

In making the application, you really should already be thinking what outcome do I want?

I often ask parties that a hearing, for example, if you could write the orders that you want VCAT to make, what would you write? Because in the end, if you're seeking an outcome from the Tribunal, it is expressed as a written piece of paper, a written order.

So at the start, one wants to know what the end will look like.

As you go through VCAT's processes, you might find yourself ringing the VCAT call centre, which will do it's very best to assist you.

You might find yourself, for example, at a hearing at the tribunal and in all those processes VCAT has the responsibility to help you with respect to getting the processes righ,t and with respect to making sure that the processes are fair and efficient.

And when you get to a hearing at VCAT, if that's where you get to, then you come to the tribunal with one objective, which I always describe as ‘persuade, persuade, persuade’. And there's another little statement I often make: ‘that persuading the tribunal for the outcome you seek is underlined by evidence, evidence, evidence’. You need to come to the tribunal with the evidence that supports your case.

To put that evidence and then persuade the tribunal as to the outcome, the level of informality or formality that you might encounter really varies from place to place at the tribunal.

The Tribunal does many hearings in residential tenancies. It does many of those hearings by telephone. There are numbers of hearings by Zoom. There are growing numbers of hearings in person across Victoria.

And so you come equipped with your persuasion and equipped with your evidence. You come to the tribunal, it's vital that everyone conducts themselves – in what is a highly stressful and difficult situation for people – politely, civilly, and cooperative with those around you at the tribunal.

After the hearing on most occasions, you'll find out the result then and you'll be given a written order of the tribunal before you leave.

There are areas of the tribunal, in planning for example, where the tribunal member may do what's called ‘reserve the decision’ and you'll receive a decision with written reasons later.

[On screen: Do I need representation to come to VCAT?]

And finally, I'll answer the question that everyone asks: Do you need a lawyer to come to VCAT? The answer, as you see at the tribunal in its various venues on telephone or on zoom, is no you don't.

Now, clearly there are many advantages of having a representative, be it a lawyer or be someone else when coming to a tribunal or a court.

The reality at VCAT is the majority of people represent themselves, but that's not the only thing that happens here.

We have:

* people representing themselves, such as people renting properties, for example
* people who are family members in the guardianship and administration application will most commonly represent themselves.

But there are those many professional representatives from across the community who are active and vital players at VCAT, such as the legal profession. Be it people in private practice, be it people at community legal centres or lawyers who act for government in various ways. And then of course the many, many real estate agents who represent, largely, the rental providers in applications before the tribunal. Not to forget planning consultants, the managers of owners corporations and all sorts of other people.

What you do is you make your decision as to how to come to VCAT, and whether to seek representation or not. Understanding that self-represented parties come here, and VCAT has a duty to assist.

So I hope this presentation has provided you a brief snapshot of the services that VCAT has for 25 years provided, today provides, and will continue to provide to the Victorian community. Thank you.