

**VCAT**

**Victorian Civil &  
Administrative  
Tribunal**

# Annual Report

2022



2023





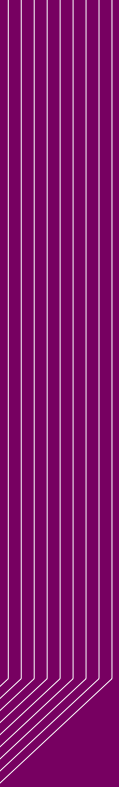
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# Message from our President and Chief Executive Officer





**Thank you to the VCAT community for welcoming us to the organisation at the beginning of the 2023/24 financial year. We feel privileged and honoured to be leading the tribunal in this exciting phase of change and development, and we look forward to shaping the future of VCAT as a contemporary and accessible tribunal for future generations of Victorians.**

This year has featured positive outcomes and significant challenges. Notably, the end of the year saw a clearance rate of 99% in the Residential Tenancies Division, representing a massive improvement in managing the backlog of cases. We acknowledge the impact that these delays have on the lives of our users and will continue our work to ensure all Victorians can have their matters resolved as quickly as possible. These challenges provided us with the opportunity to revisit the structure of the backlog program and we will be implementing an updated program to accelerate progress in the coming year.

While we are proceeding with our gradual return to in-person hearings, we are also leveraging the insights and the technological advances gained from the COVID-19 pandemic. This is reflected in our embedding the use of remote hearings in appropriate cases and seeking to meet the diverse needs of our users by offering a more flexible approach to hearing formats, including wholly remote (using phone or Zoom), hybrid hearings (with some participants joining remotely) and wholly in person.

In October 2022, we published our Strategic Directions 2023-25. These revised directions set the tone for the development of VCAT into the future, including our ambitious transformation projects and our renewed focus on the tribunal's core work of excellence in case management and resolution. The three priorities outlined in the Strategic Directions encapsulate VCAT's overarching goals as an organisation.

Work on our Service Transformation Program continues, reimagining the ways that VCAT operates and preparing us to meet the changing expectations and demands of our users and the community. We continue to focus on ensuring that the three tiers of this program (digital, accommodation and workforce) are co-ordinated and complementary, with each part moving us towards more efficient and contemporary ways of working.

This year, we have undertaken significant work in the digital transformation part of the program, which will see us shifting from paper-based working processes to a fully digital environment.

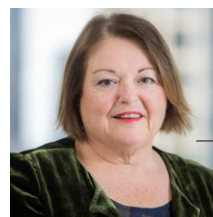
We are also well advanced with the design stage for our new Melbourne CBD premises at 300 La Trobe St. These new premises will be equipped to better meet the needs of both our future workforce and users and is a key component of VCAT's transformation vision. Our community-based venues in Bundoora, Oakleigh, Frankston, as well as the new Bendigo Law Courts, will continue to offer multiple options for our users and greater access across Victoria.

VCAT is building a high-performing and purpose driven workforce. Our workforce strategy will ensure we have the skillsets needed to take full advantage of our evolving digital case management system and the facilities and collaborative environment that will be created at our new CBD location and other venues. This strategy will foster high-quality outcomes, personal improvement and career progression. We would like to acknowledge the hard work and commitment of the people of VCAT.

Finally, we would like to take this opportunity to acknowledge the achievements of Justice Michelle Quigley and Mary Amiridis during their time at VCAT. Their leadership throughout the COVID-19 pandemic was instrumental in ensuring that VCAT's core tenet – to serve the Victorian community – continued unabated during some of the most challenging times. Despite the obstacles put in place by the pandemic, Justice Quigley and Mary laid the foundations for the work we have the privilege to continue.



**Justice  
Ted Woodward**  
President



**Fiona Chamberlain**  
Chief Executive Officer





# 2.

## 2022/23 year in review





**50,048**cases heard online /  
via teleconference**44%**

ADR resolution rate

**98%**

clearance rate

**4,556**

cases heard in person

**75,288**

cases initiated

**55,943**

hearings by volume

**177,497**calls answered by service  
delivery group**73,719**

cases finalised

**1,364**

Fast Track Mediation

**1,275**cases resolved by  
compulsory conferences  
and mediation sessions**36,336**

cases pending

**1,071**initiated cases involving  
a Koori party

# 3.

## About VCAT

**The Victorian Civil and Administrative Tribunal (VCAT) operates as an independent part of Victoria's justice system. We resolve disputes and make decisions under more than 150 pieces of Victorian legislation.**



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's goal is to be a tribunal that meets the needs of all Victorians. Our vision is to service the community by resolving disputes in a timely, cost-effective and efficient way. Our organisational values include fairness, professionalism, integrity, independence, efficiency, approachability and accessibility.

## Our leadership

Our leadership group includes VCAT members, appointed by the Governor in Council to ensure the tribunal's independence, and senior staff employed by CSV. Note that all positions listed below are accurate as at 30 June 2023 (unless otherwise stated).

President: Justice Michelle Quigley

Vice Presidents:

- Judge Samantha Marks
- Judge Sharon Burchell
- Judge Elizabeth Brimer
- Judge Sandra Davis
- Judge Michael Macnamara
- Judge Jeanette Morrish
- Judge Graham Anderson
- Judge My Anh Tran

## Administrative Division

Head of Division: Deputy President Ian Proctor

### Legal Practice List

Head of List: Senior Member Jonathan Smithers

Deputy Head of List: Senior Member Reynah Tang

### Review and Regulation List

Head of List: Deputy President Ian Proctor

Deputy Heads of List: Senior Member Anna Dea and Senior Member Jonathan Smithers

## Civil Division

Head of Division: Deputy President Richard Wilson

### Civil Claims List

Head of List: Deputy President Ian Lulham

Deputy Heads of List: Senior Member Stella Moraitis, Senior Member Silvana Wilson and Member Tania Petranis (*Acting Deputy Head of List*)

### Building and Property List

Head of List: Senior Member Suzanne Kirton

Deputy Heads of List: Deputy President Eric Riegler, Senior Member Mark Farrelly and Senior Member Leneen Forde

### Owners Corporations List

Head of List: Deputy President Richard Wilson

Deputy Heads of List: Senior Member Charlene Price and A/Senior Member Louise Johnson (*Acting Deputy Head of List*)

## 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 and Senior Member Brendan Hoysted

## Human Rights List

Head of List: Deputy President Genevieve Nihill AM

Deputy Head of List: Senior Member Bernadette Steele and A/Senior Member Charles Powles

## 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 Carol Daicic, Senior Member Ian Potts, Senior Member Justine Jacono and Senior Member Sam Cimino

## Residential Tenancies Division

Head of Division: Deputy President Lindsay Warren

### Residential Tenancies List

Head of List: Deputy President Lindsay Warren

Deputy Heads of List: A/Senior Member Kylea Campana, A/Senior Member Andrea Treble and A/Senior Member Domenico Calabro

## Executive Leadership Team

Chief Executive Officer and Principal Registrar: Mary Amiridis

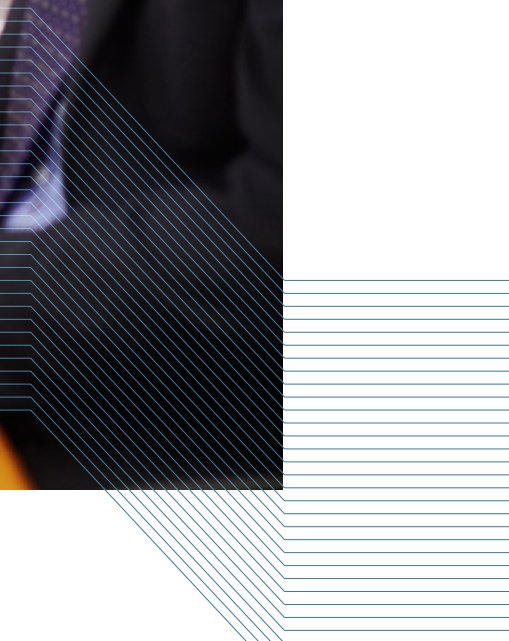
Executive Director & Registrar, Services and Legal: Warwick Mitchell

Executive Director, People, Culture and Wellbeing: Tina Parras (*May 2023 -*), previously Cheryl Woollard

Executive Director, Experience, Strategy and Transformation: Zoe Dyson

Executive Director, Finance and Business Services: Peter Swabey

Senior Strategic Adviser: Stuart Moran

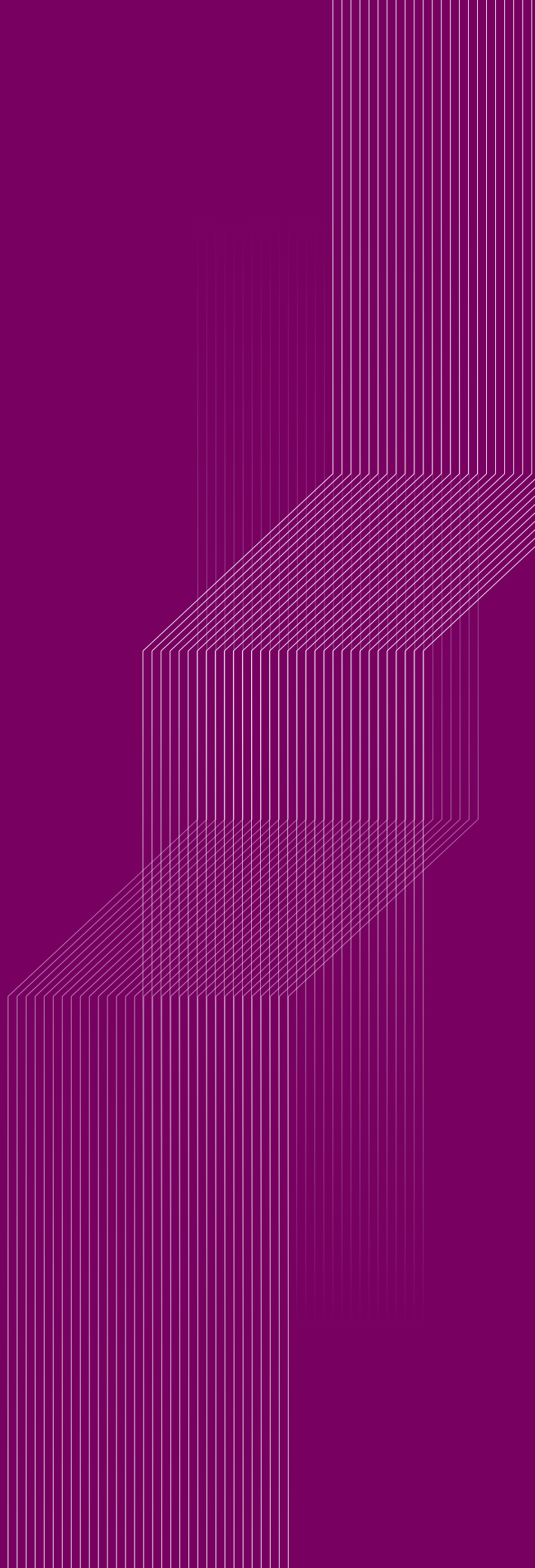




# Strategic Directions 2023-25

**In October 2022, VCAT published its Strategic Directions 2023-25.**

Building on our previous strategic plan, 'VCAT for the future: 2018-2022,' the new strategic directions were developed through a consultation process that involved member and staff leadership, as well as key external stakeholders.



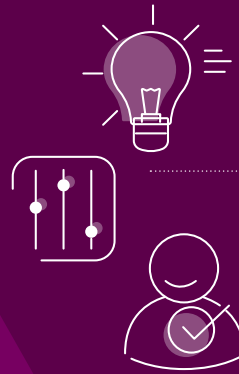
## EXCELLENCE IN CASE RESOLUTION

- Alternative and early resolution
- Active case management
- Excellent decision-making



## INCLUSIVE AND ACCESSIBLE JUSTICE

- Build awareness and responsiveness
- Contemporary and flexible environments
- Enable our users



## PURPOSEFUL PEOPLE

- Wellbeing
- Collaboration and communication
- New ways of working



Over the next three years, VCAT will mark 25 years of operation and deliver on two ambitious transformative projects. We will move from being a paper-based tribunal to a digital one, enabling us to work more efficiently and give our users greater opportunities for online self-service. Additionally, we will move from the tribunal's current headquarters, occupied since 1998, to a new central Melbourne facility that will better support our core work of resolving disputes and deciding cases. These two projects and their desired outcomes for VCAT and the Victorian community are central to VCAT's Strategic Directions 2023-25, particularly in our renewed focus on inclusive and accessible services and on our dedicated members and staff. As we manage this change, the wellbeing of our people and our users will be essential.

VCAT's Strategic Directions 2023-25 puts special emphasis on the tribunal's core work of resolving cases fairly and efficiently. The pandemic has left impacts in terms of higher than usual pending caseloads but has also prompted the tribunal to adapt to providing its services in ways that could not have been imagined prior to the pandemic.

Our Strategic Directions 2023-25 will guide development of detailed annual action plans that will define initiatives, timelines and measures of success.

The Strategic Directions consist of three priorities, each with three supporting themes, which allow us to achieve our overarching goals as an organisation.





# Excellence in case resolution

**Case resolution is VCAT's core activity and we are committed to the highest standards in delivering dispute resolution and decision-making for the Victorian community.**



All members and staff are engaged in this pursuit, which covers the breadth and diversity of the cases within our jurisdiction. We aim to support excellent decision-making that is independent, transparent, fair and consistent.

Active case management is a key part of delivering efficient resolution of cases. Our members and staff proactively and expertly manage cases from end to end, working closely with parties to resolve issues and engage in timely and appropriate intervention to ensure cases are 'hearing ready'. Active case management will also be enabled by our new digital case management system.

Throughout the case life cycle, we aim to proactively identify suitable cases for mediation and other forms of alternative dispute resolution. When this is an efficient and effective alternative to resolution by tribunal decision, we assist users to engage in and partner with other service providers to deliver contemporary alternative dispute resolution.

### Case study: Enhance members' tribunal craft skills

As part of VCAT's commitment to excellent decision-making in the case resolution process, we have undertaken a program to enhance members' tribunal craft skills and further support them to manage hearings efficiently and fairly. Our Twilight Highlight seminar series provides VCAT members with short professional development sessions on a range of topics designed to improve their skills in 'tribunal craft', or their ability to actively manage cases, conduct hearings, understand changes in legislation and jurisdiction, and more. Some of the Twilight Highlight sessions conducted this year included seminars on managing parties within a hearing, reducing stress when running hearings, and detailed legal implications of the *Thurin v Krongold* decision. See **page 17** for more about the implications of this landmark decision.

Building on the success of these sessions, a tribunal craft working group has been established to provide recommendations for further member training and available resources in tribunal craft. A survey has been conducted to collate member input into what topics should be prioritized.

## Administrative Division

The Administrative Division deals with professional conduct inquiries, applications to review decisions made by government and other authorities, and civil disputes between lawyers and clients.

The Administrative Division has two lists:

- Legal Practice List
- Review and Regulation List.

The Administrative Division has continued to offer phone and videoconference hearings this year, as well as hearings in person. Short directions hearings have taken place predominantly virtually, whilst compulsory conferences and other hearings where one or more parties prefer attending in person occur at VCAT's King Street Melbourne venue. Most users, including parties, lawyers and witnesses, continue to prefer the efficiency and convenience of remote hearings.

### Legal Practice List

The Legal Practice List has a dual function. Part of its work concerns disputes between lawyers and clients about services and costs, typically brought under the *Australian Consumer Law and Fair Trading Act 2012*, or the *Legal Profession Uniform Law*. The remainder of the list's work involves deciding professional disciplinary cases brought by the Victorian Legal Services Commissioner and reviewing decisions by the Victorian Legal Services Board, for example, in relation to practising certificates. The list typically calls upon the expertise of members with experience in the area of law which is the subject of the legal services in dispute, in disciplines such as family law, wills and criminal law.

This year, the Legal Practice List continued to practice effective active case management, resulting in a case clearance rate of 95%, despite a 36% increase in initiations. There was an 18% increase in the number of finalised cases compared with last financial year. As most applicants in its civil jurisdiction are self-represented litigants, members analyse claims ahead of the first directions hearing to ensure that there is a proper legal basis for those claims and any relief sought, and that the respondent is able fairly to respond to them. This often promotes constructive discussion and paves the way for prompt resolution where that can be achieved.

Where appropriate, smaller claims (for amounts in dispute below \$15,000) may be fast tracked for a

final hearing. The largest monetary claim in the list this year was for \$261,460. The median duration for finalised cases decreased by 12% this year (from 33 weeks to 29 weeks). Cases predominantly came under the *Australian Consumer Law and Fair Trading Act 2012*, with 64 cases initiated (a 42% increase). There was also a significant increase in disciplinary referrals by the Commissioner, to 34 cases (a 36% increase against 2021/22, and 54% above 2020/21).

### Review and Regulation List

The Review and Regulation List hears matters related to almost 40 pieces of legislation each year. The list oversees challenges brought by users against government or regulatory body decisions, accepts referrals, and conducts inquiries into the professional conduct of various professions. Types of cases include reviewing conduct by health practitioners, overseeing racing disciplinary hearings, Freedom of Information (FOI) cases, state taxation matters and applications involving dangerous domestic animals.

The types of cases that the Review and Regulation List oversees has evolved in 2022/23, with the list seeing a higher number of applications in areas including the *Taxation Administration Act 1997* (with 86 cases) and the *Health Practitioner Regulation National Law (Victoria) Act 2009* (with 119 cases concerning the 15 health professions regulated under this law). Applications under the *Freedom of Information Act* dropped back toward pre-pandemic levels, and applications in other areas remained steady. The total number of initiated cases across the list was slightly lower than last financial year, with a small increase in finalised cases. The clearance rate rose by 2%.

As part of VCAT's efforts in active case management, the list has focused on increasing the number of cases decided on the basis of written submissions and evidence from the parties, reducing the number of hearings required and delivering more efficient resolutions to users. In matters relating to health practitioners (which must have a decision by a panel of a legal member and two members of the profession), VCAT conducts compulsory conferences to resolve factual issues, resulting in shorter hearings as issues are decided on legal argument. Although the list has faced challenges caused by a shortage of VCAT members to deal with cases, which has increased wait times for many hearings, the number of finalised cases improved by 5% this year. Applications under the *Freedom of Information Act 1982* dropped back to around pre-pandemic levels; however, as a result of short-term resourcing issues, most of these applications were adjourned to a date to be confirmed.



## Civil Division

The Civil Division hears and decides a broad range of legal disputes ranging across consumer matters, domestic and commercial building works, owners corporations, retail tenancies, and property disputes. VCAT's monetary jurisdiction over civil disputes is unlimited, with the value of claims within the division this year totalling over \$397 million. There are three lists within the division:

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

This year, the Civil Division continued to offer both in-person and remote hearings to cater for the high numbers of initiated cases. The clearance rate improved across the three lists within the Civil Division. To assist in active case management and the timely resolution of cases, VCAT has appointed a specialist registrar to the Civil Division.

During the year, a number of important decisions of the tribunal and the courts have dealt with the extent of VCAT's jurisdiction. These include decisions in relation to contribution claims under the *Wrongs Act 1958 (Vaughan Constructions Pty Ltd v Melbourne Water Corporation (Building and Property) [2023] VCAT 233)* and in relation to the application of limitation periods (*Steedman v Greater Western Water Corporation [2023] VCAT 128*).

In October 2022 the Court of Appeal handed down its decision in *Thurin v Krongold Constructions Pty Ltd [2022] VSCA 226*. The Court of Appeal made several significant findings which built upon previous court decisions concerning the Australian Constitution and VCAT's lack of jurisdiction to hear certain types of cases because the tribunal is not "a court".

The Court of Appeal's decision means that VCAT cannot exercise federal jurisdiction in the resolution of a dispute. This is because VCAT is not what is described as a 'Chapter III Court' under the Australian Constitution. Chapter III Courts in Victoria are the Supreme Court, County Court and Magistrates' Court.

VCAT cannot hear a case if a federal matter genuinely arises in the case. This occurs where the decision VCAT needs to make to resolve the case requires us to either apply or interpret a federal law.

The key area of impact is for our Civil Division where parties often rely on federal legislation. These actions commonly raise matters of federal trade practices, breach of directors' duties, insurance contracts matters and other legislative defences or causes of action which require a decision to be made on matters which, after *Krongold*, are matters outside VCAT's jurisdiction. Identification of affected cases is complicated by the fact that the existence of federal issues may not be clear at the commencement of a case and may arise at any point. This is placing additional demands on VCAT's resources to manage such cases appropriately so as to minimise wasted time and costs both to the tribunal and to parties.

In response to *Krongold*, VCAT has provided updated information to users via its website and is actively triaging potentially affected cases for striking out or referral to an appropriate court under s 77 of the *Victorian Civil and Administrative Tribunal Act 1998*. As at 30 June 2023, 259 cases have been referred to a judicial member under s 77, with 87 of these either struck out and/or referred to a court so far while 43 have been found to remain within VCAT's jurisdiction.

## Building and Property List

The Building and Property List hears disputes relating to domestic and commercial building and property. This includes:

- disputes between a property owner, builder, sub-contractor, architect, engineer or other building practitioner
- disputes between a property owner and a warranty insurer
- disputes between landlords and tenants under retail and 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.

This year, the Building and Property List continued to have a strong focus on alternative dispute resolution (ADR), with compulsory conferences used as a form of early and neutral evaluation to allow for a greater chance of resolution or a more constructive discussion prior to a hearing. 866 cases were conducted via compulsory conference or mediation, with 375 being settled. Additionally, the list has implemented a "callover" day, whereby parties in cases that are close to final hearing attend the tribunal to ensure that all procedural steps are on track. In combination with other proactive case management measures, this approach reduces the risk of last-minute adjournments.

The list saw a small increase in initiated cases, up 6% from 2021/22. While cases have taken longer to resolve (from a median of 38 weeks in 2021/22 to 45 weeks in 2022/23), the number of finalised cases increased by 19%, with a 98% clearance rate across the list. The number of pending cases increased by 1% compared with last financial year.

## Civil Claims List

The Civil Claims List hears disputes about the supply of goods or services. Claims can be issued by suppliers and consumers and there is no limit to the amount that may be claimed in an application; matters range from everyday consumer transactions to large commercial matters. Regardless of financial value, the list represents an opportunity for users to settle disputes without going to the courts, where parties are more likely to require legal representation and thus incur their own legal fees and risk being ordered to pay their opponent's legal fees and other costs. The Civil Claims List is an important avenue for people to resolve disputes in a setting with less procedural formality and greater flexibility than in a court, and to be able to represent themselves, whilst still having the dispute determined according to law.

The list saw slightly higher numbers this year, with 7,999 initiated cases (1% increase on 2021/22) and 7,011 finalised cases (4% increase on 2021/22). The number of pending cases increased by 10%. The Civil Claims List continued to be impacted by the diversion of members to hearing residential tenancies matters. However, the clearance rate improved by 3% compared to 2021/22.

## Owners Corporations List

The Owners Corporations List predominantly hears owners corporation disputes under the *Owners Corporations Act 2006*. It covers a range of disputes relating to owners corporations, which cover the approximately 800,000 individual lots of apartments and units in the more than 85,000 owners corporations across Victoria.

### Case study: Dispute regarding Airbnb home rental

A recent hearing concerned a family who had booked accommodation on Airbnb, but upon moving into the premises believed there to be defects in the property and attempted to cancel and receive a refund.

The family required short term accommodation and found the listing of a home in their neighbourhood on Airbnb. The "host" of this house had made significant effort to keep the house in good condition. The mother of the family asked her father-in-law to make the Airbnb booking, meaning that he formed the contract, received all relevant information about the house and had access to communication with the host.

The family's young daughter had some special needs and the father had difficulty sleeping due to a work-related injury. However, they did not disclose any special requirements to the Airbnb host when making the booking. When they arrived at the house they encountered some issues, including a rangehood above the stove top that did not work and which resulted in setting off the smoke alarm, which greatly distressed the daughter. However, the rangehood was not broken – the mother had neglected to turn it on at the power point – and other perceived issues had similar easy solutions. Due to these factors, the member presiding over this case dismissed any assertion that the property was defective.

The family left the property and attempted to get a refund. In this case, the member dismissed the applicants' claim for a refund, noting that "This was an unfortunate situation, which arose out of a series of misunderstandings. [The host] was not responsible for the misunderstandings on the applicants' part."

Alternative dispute resolution has been an integral part of improving case management and resolution of disputes across the Owners Corporation List this year. 107 compulsory conferences were conducted this year, with 48 being settled. Additionally, the innovative 'on the papers' process, utilised in 2021 and 2022 for fee recovery claims by owners corporations against lot owners, continued to provide a cost effective and timely means of resolving these types of disputes. This mode of dispute resolution, enabled under the *Victorian Civil and Administrative Tribunal Act 1998*, allows cases to be decided solely based on written documents provided by the parties without the need for them to be present at the hearing. Under the VCAT Act, the tribunal can make decisions 'on the papers' unless a party objects, but can still proceed if VCAT is satisfied that the objection is not reasonable.

In early 2023, the Owners Corporation List commenced a gradual return to in-person hearings. However, many users have indicated a strong preference for remote hearings via phone or videoconference, which has led the tribunal to continue to offer this as an option.

Applications under the *Owners Corporations Act 2006* continue to make up the majority of applications to the Owners Corporations List. There has been a reduction in the number of fee recovery applications made in this financial year. However, there has been an increase in the number of applications made under the *Australian Consumer Law and Fair Trading Act 2012* (from 15 cases in 2021/22 to 30 cases this year).

## 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, and racial and religious vilification. The division also hears cases on health and privacy information, decisions made by the Mental Health Tribunal, and decisions made under the *Disability Act 2006*, *Assisted Reproductive Treatment Act 2008* and *Voluntary Assisted Dying Act 2017*.

The Human Rights Division has two lists:

- Guardianship List
- Human Rights List.



This year, the Human Rights Division worked on finding a balance between the convenience of remote hearings for our users and the benefits of attending a hearing in person. The division focused on supporting the attendance of the represented person and other interested parties by offering an option most beneficial to them, which requires in-depth analysis of each matter and an increased focus on speaking with people before the hearing.

## 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*. The list also decides on special medical procedures applications, compensation applications, *Medical Treatment Planning and Decisions Act 2016* (MTPDA) applications and Advice to Administrator applications, amongst others.

VCAT also makes orders about powers of attorney, including suspending or revoking the power where the principal has lost capacity and the attorney has breached their obligations, and about medical treatment matters, including advance care directives, medical treatment decision-maker appointments and some medical treatment decisions.

To deliver efficient justice to the Victorian community, the Guardianship List has focused this year on recovering levels of service and reducing wait times caused by the inability to conduct in-person hearings over the last three years. Numbers of initiated cases increased 9% from last financial year, with an increase of 14% in the number of finalised cases. The majority of cases initiated this year related to reassessment orders, up 22% from the previous year. The list had a 100% clearance rate for 2022/23.

Within the Guardianship List, the preference is for most cases to be heard in person. This is due to the sensitive nature of some hearings, the potential vulnerabilities of the parties involved in these hearings, and the challenges for some people in communicating virtually. This year, the list has aimed to return to as many in-person hearings as possible to allow for improved decision making and greater access for people to participate in their hearings. 1,188 hearings were conducted in person, compared with 6,672 remote hearings and 327 hybrid hearings. This year a hearing space opened at 414 La Trobe St Melbourne that is designed to be accessible and welcoming for users.





## Case study: Family dispute over power of attorney

An application for the appointment of a guardian and administrator concerned a 90-year-old woman living in residential aged care in regional Victoria. The woman and her husband had been married for over 60 years, living on a rural property.

About 10 years earlier, they had each signed enduring power of attorney documents. The woman appointed her husband as her decision-maker for financial matters if she became unable to make her own decisions and the husband appointed her. They each signed another enduring power of attorney document appointing their three sons to take over if both of them were certified by a medical practitioner as being incapable of making their own decisions.

At the age of 90, the woman was diagnosed with dementia and could not be looked after at home. She moved to residential aged care and her husband took over making financial decisions for her, such as arranging for payment of the aged care fees.

One of the sons was concerned that his father was not capable of making decisions about the woman's finances. He applied to VCAT for the woman's power of attorney appointing her husband to be revoked and for a guardian and administrator to be appointed for the mother.

VCAT received medical evidence from the husband's general practitioner of 40 years, who certified that the husband had full decision-making capacity. The couple's other sons gave evidence that the husband was doing all that was needed to look after the woman's finances and that the family had discussed her move to residential care.

VCAT accepted it was very clear from the enduring powers of attorney completed by the couple that they, having been married so long, would want to make decisions for each other. The woman's enduring power of attorney expressed her wishes. VCAT also accepted the medical evidence from the husband's treating doctor that, despite his physical ailments, he was able to make all the decisions necessary for the woman. There was no need for an administrator or guardian to be appointed because the woman and her husband had planned for this situation.

## Human Rights List

The Human Rights List hears 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*. Some of the matters heard by this list include cases relating to equal opportunity, racial and religious vilification, health and privacy information, compulsory and restrictive treatment, and decisions made by the Mental Health Tribunal.

This year, the Human Rights List has focused on service recovery and improving the efficiency in our case resolution. Our efforts were assisted by a drop in the number of initiated cases (down 12% since last financial year). As part of VCAT's commitment to active case management, the list has continued to review and refine our operating model. Additionally, this year

saw an increased focus on more direct engagement with users to explain the process and what they can expect at their hearing.

The majority of cases initiated in the Human Rights List this year fell under the *Equal Opportunity Act 2010*, with 332 cases (a 2% increase since 2021/22). There was a decrease in cases under the *Health Records Act* (down 46%), the *Disability Act* (down 35%) and the *Mental Health Act 2014* (down 25%). The clearance rate has improved across the list, from 76% in 2021/22 to 94% this year.

### Case study: Disclosure of private information

Under the *Privacy and Data Protection Act 2014*, public sector agencies which collect and handle personal information must do so responsibly and comply with the Information Privacy Principles. The Information Privacy Principles (IPPs) place strict obligations on an agency when it collects, stores, uses and discloses personal information.

In this case, a government department breached a person's privacy when a report prepared in the department referred to a person's historical experience of sexual assault. The report was only publicised to a few people, but they included a family member who the person had never told about the historical sexual assault. The person was distressed and humiliated, especially because the disclosure occurred without her knowledge or consent.

VCAT found that the department's use of the personal information was not covered by any of the exemptions which would have allowed the department to use and disclose the information. The department had already apologised to the person for not informing her how it was going to use the information. There was no evidence of substantial loss or damage (such as any resulting mental disorder needing ongoing counselling or treatment) but VCAT ordered that the department pay the person \$9000 as compensation for humiliation and distress.

## Planning and Environment Division

The Planning and Environment Division presides over a variety of case types including the use and development of land, heritage matters, enforcement of planning schemes and permits, Environment Protection Authority licensing and approvals, land valuation (for council rating and land tax) and compensation for compulsory acquisitions of property. The division primarily deals with reviews of decisions made by councils and other authorities. In 2022/23, the approximate total value of developments involved in cases within the division was \$7.71 billion.

The Planning and Environment Division divides its work into three areas:

- planning
- environment and resources
- land valuation and compensation.

This year, the division continued to hear and determine a broad range of cases, from major projects which have state and regional implications to local disputes. The number of initiated cases in the division increased by 5% from 2021/22, with the number of finalised cases falling by 8%, however the overall clearance rate was 99% as finalisations

in the previous financial year exceeded initiations. Timeliness improved across the division, with the median duration falling from 33 weeks to 27 weeks.

There has been on-going use and improvement to the digital case management systems (Felix and iManage), used in the Planning and Environment Division. Felix is a paperless digital system that allows for the management of applications in the Planning and Environment Division, associated information, correspondence and orders made by VCAT. Felix allows documents received from parties in planning and environment and resources cases to go directly to the digital file, providing almost instant access to information.

In the land valuation space, iManage is also a fully automated electronic file system that interfaces with an online portal, providing the ability for online applications to be lodged and all documents relating to the lifecycle of the case to be automatically filed. Requests from parties and issuing of orders have also been automated, which has enabled us to focus more on case management processes resulting in fewer matters going to a hearing.

There have been several significant decisions in land valuations over the past 12 months. A decision of note is *S & JG Investments Pty Ltd v Valuer-General Victoria (Land Valuation)* [2023] VCAT 246. The preliminary hearing considered whether an objection in seeking review of a valuation for rates and taxes (on the ground

of review that the valuation is too high) could be met with a higher valuation. VCAT determined that if the ground for review was that the valuation was too high, the valuation could not be increased as a result of the review before the tribunal.

Similarly, in environment and resources cases, active case management initiatives – including requirements to file statements of contentions, practice day hearings, directing conclaves of expert or specialist witnesses and use of ADR – have been used to focus proceedings on the substantive issues in dispute and to seek resolutions before a final hearing, or to reduce hearing times. These initiatives have led to many environment and resource applications being resolved before a final hearing, with the associated benefits to all parties being efficient and lower costs.

This year, the environment and resources space experienced a significant increase in demand on resources due to an increase in applications

associated with the changes to the *Environment Protection Act 2017*. The amendments to this Act occurred in July 2021, which enabled a greater number of reviewable decisions to be brought to VCAT than the previous *Environment Protection Act 1970*. Following a transitional period of approximately 12 months from when the Environment Protection Authority (EPA) provided advice, we have seen an increase in the number of applications this financial year as a result of the changes to the legislation. Since the latter part of 2022, the division experienced a high number of applications to review notices issued by the EPA. Many of these applications for review also sought stays of the notices. This required the tribunal to provide the necessary resources to conduct urgent hearings to ensure timely resolution of the stay applications. This all occurred while continuing to service other environment and resources applications and provide specialist member support to the hearings of planning applications involving natural resource and environment issues.

### Case study: Finalising matters faster through compulsory conference

This year, the Planning and Environment Division significantly expanded the use of alternative dispute resolution (ADR) to resolve disputes. The number of accredited mediators in the division has substantially increased this year to allow for more work to be done in ADR, and we have designed and implemented a program by which approximately 80 to 85% of applications will be listed for a compulsory conference. 378 cases were settled via compulsory conference this year. This means that there will be greater opportunity for most matters to be finalised faster, with less expense, and with outcomes that are agreeable to all parties.

Several matters set down for lengthy multi-day hearings involving complex projects and numerous parties were resolved quicker through compulsory conferences overseen by members, who were accredited mediators. These matters include major residential and commercial developments, the protection of Aboriginal cultural heritage, land valuation disputes, sustainable use of natural resources and issues around infrastructure that is important to the state. There has also been considerable success in the resolution of many residential disputes involving applicants, councils and neighbours.

An important example of success in the ADR space includes a series of interrelated and complex multi-party proceedings involving Traditional Owners, statutory authorities and commercial entities. Numerous compulsory conferences were conducted over many months. VCAT facilitated the process, actively managed the case and assisted the parties in dealing with their dispute. Ultimately, the dispute was successfully resolved by agreement and a complicated, multi-day hearing was no longer required.

## Residential Tenancies Division

In Victoria, almost 700,000 households live in rental accommodation. In a climate of increasing housing stress and rising costs of living, it is more important than ever that renters (tenants) and residential rental providers (landlords) are able to resolve disputes quickly and easily. The Residential Tenancies Division deals with matters involving private and public housing, rooming houses, caravan parks, and specialist disability accommodation. The division has only one list: the Residential Tenancies List.

The Residential Tenancies List is VCAT's highest volume list, accounting for 60% of VCAT's new applications for the year (45,863 of 75,288). The list's clearance rate rose to 99% despite an increase in initiations of 16% compared with last financial year. The number of finalised cases improved by 34%; this year, the list finalised 45,308 cases, compared with 33,437 in 2021/22. In addition, the list has improved the timeliness of resolutions, with the median duration for finalised cases falling to six weeks, compared with seven weeks in 2021/22.

In 2022/23, the Residential Tenancies List made significant improvements in the backlog of cases through a targeted active case management approach. This included a strategy focused on dealing with applications for possession due to unpaid rent, which was designed to efficiently resolve a large number of cases. Through the use of this targeted approach, the time between lodgement of application and hearing for these types of applications was reduced from in excess of five months to approximately two to three weeks, over the course of a five-month period. A similar targeted approach has subsequently been adopted to deal with other case types.

Residential rental providers continued to be the most frequent applications to VCAT; however, this year there was a substantial increase in the number of applications by Homes Victoria (formerly known as the Director of Housing), which was up 58%.

The Residential Tenancies List has recommenced hearing some applications in person at VCAT's community-based venues at Frankston, Oakleigh and Bundoora. The initial results from in-person hearings have been positive and are assisting in an increase in the overall finalisation rate. Planning is underway to recommence in-person hearings at VCAT's King Street venue.

### Case study: Addressing backlogs in residential tenancies

VCAT established the Backlog Recovery Program (VBRP) in December 2021. The program was implemented to drive increasing case clearance rates and to reduce the backlog of cases. The VBRP has focused on the Residential Tenancies List, which has experienced the most significant growth in backlog. At 30 June 2023, there were 23,545 pending (unfinalised) residential tenancies cases, which compares with a pre-2020 average of around 3,000 cases. This year, the program has arrested the growth of the Residential Tenancies List cases, with the list achieving our highest clearance rate in four years (99%). The majority of backlogged cases are monetary claims in relation to bond or compensation. Without the interventions of the VBRP, it is estimated that the residential tenancies backlog would be over 46,000 cases.

The program has been responsible for implementing a range of measures to reduce backlogs and the time it takes to have a hearing. Some of these measures include:

- implementing innovative hearing models to undertake bulk-listing of cases
- verifying the status of older cases by surveying case applicants
- undertaking audits in partnership with the Residential Tenancies Bond Authority (RTBA) to identify cases in which parties have resolved their case and agreed to the release of the bond
- referring eligible cases to mediation in partnership with the Dispute Settlement Centre of Victoria (DSCV).

**“With the highest clearance rates in four years, the Backlog Recovery Program has enabled us to implement new ways of working that will allow us to remove the existing backlog and continue to serve us well into the future.”** – VCAT staff member

## Alternative dispute resolution

Alternative dispute resolution (ADR) is a key part of VCAT's dispute resolution service, allowing parties to resolve disputes via compulsory conference and mediation. All lists use ADR to varying degrees, helping users to reach faster and more efficient resolutions. Of the 2,885 files that went to a form of ADR, 1,275 of them were settled. There are three main types of ADR which offer benefits to VCAT users.

Mediation involves an accredited mediator who manages the discussion and helps to identify key issues but does not make a decision on the case. Mediation can allow users to negotiate an outcome that is satisfactory to both parties, or to reach an agreement on some issues so that they can spend less time at a hearing. This year, 455 cases were settled via mediation.

This financial year, VCAT continued a partnership with the Dispute Settlement Centre of Victoria (DSCV) to fast track certain disputes. VCAT and DSCV provide a fast track mediation and hearing service for goods and services disputes up to \$10,000, to assist in reaching a resolution as quickly as possible. This year, the fast track program mediated 884 matters and settled 506 of them.

Compulsory conferences help to settle disputes more quickly and avoid the stress that can be associated with a VCAT hearing. In cases where issues are not entirely resolved via compulsory conference, reaching agreement on some issues can mean a shorter hearing. We have continued to make compulsory conferences available via phone or videoconference, as well as increased numbers of in-person conferences. This year, 820 matters were resolved via compulsory conference.

See [page 52](#) for detailed ADR data.

### Case study: Improving alternative pathways to resolving disputes

In May 2023 VCAT undertook a review into current ADR services with the aim of identifying strengths to build upon and opportunities for improvement. This included the way we assess matters that are suitable for ADR, the types and modes of delivery of ADR we offer, the business processes that support our use of ADR, and the legislative framework.

The ADR review took place over an eight-week period and included engagement with key stakeholders. This included internal stakeholders (such as members of our Executive Leadership Team, Heads of Division and Heads of List, and VCAT's ADR program team) and external stakeholders (such as representatives of the Victorian Bar, the Dispute Settlement Centre of Victoria, Domestic Building Dispute Resolution Victoria, Victorian Legal Aid, Law Institute of Victoria, and the Victoria Small Business Commission). Additionally, the review situated VCAT's ADR services within the broader landscape of alternative dispute resolution in Victoria and beyond to identify best practice. This included a benchmarking exercise with input from other Australian tribunals including those in New South Wales (NCAT), Queensland (QCAT), Tasmania (TASCAT), and the Commonwealth (AAT).

The outcome of the review is a series of opportunities for VCAT to consider as we continue to build upon the strengths of our ADR program. These improvements will contribute to our Strategic Directions priority of excellence in case resolution, allowing for more efficient access to justice for the Victorian community.



## Appeals

Under section 148 of the *Victorian Civil and Administrative Tribunal Act 1998*, 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. The Court's 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.

This year, there was a slight decrease in the total number of appeals lodged (75, compared with 78 last year). The majority of these (53) were awaiting decision as of 30 June 2023. One appeal was upheld, two appeals were partly upheld, and one appeal was granted an extension of time but the VCAT decision was quashed. There was a significant increase in the number of appeals where the leave to appeal was not granted (from four in 2021/22 to 10 in 2022/23).

See [page 54](#) for detailed appeals data.

## User feedback and complaints

VCAT welcomes feedback from users to ensure the tribunal continues to be accessible and inclusive for all Victorians, whilst maintaining the highest standards of dispute resolution and decision-making. While our service teams strive to resolve concerns or issues raised by our users over the phone or at our venues, VCAT also offers a formal process for investigating complaints that cannot be resolved on the spot. This includes a dedicated registrar who independently investigates and responds to complaints about our administrative services, including making recommendations to the Principal Registrar for action. As part of our commitment to our users and the Victorian community, VCAT regularly reviews the number and types of complaints we receive to identify any systemic issues.

This year, we received a total of 522 complaints about VCAT people or processes, with the majority of these being dismissed or not upheld. Most complaints received by VCAT relate to administrative services; of the 300 complaints received this year, 98 were upheld. VCAT received 38 complaints relating to the conduct of members this year, of which only one was upheld and three were lodged at the Judicial Commission of Victoria. Complaints about the conduct or capacity of VCAT members' can be made to the Judicial Commission of Victoria, while complaints about a VCAT member for any other reason can be made to the President of VCAT. To avoid duplication, VCAT does not investigate a complaint that is submitted to both VCAT and the Commission.

VCAT is not able to investigate complaints regarding the outcome of a decision. VCAT decisions can only be appealed on questions of law (see 'Appeals' on [page 54](#)).

See [page 54](#) for detailed complaints data.









# Purposeful people

**VCAT is building and supporting a high-performing and purposeful workforce that is committed to delivering justice to the Victorian community.**



The continuous development of our people and our ability to take advantage of the opportunities offered by new ways of working allow us to better support our core services.

This year, VCAT has strengthened our leadership and built a more collaborative and knowledge-sharing workplace culture through a range of programs designed to empower our members and staff.

Additionally, we are continuing to create a workplace that effectively promotes and protects mental health and wellbeing, enabling our members and staff to better service the community. Through dedicated programs designed to positively impact the health and wellbeing of our people, we are building a culture in which wellbeing is everyone's responsibility.

## Our people

<b>Our members and staff</b>	<b>2019 /20</b>	<b>2020 /21</b>	<b>2021 /22</b>	<b>2022 /23</b>
Members (head count)	222	201	195	194
Staff (full-time equivalent, rounded)	254	263	270	309

Member head count is inclusive of all member types, including those on part-time or sessional appointments. There has been an increase in full time staff this financial year to support VCAT's digital service transformation, as well as to support various divisions in backlog recovery.

## Service Transformation Program

The Service Transformation Program began in July 2021 with funding from the Victorian Government and will deliver a new case management system (CMS) for VCAT, shifting our current paper-based working environment to digital.

Our new tribunal-wide CMS will allow parties to interact through the one digital portal for improved consistency, transparency, efficiency, and a more contemporary experience. As we design new digital services to increase opportunities for parties to interact with each other and VCAT, we continue to maintain access and options for those who may experience accessibility issues with digital services.

This financial year, we continued the process of designing a user-centric online experience for VCAT users and a cloud-based CMS for our members and staff. Our key focus during this period was to develop our future state processes to guide the build of the new CMS and understand the specific needs of users and VCAT in more detail. We also completed the procurement of our delivery partner and onboarded the selected vendor. This has been a critical milestone to progressing the design and build of the new CMS.

Incorporating human centred design has been central to our efforts and crucial to ensure we are creating a positive experience for our users, as well as enabling parties to provide the right information to VCAT so that we can ensure cases are ready to be scheduled for hearings and to avoid unnecessary delays or adjournments.

The Civil Claims List was chosen as the first list to transition to the new system, due to its varying levels of case complexity and relatively high volume of matters. The transition of the Civil Claims List will provide important learnings that can be applied to future transitions across our nine lists. The Service Transformation Program team will undertake a range of readiness activities to ensure VCAT members and staff are confident using the new system, including intensive business user-testing, the creation and delivery of a comprehensive role-based training program, and ongoing communication and engagement opportunities.

Once live, VCAT will have delivered the first phase of a system and processes that provide a range of benefits to our people and our users, including the ability to access case file information from anywhere

in a single, centralised system; faster processing of orders with access to comprehensive, well organised digital files; and a modern, online experience for users that includes opportunities for self-service and better online access to case information.

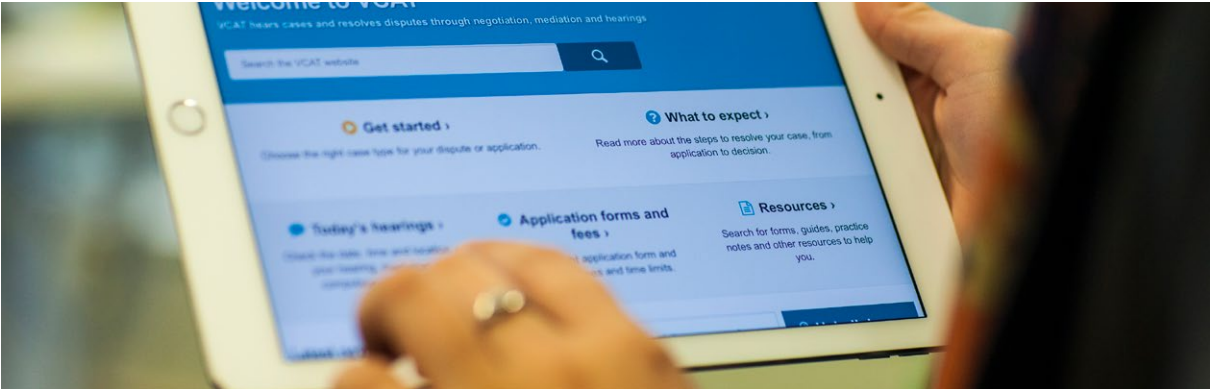
We have announced that Phase 2 of the new CMS will be the Residential Tenancies List. In 2023, we commenced our preparatory work including initial engagement with stakeholders, the development of future state processes, and undertaking research with professional and public users to determine opportunities to improve on the current experience. We are building on the work we are delivering for the Civil Claims List in Phase 1, while identifying the specific needs of the Residential Tenancies List.

## Tribunal-wide professional development

As part of VCAT's strategic goal to build and support a more high-performing, collegial and purposeful workforce, the People, Culture and Wellbeing team have developed and implemented a range of initiatives this year. By taking a people-centred approach, we are assisting our people to adjust to the transformations taking place and we are continuing to embed a positive and productive organisational culture.

The Member Professional Development Working Group guides professional development for VCAT members, providing tailored sessions for members to build capability in various skill areas. Each list engages in professional development days to address issues specifically affecting their area. Additionally, the Twilight Highlight seminar series enhances members' skills in active case management and resolution, with topics including jurisdictional changes, managing loquacious parties, oral decisions, legal research, working with interpreters, and wellbeing and safety for members while conducting hearings. VCAT members are encouraged to participate in external professional development opportunities, including conferences and seminars.

To complement the Service Transformation Program and other change initiatives taking place across VCAT, operations managers and team leaders were given the opportunity to take part in a one-day program called 'Leading Change'. VCAT partnered with Melbourne Business School to deliver the program, which focused on understanding the emotions of change, improving self-awareness and change resilience, as well as providing tools and strategies to deal with resistance to change.



## Case study: A new way of managing information

To support VCAT in implementing new ways of working, this year we completed the deployment of a web-based Knowledge Management System (KMS) to approximately 230 operational staff within the five VCAT divisions and five functional areas. The KMS, known as VIBE, will ensure that development and update of process, policy and relevant legal information is controlled and auditable, and that information is easily accessed by staff from a single source. The KMS will support training to quickly progress staff to full job competency, ensure information given to parties is consistent, accurate and current, and prevent the loss of corporate knowledge when experienced staff exit the organisation. It contributes to our goal of supporting our people and will result in improved outcomes for our users via a more efficient and high-performing workforce.

**“We can use VIBE to ensure that we can quickly get answers to complicated questions and have consistency regarding the information we give to VCAT users.” – VCAT staff member**

## Workforce Strategy Plan

Changes arising from VCAT’s Service Transformation Program have provided an opportunity for VCAT to consider its future workforce model to ensure that VCAT employees are engaged in purposeful work with the right capabilities, levels of support, and development opportunities. The goal is to prepare our people for change and empower them to be able to embrace and take advantage of new ways of working.

In February 2023, work began on the VCAT Workforce Strategy Plan project. Key actions completed this year include interviews with VCAT employees, a desktop analysis of roles across lists and divisions, and a workshop with the Executive Leadership Team.

The plan will equip VCAT to better serve the Victorian community through a strategic and dedicated workforce that is able to effectively deliver services. It will allow us to cater for changing user expectations and continue to assist us in meeting our strategic directions, including inclusive and accessible access to justice and excellence in case resolution.

## Building our leaders

A key part of VCAT’s commitment to our goal of purposeful people has been building leadership capability and practices that support our digital transformation and mobilise individuals and teams to deliver difficult and complex work. Our leadership development initiatives focus on developing skills in strong and inclusive leadership. Partnering with key organisations has given VCAT leaders access to research, resources, tools and templates that have assisted us in understanding our current benchmarks and considering emerging practices and trends.

This year we have focused on the development of leaders at all levels of our organisation, through specialised training for early and emerging leaders, as well as development of our Executive Leadership Team (ELT) and Senior Leadership Team (SLT) groups. In April 2023, we launched a program targeting emerging leaders at VPS 3 and 4 level, with nominees chosen across areas of the organisation. In mid-2022, our newly established ELT and SLT participated in a series of strategic development initiatives to define and build transformational leadership capabilities, with follow-up sessions planned for early next financial year.

### Case study: Improving the ways we engage with our stakeholders

Effective and targeted engagement with the large range of stakeholders connected to VCAT is an important part of fulfilling our commitments to the Victorian community. By ensuring our communication is clear and consistent, we can improve channels for feedback and ensure we are responding to the needs and priorities of our users and stakeholders. It is important that VCAT's people, in a variety of roles, have the tools and the confidence to engage with the wider community in a way that is on-going and purposeful.

In 2023, our Strategic Communications team undertook a project to refresh our stakeholder engagement framework. This initiative was designed to improve community awareness and responsiveness, as well as better aligning the ways that we engage with stakeholders.

The new framework will be used throughout VCAT to guide the planning, implementation and evaluation of engagement activities. It will provide guidance to VCAT members and staff on our approach to ensure we are engaging the appropriate people, in the appropriate way, and it will ensure our stakeholder engagement is consistent, co-ordinated and purposeful. This will enhance the experience of engaging with VCAT for all our stakeholders and users, leading to more positive outcomes for the Victorian community.

## Wellbeing

VCAT's Strategic Direction to develop purposeful people includes a commitment to providing members and staff with a safe and healthy workplace which supports their overall wellbeing. The Occupational Health Safety and Wellbeing Committee was reformed in August 2022, with a goal to consider how we can continue to support wellbeing through a range of programs and activities. As part of this initiative, the committee has undertaken actions including developing and overseeing the implementation of VCAT's Health and Safety Action Plan, monitoring VCAT's occupational health and safety (OHS) performance, promoting learnings in OHS, and championing improvements to culture.

### People Matter

This year VCAT continued to build on initiatives to respond to results of the 2021 Victorian Public Service People Matter Survey. The results of this survey provided three key opportunities for improvement: reduction of negative workplace behaviours, improved development and career opportunities, and reduction of unhealthy levels of workplace stress. A Culture Matters working group was established to address these areas, and we have implemented actions and initiatives to meet these three goals.

## Reduction of negative workplace behaviour

- Developing a response to the *Review into Sexual Harassment in Victorian Courts*, including introduction of contact officers, mandatory *Eliminating Sexual Harassment and Respect Training* and Your Safe Space service
- Developing a Gender Equality Action Plan as a commitment to building a harassment free and psychologically safe workplace for everyone
- Revising our new staff induction to better outline expected workplace behaviour and supports.

## Improved development and career opportunities

- Enhancing our 'Lunch and Learn' program, including career development topics, understanding the Performance Development Process and dedicated sessions for our people leaders
- Delivering the Accelerated Leadership program for emerging leaders.

## Reduction of unhealthy levels of workplace stress

- Establishing an Occupational Health and Safety Committee, leading to the development of our Mental Health and Wellbeing Strategy and Support Services intranet page
- Developing protocols for dealing with threats of aggressive behaviour, self-harm and suicide, including training for Community Access Services staff and new intranet resources
- Increasing mental health and wellbeing awareness, including dedicated Lunch and Learns, guest speakers and social activities
- Forming the Peer Support Program, with eight VCAT staff members trained as peer supporters and mental health first aiders to support colleagues
- Facilitating health and fitness opportunities, including CSV's Fitness Passport and the Summer Steps competition.

### Case study: Mental Health and Wellbeing Strategy

Over the 2022/23 financial year, VCAT has developed a comprehensive Mental Health and Wellbeing Strategy to protect and prioritise the mental health and wellbeing of our people. Through this strategy, VCAT will continue to build a workplace that more effectively promotes and protects mental health and wellbeing, enabling our members and staff to work at their best and better serve the Victorian community. We will continue with a culture of shared responsibility in managing psychosocial risks and where leaders positively impact the health and wellbeing of the people they lead.

The Mental Health and Wellbeing Strategy contains three key goals: to promote positive mental wellbeing, to protect members and staff from mental injury and illness, and to address mental illness and injury. In 2022/23, VCAT has taken several steps to begin implementation of the strategy aligned with these goals.

To promote positive mental wellbeing, we have delivered a series of sessions targeting wellbeing and informing staff of the supports available, including our Employee Assistance Program and Judicial Officer Assistance Program.

To protect members and staff from mental injury and illness, we have developed and implemented improved protocols for handling threats to our Community Access Services team, bench clerks and listings co-ordinators. We have provided several services including a Proactive Wellbeing Support Service, a Sexual Harassment Support/Management Service (Your Safe Space), and mental health first aid trained peer supporters.

To address mental illness and injury, we have established a dedicated Occupational Health, Safety and Wellbeing (OHSW) committee to actively address hazards and risks in our workplace. We have also implemented return to work plans and given staff access to critical incident psychological support after a traumatic event.

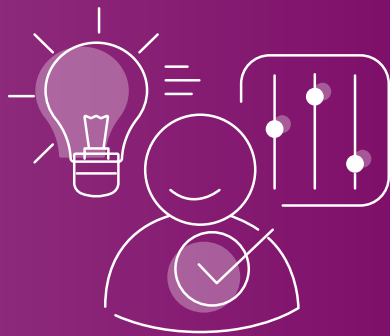
**“It is important for the organisation to start taking the lead on mental health and wellbeing. The strategy will help to build greater awareness in members and staff of mental health risk factors and what VCAT can do to mitigate those risks.”** – VCAT staff member





# Inclusive and accessible justice

**VCAT serves the Victorian community by making civil and administrative justice accessible to all.**





This year, we have undertaken initiatives to better enable our users to participate effectively in the resolution of their case, increasing opportunities for equity of access and providing appropriate assistance to our users, including those with diverse needs. We have continued to engage with and support the Koori community through our dedicated support team and the opening of new Koori hearing rooms. In our newly opened facilities, we have been guided by principles of human centred design and user experience, to improve the way we deliver our services. Our physical and virtual environments are contemporary, flexible and accessible, promoting respectful and empathetic interactions.

## Optimising remote and in-person hearings

In 2022/23, there has been a gradual return to increased numbers of in-person hearings across VCAT venues, whilst we have continued to offer remote hearings via Zoom and teleconference, as well as hybrid hearings. This range of hearing formats responds to changed community expectations about the way they can access justice services as well as allowing us to more efficiently use our physical venues.

This year, 4,556 hearings were held in person (with a sharp increase in the final quarter of the financial year; 2,447 in-person hearings in April to June 2023). The most popular hearing format continued to be teleconference, with 40,648 hearings. 9,400 hearings were held via Zoom.

Our Member Support and Hearing Services team works to ensure the smooth operations of hearings, including rostering over 200 members across venues and arranging logistics such as providing technology support and clerking resources. As we continue to utilise technology in hearings, we have improved the ways in which we offer support to users and members participating in remote hearings. VCAT conducts case-by-case analysis to ensure that the needs and safety of all parties are prioritised.

## Physical environments

This financial year, VCAT returned to in-person operations at our physical locations around the state. However, we continue to utilise remote hearing technology to optimise access to justice. To adequately offer both online, hybrid and face-to-face hearings, funding was allocated to update and improve our hearing spaces at VCAT's main location on 55 King St in Melbourne CBD. This included improving room acoustics and upgrading the AV and IT capacity in hearing rooms. This project commenced in November 2022 to be delivered in 2023 in partnership with CSV's Built Environment team.

### Opening of Bendigo Law Courts

In April 2023, the newly-constructed Law Courts building opened in Bendigo, delivered by Court Services Victoria. The courts were relocated from the existing building in Pall Mall, which was no longer suitable to serve the growing population of Bendigo and surrounds. The new courts include dedicated and purpose-designed spaces for VCAT cases.

The new courts have been designed to provide improved access to justice for communities in the Loddon-Mallee region through a multifunctional and digitally enabled modern hub. The courts will help to provide better services to the region, as VCAT continues to explore new means of regional service delivery.

Additionally, the courts feature a dedicated Koori Hearing Room. This specialised space has been created to help Aboriginal and Torres Strait Islander users feel comfortable in their environment. The room has been smoked and has Aboriginal flags and artwork, as well as a possum skin cloak which was smoked by Dja Dja Wurrung.

### Delivering a better user experience in Melbourne CBD

After 25 years in our headquarter venue at 55 King Street in Melbourne, VCAT have begun the process to move into a new fit-for-purpose venue in the second half of 2025. These new facilities will improve the user experience as VCAT continues to evolve and transform to meet the current and future demand for its services.

During this financial year, Court Services Victoria has undertaken an open-market procurement process to select a preferred new venue for VCAT's CBD headquarters. The new venue will incorporate human centred design principles to continue our commitment to creating welcoming and user-friendly spaces for our community. Fit-out is scheduled to commence in early 2024, with the new venue becoming operational in the second half of 2025.

### Case study: Human Rights Division facilities at La Trobe St

In April 2023, VCAT opened new facilities for the Human Rights Division (HRD) on Level 4 at 414 La Trobe Street, Melbourne. These purpose-built facilities, which replaced HRD's previous location at the William Cooper Justice Centre, offer a welcoming and dynamic space that has been specially designed to cater for some of VCAT's most vulnerable users.

The HRD facilities were created in partnership with Court Services Victoria, in consultation with Dementia Australia and Vision Australia. The human-centred design draws inspiration from Koori culture and seeks to create comfortable and calm spaces for all users. Additionally, these facilities are more inclusive and accessible for people living with disabilities, as well as their families and supporters. The La Trobe St venue features four hearing rooms, two mediation rooms and three interview rooms. It includes a reception desk and security entrance to ensure the safety of all users. Additionally, the venue has office space for the Office of the Public Advocate and State Trustees so that we can continue our meaningful collaboration with these organisations.

**"We are delighted that the hearing rooms have opened up on level 4 at Latrobe St. It is great to be able to offer in-person hearings, as this gives a much better opportunity for people to have their say and feel properly heard, and for the hearing process and the decision to be clearly understood by everyone. The level 4 venue feels welcoming, calm and comfortable, and we hope that the spacious and light entry area provides a chance for people coming to hearings to be ready and settled."** – Member within the Human Rights Division

## Assisting our users

### Koori engagement

VCAT's Koori Support services are designed to ensure that all Aboriginal and Torres Strait Islander people have access to support and assistance during their experience with VCAT. Engaging with the Koori community and providing a range of services is an integral part of our diversity and inclusion strategy, helping to remove barriers to access to justice and achieve fair outcomes for all our users.

In 2022/23, the Koori Support team supported over 250 Aboriginal and Torres Strait Islander people at any given time, across many different lists. The total number of initiated cases with a Koori party totalled 1,071 this year. The return to face-to-face hearings posed challenges to the Koori Support Officers, limiting the number of hearings that they could attend to support users. The greatest value assistance offered to Koori people continued to be in the preparation for hearings, ensuring that users felt confident and well prepared ahead of their hearing. Pre-hearing work includes engaging with Koori users, encouraging attendance at hearings and explaining the hearings process, and providing referral pathways. Post-hearing work involves ensuring users understand orders and what is expected of them, discussing the importance of rental agreements to maintain tenancy and encouraging users to pursue other support referrals.

The Koori Support team continued to proactively engage with users to ensure they are given the opportunity to take advantage of Koori services. The team contacts applicants directly to offer guidance and assistance, while the Koori support web page and helpline continue to be an effective first point of contact for Koori users, providing important information in a culturally sensitive way. We have also provided referrals to multiple bodies to ensure a multi-faceted and comprehensive service, connecting the community with information and services including the Victorian Aboriginal Legal Service, Victoria Legal Aid, Consumer Action Law Centre, Koori consumer advice and Koori family violence support organisations.

This financial year, our Koori services expanded with the opening of two new Koori hearing rooms. These dedicated hearing rooms are designed to make Aboriginal and Torres Strait Islander people feel comfortable and culturally safe, and they include features such as Aboriginal artwork and possum skin cloaks. Most recently, a Koori hearing room was opened within the Human Rights Division hearing

venue at 414 La Trobe Street. The new Bendigo Law Courts have Koori artwork in the public waiting area as well as within the Koori hearing room, which has a display cabinet designed to contain both the possum skin as well as Aboriginal stone artefacts on loan from the Dja Dja Wurrung Traditional Owners. Additionally, Dja Dja Wurrung artist Racquel Kerr's hammered copper Bunjil artwork adorns the outside of the building.

The Residential Tenancies List continued to experience the highest number of hearings with a Koori party, followed by Guardianship List. In 2022/23, there were 1,142 hearings with a Koori party in the Residential Tenancies List and 342 hearings with a Koori party in the Guardianship List.

**"I just wanted to thank you for making the effort to attend the in-person Guardianship hearing today. You being there was a great example of the wonderful, collaborative work VCAT's Koori Support Officers do and it also shows how dedicated you are to your role and going the extra mile to support our community."** – a Koori user

### Community access

This financial year, VCAT's community-based venues (CBVs) re-opened to the public following their temporary closure due to the COVID-19 pandemic. This represented an important step in offering accessible justice to our users and the broader community, allowing for in-person hearings to occur in venues across Bundoora, Oakleigh and Frankston.

Foot traffic at VCAT's King Street Melbourne venue increased across the financial year, from an average of seven interactions per day in October to December 2022 to 15 interactions per day in April to June 2023. There was a large increase in total counter queries compared with the previous financial year, from 412 to 2,365 (noting that the King Street venue only re-opened to the public on 13 April 2022). Interactions were primarily generic queries, filing of submissions and lodging of new applications. Counter queries also increased in our CBVs, with 276 in Bundoora, 405 in Oakleigh and 330 in Frankston.

### Service delivery

The Service Delivery Group (SDG) is a section of our Community Access Services area, housed within our Services and Legal Branch. The SDG assists VCAT users and the wider community on a range of matters. The SDG is a high volume,

fast-paced environment providing high levels of service to a range of stakeholders, from untrained, self-represented litigants to highly qualified and experienced legal professionals.

The Service Delivery Group provides procedural and process assistance to people considering making – or involved in – an application at VCAT. SDG assists users with lodging applications, documents, and making other types of requests such as adjournments or requests for directions hearings. They can also make referrals to VCAT's specialised support groups, including the Koori Support, Family Violence, and Disability Liaison Officer teams, as well as legal advice services like Victorian Legal Aid and the Victorian Law Institute. The SDG is made up of a contact centre team and the Counter Services Teams at VCAT's King Street venue.

In 2022/23, the SDG answered 177,497 calls. The majority of these were related to the Residential Tenancies Division, with a total of 63,327 calls. The use of callback mode has resulted in decreases in the number of unmet demand across divisions, with a 25.4% decrease in the Residential Tenancies Division, a 53% decrease in the Civil Division and a 71% decrease in the Human Rights Division.

## Disability liaison

As part of our commitment to inclusion and accessibility, our Disability Liaison Officers support users to access VCAT's services and venues. This service seeks to enable every Victorian to access the justice system equally. Some of the services offered by VCAT's Disability Liaison Officers (DLOs) include providing advice regarding accessibility, organising accessible hearing rooms or spaces for hearings held at VCAT, offering accessible entry points to venues, organising disability services such as interpreters or resting rooms, and co-ordinating approved adjustments for users.

There are eight DLOs at VCAT, as well as a DLO Co-ordinator. VCAT staff volunteer for DLO roles, committing to the extra responsibilities on top of their regular duties. All Disability Liaison Officers undergo a comprehensive training program that provides them with the tools they need to provide support to any VCAT users that may be living with a disability, such as training on dealing with challenging behaviours, using case management systems, and supporting users in navigating VCAT processes.

DLOs work closely with users who require disability support to help with completing VCAT applications, and explaining VCAT processes and procedures. They provide support to users to mitigate any stress and anxiety they may experience around appearing at VCAT. Additionally, DLOs provide referrals to support networks who can further assist and advise people with disability. These include referrals to Victoria Legal Aid (VLA), the Disability Network, Court Network, and the Tenancy Advisory and Advocacy Program.

A new referral process established with the Human Rights Division has contributed to a rise in referrals to Victoria Legal Aid this year, and the DLO team has conducted outreach with Law Institute Victoria and VLA to increase awareness of our service offering. Additionally, we have set up a referral system for our Residential Tenancies users who are at risk of homelessness, to support these users with legal and financial counselling referrals.

There was significant increases in the number of active/pending enquiries for DLO support this year, rising to 267 in April to June 2023. In 2022/23, the majority of enquiries for DLOs were in the Residential Tenancies List, with 187 enquiries.

## Family violence

The Family Violence Support team at VCAT have seen increases in the complexity of cases in 2022/23, with victim/survivors presenting with heightened states of distress which often require urgent responses. Continued increases in possession and rental arrears matters involving victim/survivors of family violence has coincided with the Tenancy Assistance and Advocacy Program (TAAP) and other legal services being at capacity.

The number of enquiries increased in the second half of the financial year, from 1,359 enquires in July to December 2022 to 1,554 in January to June 2023 (a 14% increase). There were 610 family violence cases and 36 personal violence cases listed in 2022/23.

There is only one funded role in Family Violence Support within VCAT, with other support coming from external organisations or volunteers within VCAT.







# Detailed data





## Service provision

Terms and definitions

### Initiations

The number of new cases (applications) entered in the list in the 2022/23 financial year.

### Finalisations

The number of cases finalised by the list in the 2022/23 financial year.

### Pending cases

The number of pending cases refers to the number of unfinalised cases as at 30 June 2023.

## Clearance rate

The number of finalisations divided by the number of initiations, with the rate expressed as a percentage. A clearance rate of 100% means that the list finalised as many cases as it received during the year.

## Timeliness of finalised cases

The principal measure of timeliness is the median time taken from initiation to finalisation. In addition, figures are provided for the 80th percentile, namely the time within which 80% of cases were finalised; for example, an 80th percentile of 10 weeks indicates that 80% of cases were finalised in 10 weeks or less.

## Caseload

### Administrative Division

#### Review and Regulation List

Caseflow	2019/20	2020/21	2021/22	2022/23	Variance
Initiations	1,034	1,039	1,002	1,038	4%
Finalisations	820	787	881	928	5%
Pending	724	705	689	715	4%
Clearance rate	79%	76%	88%	89%	2%

Timeliness of finalised cases (weeks)	2019/20	2020/21	2021/22	2022/23	Variance
Median	27	30	35	35	0%
80th percentile	60	66	83	89	7%

Initiations (details)	2019/20	2020/21	2021/22	2022/23	Variance
<i>Freedom of Information Act 1982</i>	151	242	213	191	-10%
<i>Transport Accident Act 1986</i>	263	284	275	296	8%
<i>Health Practitioner Regulation National Law (Victoria) Act 2009</i>	121	89	100	119	19%
Others	499	424	414	432	4%
<b>Total</b>	<b>1,034</b>	<b>1,039</b>	<b>1,002</b>	<b>1,038</b>	<b>4%</b>

Finalisations (details)	2019/20	2020/21	2021/22	2022/23	Variance
<i>Freedom of Information Act 1982</i>	105	156	201	189	-6%
<i>Transport Accident Act 1986</i>	165	157	200	240	20%
<i>Health Practitioner Regulation National Law (Victoria) Act 2009</i>	75	80	85	98	15%
Others	475	394	395	401	2%
<b>Total</b>	<b>820</b>	<b>787</b>	<b>881</b>	<b>928</b>	<b>5%</b>

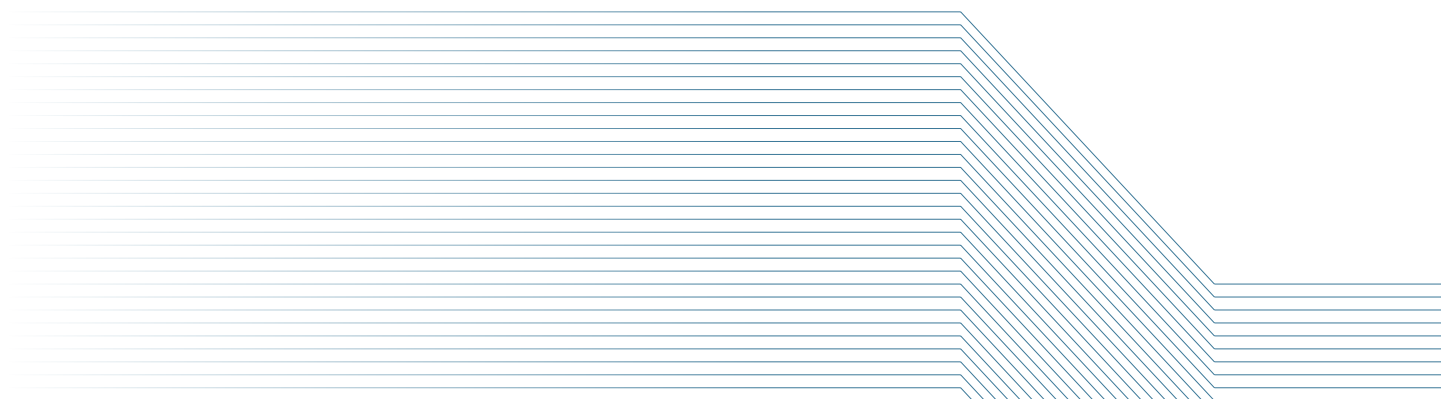
Pending (details)	2019/20	2020/21	2021/22	2022/23	Variance
<i>Freedom of Information Act 1982</i>	145	188	183	165	-10%
<i>Transport Accident Act 1986</i>	90	74	56	74	32%
<i>Health Practitioner Regulation National Law (Victoria) Act 2009</i>	144	102	158	186	18%
Others	345	341	292	290	-1%
<b>Total</b>	<b>724</b>	<b>705</b>	<b>689</b>	<b>715</b>	<b>4%</b>

## Legal Practice List

Caseflow	2019/20	2020/21	2021/22	2022/23	Variance
Initiations	121	90	72	98	36%
Finalisations	87	113	79	93	18%
Pending	43	80	72	74	3%
Clearance rate	72%	126%	110%	95%	-14%

Timeliness of finalised cases (weeks)	2019/20	2020/21	2021/22	2022/23	Variance
Median	19	29	33	29	-12%
80th percentile	48	53	68	63	-7%

Applications by enabling enactment	2019/20	2020/21	2021/22	2022/23	Variance
<i>Australian Consumer Law and Fair Trading Act 2012</i>	80	64	45	64	42%
<i>Legal Profession Uniform Law Application Act 2014</i>	38	22	25	34	36%
Other	3	4	2	-	-
<b>Total</b>	<b>121</b>	<b>90</b>	<b>72</b>	<b>98</b>	<b>36%</b>



## Civil Division

### Civil Claims List

Caseflow	2019/20	2020/21	2021/22	2022/23	Variance
Initiations	8,756	7,608	7,889	7,999	1%
Finalisations	7,421	5,652	6,726	7,011	4%
Pending	3,579	5,354	6,302	6,920	10%
Clearance rate	85%	74%	85%	88%	3%

Timeliness of finalised cases (weeks)	2019/20	2020/21	2021/22	2022/23	Variance
Median	10	23	29	38	31%
80th percentile	15	39	56	64	14%

Applications by enabling enactment	2019/20	2020/21	2021/22	2022/23	Variance
<i>Australian Consumer Law and Fair Trading Act 2012</i>	8,660	7,498	7,793	7,875	1%
Others	96	110	96	124	29%
<b>Total</b>	<b>8,756</b>	<b>7,608</b>	<b>7,889</b>	<b>7,999</b>	<b>4%</b>

Applications by claim amount for initiated cases	2019/20	2020/21	2021/22	2022/23	Variance
Small claims: <\$15,000	7,463	6,481	6,678	6,527	-2%
Standard claims: \$15,000–\$100,000	1,036	890	895	948	6%
Complex claims: \$100,000+	135	120	102	146	43%
No value	122	117	214	378	77%
<b>Total</b>	<b>8,756</b>	<b>7,608</b>	<b>7,889</b>	<b>7,999</b>	<b>1%</b>

## Building and Property List

Caseflow	2019/20	2020/21	2021/22	2022/23	Variance
Initiations	2,295	2,406	2,060	2,192	6%
Finalisations	1,827	1,995	1,799	2,143	19%
Pending	1,880	2,287	2,495	2,521	1%
Clearance rate	80%	83%	87%	98%	12%

Timeliness of finalised cases (weeks)	2019/20	2020/21	2021/22	2022/23	Variance
Median	20	36	38	45	18%
80th percentile	37	60	70	85	21%

Initiated cases by enabling enactment	2019/20	2020/21	2021/22	2022/23	Variance
<i>Domestic Building Contracts Act 1995</i>	1,324	1,400	1,128	1,224	9%
<i>Property Law Act 1958</i>	125	146	137	132	-4%
<i>Retail Leases Act 2003</i>	327	528	405	400	-1%
<i>Water Act 1989</i>	114	131	124	162	31%
<i>Australian Consumer Law and Fair Trading Act 2012</i>	395	195	263	272	3%
Others	10	6	3	2	-33%
<b>Total</b>	<b>2,295</b>	<b>2,406</b>	<b>2,060</b>	<b>2,192</b>	<b>6%</b>

Applications by claim amount for initiated cases	2019/20	2020/21	2021/22	2022/23	Variance
Small claims: <\$15,000	636	523	504	560	11%
Standard claims: \$15,000–\$100,000	591	556	490	489	0%
Complex claims: \$100,000+	328	372	311	309	-1%
No value	740	955	755	834	10%
<b>Total</b>	<b>2,295</b>	<b>2,406</b>	<b>2,060</b>	<b>2,192</b>	<b>6%</b>

## Owners Corporations List

Caseflow	2019/20	2020/21	2021/22	2022/23	Variance
Initiations	3,445	2,665	2,263	1,642	-27%
Finalisations	2,911	2,971	2,159	1,781	-18%
Pending	1,469	1,111	1,153	796	-31%
Clearance rate	85%	112%	95%	109%	14%

Timeliness of finalised cases (weeks)	2019/20	2020/21	2021/22	2022/23	Variance
Median	17	14	15	14	-7%
80th percentile	12	24	25	36	44%

Applications by enabling enactment	2019/20	2020/21	2021/22	2022/23	Variance
<i>Australian Consumer Law and Fair Trading Act 2012</i>	10	13	15	30	100%
<i>Owners Corporations Act 2006</i>	3,401	2,626	2,220	1,584	-29%
Others	34	26	28	28	0%
<b>Total</b>	<b>3,445</b>	<b>2,665</b>	<b>2,263</b>	<b>1,642</b>	<b>-27%</b>

Applications by claim amount	2019/20	2020/21	2021/22	2022/23	Variance
Small claims: <\$15,000	2,988	2,258	1,826	1,171	-36%
Standard claims: \$15,000–\$100,000	115	91	114	115	1%
Complex claims: \$100,000+	16	18	10	14	40%
No value	326	298	313	342	9%
<b>Total</b>	<b>3,445</b>	<b>2,665</b>	<b>2,263</b>	<b>1,642</b>	<b>-27%</b>



## Human Rights Division

### Guardianship List

Caseflow	2019/20	2020/21	2021/22	2022/23	Variance
Initiations	12,981	14,169	12,848	14,058	9%
Finalisations	12,920	13,361	12,420	14,097	14%
Clearance rate	100%	94%	97%	100%	4%

Applications by lodgement type for initiated cases	2019/20	2020/21	2021/22	2022/23	Variance
Guardianship Hub (online)	1,826	2,187	2,507	2,740	9%
Registry (manual)	11,155	11,982	10,341	11,318	9%
<b>Total</b>	<b>12,981</b>	<b>14,169</b>	<b>12,848</b>	<b>14,058</b>	<b>9%</b>

Enabling enactments activities for initiated cases	2019/20	2020/21	2021/22	2022/23	Variance
Advice to administrator	3,108	3,268	3,180	3,414	7%
Directions	759	787	612	405	-34%
Orders about appointed medical treatment decision-makers and support persons	158	34	37	31	-16%
Order to comply with guardian's decisions	10	14	41	32	-22%
Reassessment of order to comply with guardians decisions	-	3	13	25	92%
Rehearing for party to application	14	47	40	48	20%
Rehearing for not a party to application	2	15	4	5	25%
Additional activities	96	346	484	554	14%
<b>Total</b>	<b>4,147</b>	<b>4,514</b>	<b>4,411</b>	<b>4,514</b>	<b>2%</b>

## Human Rights List

Caseflow	2019/20	2020/21	2021/22	2022/23	Variance
Initiations	510	492	568	501	-12%
Finalisations	412	480	431	471	9%
Pending	293	292	411	432	5%
Clearance rate	81%	98%	76%	94%	24%

Timeliness of finalised cases (weeks)	2019/20	2020/21	2021/22	2022/23	Variance
Median	17	19	18	25	39%
80th percentile	29	42	49	55	12%

Applications by enabling enactment for initiated cases	2019/20	2020/21	2021/22	2022/23	Variance
<i>Disability Act 2006</i>	44	51	85	55	-35%
<i>Equal Opportunity Act 2010</i>	322	297	325	332	2%
<i>Health Records Act 2001</i>	44	45	39	21	-46%
<i>Mental Health Act 2014</i>	44	38	55	41	-25%
<i>Assisted Reproductive Treatment Act 2008</i>	2	2	0	4	
<i>Voluntary Assisted Dying Act 2017</i>	2	4	1	3	200%
<i>Racial and Religious Tolerance Act 2001</i>	10	8		11	
<i>Privacy and Data Protection Act 2014</i>	29	30	27	8	-70%
Others	13	17	36	26	-28%
<b>Total</b>	<b>510</b>	<b>492</b>	<b>568</b>	<b>501</b>	<b>-12%</b>

## Planning and Environment Division

Caseflow	2019/20	2020/21	2021/22	2022/23	Variance
Initiations	2,259	2,136	1,806	1,897	5%
Finalisations	2,197	2,072	2,057	1,885	-8%
Pending	1,469	1,600	1,351	1,333	-1%
Clearance rate	97%	97%	114%	99%	-13%

Timeliness of finalised cases (weeks)	2019/20	2020/21	2021/22	2022/23	Variance
Median	26	29	33	27	-18%
80th percentile	34	47	49	42	-14%

Initiations	2019/20	2020/21	2021/22	2022/23	Variance
Planning and Environment	2,066	2,013	1,731	1,824	5%
Land Valuation	193	123	75	73	-3%
<b>Total</b>	<b>2,259</b>	<b>2,136</b>	<b>1,806</b>	<b>1,897</b>	<b>5%</b>

Finalisations	2019/20	2020/21	2021/22	2022/23	Variance
Planning and Environment	2,067	1,923	1,962	1,799	-8%
Land Valuation	130	149	95	86	-9%
<b>Total</b>	<b>2,197</b>	<b>2,072</b>	<b>2,057</b>	<b>1,885</b>	<b>-8%</b>

Pending	2019/20	2020/21	2021/22	2022/23	Variance
Planning and Environment	1,353	1,512	1,281	1,279	-0%
Land Valuation	116	88	70	54	-23%
<b>Total</b>	<b>1,469</b>	<b>1,600</b>	<b>1,351</b>	<b>1,333</b>	<b>-1%</b>

Initiated cases by enabling enactment*	2019/20	2020/21	2021/22	2022/23	Variance
<i>Environment Protection Act 1970</i>	14	19	n/a	n/a	n/a
<i>Planning and Environment Act 1987</i>	2,032	1,976	1,701	1,780	5%
<i>Environment Protection Act 2017</i>	n/a	n/a	15	25	67%
<i>Valuation of Land Act 1960</i>	167	111	52	57	10%
Others	46	30	38	35	-8%
<b>Total</b>	<b>2,259</b>	<b>2,136</b>	<b>1,806</b>	<b>1,897</b>	<b>5%</b>

\* Cells marked n/a are reflective of a changeover to new legislation (*Environment Protection Act 2017*).

Initiated cases by case type	2019/20	2020/21	2021/22	2022/23	Variance
Major cases	460	431	363	391	8%
Standard claims	1,606	1,582	1,368	1,433	5%
Land valuation	193	123	75	73	-3%
<b>Total</b>	<b>2,259</b>	<b>2,136</b>	<b>1,806</b>	<b>1,897</b>	<b>5%</b>

Applications by claim amount	2019/20	2020/21	2021/22	2022/23	Variance
Small claims: <\$10,000	103	243	269	296	10%
Standard claims: \$10,000–\$100,000	72	135	98	82	-16%
Complex claims: \$100,000–\$1 million	427	609	616	608	-1%
Complex claims: \$1 million–\$5 million	315	346	344	403	17%
Complex claims: \$5 million–\$20 million	149	150	106	135	27%
Complex claims: \$20 million+	87	116	81	91	12%
No value	1,106	537	292	282	-3%
<b>Total</b>	<b>2,259</b>	<b>2,136</b>	<b>1,806</b>	<b>1,897</b>	<b>5%</b>
Approximate total value (\$ billion)	\$6.20	\$9.69	\$8.32	\$7.71	-7%

## Residential Tenancies Division

Caseflow	2019/20	2020/21	2021/22	2022/23	Variance
Initiations	49,022	44,685	39,587	45,863	16%
Finalisations	47,650	34,132	33,711	45,310	34%
Pending	5,199	16,419	22,462	23,545	5%
Clearance rate	97%	76%	85%	99%	16%

Timeliness of finalised cases (weeks)	2019/20	2020/21	2021/22	2022/23	Variance
Median	4	5	7	6	-14%
80th percentile	9	13	22	26	18%

Applications by enabling enactment	2019/20	2020/21	2021/22	2022/23	Variance
<i>Residential Tenancies Act 1997</i>	46,847	43,569	38,377	44,382	16%
<i>Victorian Civil and Administrative Tribunal Act 1998</i>	2,043	1,061	1,193	1,470	23%
<i>Australian Consumer Law and Fair Trading Act 2012</i>	124	46	6	3	-50%
Others	8	9	11	8	-27%
<b>Total</b>	<b>49,022</b>	<b>44,685</b>	<b>39,587</b>	<b>45,863</b>	<b>16%</b>

Top 5 application types	Number of applications
Possession – rent arrears	13,291
Urgent repairs	2,221
To require the payment of compensation to any person	2,151
Possession – other	1,689
Possession – premises are being sold	1,044

Applications by applicant type	2019/20	2020/21	2021/22	2022/23	Variance
Homes Victoria (Director of Housing)	6,619	1,462	2,724	4,310	58%
Residential rental provider	30,296	31,626	25,533	28,471	12%
Private rental provider	3,957	3,981	3,402	4,251	25%
Renter	6,986	6,936	6,835	7,510	10%
Others	1,164	680	1,093	1,321	21%
<b>Total</b>	<b>49,022</b>	<b>44,685</b>	<b>39,587</b>	<b>45,863</b>	<b>16%</b>

## Alternative dispute resolution (ADR)

### Conducted compulsory conference or mediation

ADR type	2020/21	2021/22	2022/23
Compulsory conference	2,352	1,882	1,933
Mediation	373	674	952
<b>Total</b>	<b>2,725</b>	<b>2,556</b>	<b>2,885</b>

### Settled compulsory conference or mediation

ADR type	2020/21	2021/22	2022/23
Compulsory conference	1,041	818	820
Mediation	210	361	455
<b>Total</b>	<b>1,251</b>	<b>1,179</b>	<b>1,275</b>

### Settlement percentages

ADR type	2020/21	2021/22	2022/23
Compulsory conference	44%	43%	42%
Mediation	56%	54%	48%
<b>Total</b>	<b>46%</b>	<b>46%</b>	<b>44%</b>



## Fast Track Mediation and Hearing (FTMH) Program

### Assessments

Item	Total
Files assessed as suitable, including files that may be scheduled for FTMH in 2023-24	1,301
Files reviewed for FTMH suitability	1,694

### Mediations conducted and settled

Item	Total
Mediations conducted	863*
Mediations settled	498
Mediation settlement rate %	57.7%

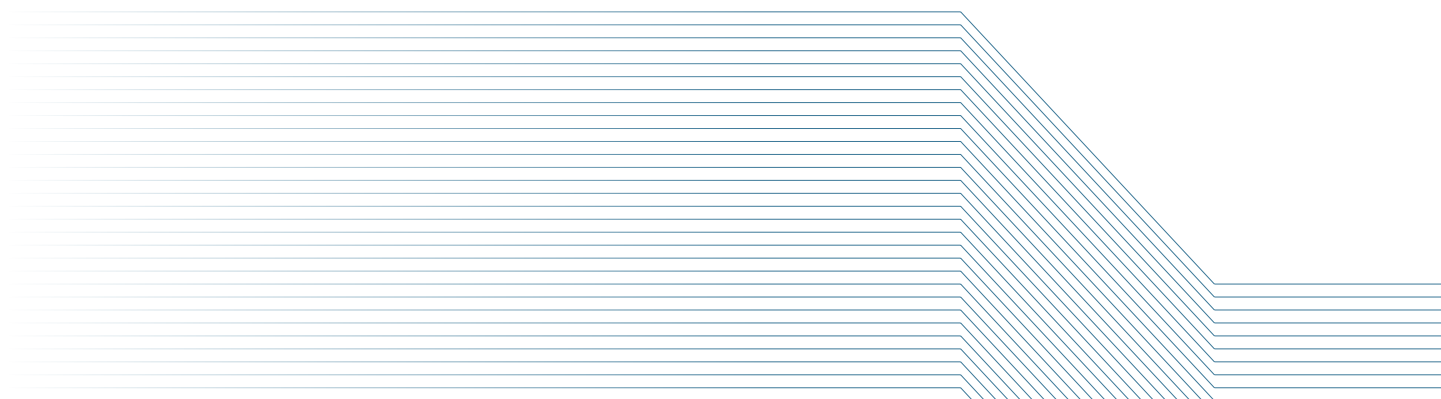
### Settled before mediation

Item	Total
Total DSCV assisted settlements	109
DSCV assisted settlement %	8.37%
Total files settled before mediation, including DSCV-assisted settlement*	285
Settled before scheduled mediation %	21.9%

\*Includes matters withdrawn by parties after interaction with DSCV and DSCV-assisted settlement

### Overall

Item	Total
Total DSCV resolutions – mediation and assisted settlement	607
DSCV resolution rate – mediation and assisted settlement %	66.07%



## Appeals

Appeals to Supreme Court	2019/20	2020/21	2021/22	2022/23
Leave to appeal not granted	14	9	4	10
Leave to appeal granted and appeal dismissed	15	23	2	2
Leave to appeal granted and appeal upheld	12	15	6	4*
Administrative disposal/ discontinued/finalised by consent	46	17	16	6
Awaiting decision	3	14	50	53
<b>Total number of appeals lodged</b>	<b>90</b>	<b>78</b>	<b>78</b>	<b>75</b>

\* One appeal upheld, two appeals partly upheld, one appeal granted an extension of time but VCAT decision quashed

## Complaints

	Upheld	Partially Upheld	Not Upheld	Dismissed	Judicial Commission Victoria	Withdrawn	Total
<b>Member</b>	1	0	32	1	4	0	38
<b>Staff</b>	12	0	11	0	0	0	23
<b>Administrative</b>	98	0	201	0	0	1	300
<b>Other</b>	3	0	71	0	0	0	74
<b>Decision</b>	0	0	12	75	0	0	87
<b>Total</b>	<b>114</b>	<b>0</b>	<b>328</b>	<b>76</b>	<b>3</b>	<b>1</b>	<b>522</b>

## Services

Our services	2019/20	2020/21	2021/22	2022/23	Variance
Incoming emails managed	278,600	334,549	367,086	445,175	21%
Counter enquiries handled at our main hearing venue, 55 King St	15,225	0	412*	2,365	474%*
Calls answered	247,951	169,593	172,030	177,497	3%

\* King Street venue re-opened to public on 13 April 2022

## Finances

VCAT's 2022-23 accounts are audited by the Victorian Auditor-General's Office (VAGO) as part of CSV accounts. Financial transactions are recorded and audited for compliance with the reporting guidelines set by the Department of Treasury and Finance for Victorian Government agencies and are compliant with the Australian Accounting Standards.

VCAT's 2022-23 accounts are published in the consolidated CSV Annual Report 2022-23.

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

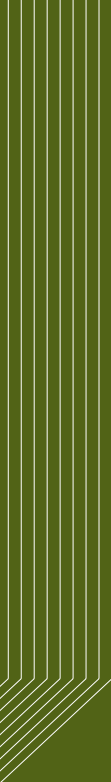
Due to a difference in legislated reporting timeframes, at the time of preparing this report, VAGO was yet to form an audit opinion on the CSV accounts. The finance information presented in Appendix A remains subject to VAGO audit.



# 9

## Appendices







## A. Financial information

<b>Our finances (millions)</b>	<b>2019-20</b>	<b>2020-21</b>	<b>2021-22</b>	<b>2022-23</b>
How much Parliament appropriates for VCAT costs	\$34.609	\$39.527	\$42.796	\$45.065
Fees retained as appropriations	\$8.335	\$7.889	\$8.021	\$7.961
Funds from Consumer Affairs Victoria (in trust, for dispute services)	\$20.749	\$20.589	\$19.640	\$23.779





## B. Enabling enactments as at 30 June 2023

<i>Aboriginal Heritage Act 2006</i>	<i>Act 2013</i>	<i>Fire Rescue Victoria (Firefighters Registration Board) Regulations 2022</i>
<i>Accident Compensation Act 1985</i>	<i>Congestion Levy Act 2005</i>	<i>First Home Owner Grant Act 2000</i>
<i>Accident Towing Services Act 2007</i>	<i>Conservation, Forests and Lands Act 1987</i>	<i>Fisheries Act 1995</i>
<i>Accident Towing Services Regulations 2019</i>	<i>Conveyancers Act 2006</i>	<i>Flora and Fauna Guarantee Act 1988</i>
<i>Adoption Act 1984</i>	<i>Co-operatives National Law Application Act 2013</i>	<i>Freedom of Information Act 1982</i>
<i>Agricultural and Veterinary Chemicals (Control of Use) Act 1992</i>	<i>Country Fire Authority Act 1958</i>	<i>Fundraising Act 1998</i>
<i>Architects Act 1991</i>	<i>Credit Act 1984</i>	<i>Gambling Regulation Act 2003</i>
<i>Assisted Reproductive Treatment Act 2008</i>	<i>Dairy Act 2000</i>	<i>Gambling Taxation Act 2023</i>
<i>Associations Incorporation Reform Act 2012</i>	<i>Dangerous Goods Act 1985</i>	<i>Gas Safety Act 1997</i>
<i>Australian Consumer Law and Fair Trading Act 2012</i>	<i>Development Victoria Act 2003</i>	<i>Gender Equality Act 2020</i>
<i>Back to Work Act 2015</i>	<i>Disability Act 2006</i>	<i>Guardianship and Administration Act 2019</i>
<i>Biological Control Act 1986</i>	<i>Disability Service Safeguards Act 2018</i>	<i>Health Complaints Act 2016</i>
<i>Births, Deaths and Marriages Registration Act 1996</i>	<i>Domestic Animals Act 1994</i>	<i>Health Practitioner Regulation National Law</i>
<i>Building Act 1993</i>	<i>Domestic Building Contracts Act 1995</i>	<i>Health Records Act 2001</i>
<i>Bus Safety Act 2009</i>	<i>Drugs, Poisons and Controlled Substances Act 1981</i>	<i>Health Services Act 1988</i>
<i>Business Franchise (Petroleum Products) Act 1979</i>	<i>Duties Act 2000</i>	<i>Heavy Vehicle National Law Application Act 2013</i>
<i>Business Licensing Authority Act 1998</i>	<i>Education and Care Services National Law Act 2010</i>	<i>Heritage Act 2017</i>
<i>Catchment and Land Protection Act 1994</i>	<i>Education and Training Reform Act 2006</i>	<i>Housing Act 1983</i>
<i>Cemeteries and Crematoria Act 2003</i>	<i>Electoral Act 2002</i>	<i>Instruments Act 1958</i>
<i>Change or Suppression (Conversion) Practices Prohibition Act 2021</i>	<i>Electricity Safety Act 1998</i>	<i>Labour Hire Licensing Act 2018</i>
<i>Children, Youth and Families Act 2005</i>	<i>Emergency Management Act 1986</i>	<i>Land Acquisition and Compensation Act 1986</i>
<i>Children's Services Act 1996</i>	<i>Emergency Services Superannuation Act 1986</i>	<i>Land Tax Act 2005</i>
<i>Child Employment Act 2003</i>	<i>Environment Protection Act 2017</i>	<i>Legal Profession Uniform Law Application Act 2014</i>
<i>Child Wellbeing and Safety Act 2005</i>	<i>Equal Opportunity Act 2010</i>	<i>Liquor Control Reform Amendment Act 2021</i>
<i>Climate Change Act 2017</i>	<i>Equipment (Public Safety) Act 1994</i>	<i>Livestock Disease Control Act 1994</i>
<i>Commercial Passenger Vehicle Industry Act 2017</i>	<i>Essential Services Commission Act 2001</i>	<i>Local Government Act 1989</i>
<i>Company Titles (Home Units)</i>	<i>Estate Agents Act 1980</i>	<i>Local Government Act 2020</i>
	<i>Firearms Act 1996</i>	
	<i>Fire Rescue Victoria Act 1958</i>	

<i>Long Service Benefits Portability Act 2018</i>	<i>Professional Engineers Registration Act 2019</i>	<i>Taxation Administration Act 1997</i>
<i>Marine Safety Act 2010</i>	<i>Property Law Act 1958</i>	<i>Therapeutic Goods (Victoria) Act 2010</i>
<i>Major Events Act 2009</i>	<i>Public Health and Wellbeing Act 2008</i>	<i>Tourist and Heritage Railways Act 2010</i>
<i>Major Transport Projects Facilitation Act 2009</i>	<i>Racial and Religious Tolerance Act 2001</i>	<i>Traditional Owner Settlement Act 2010</i>
<i>Meat Industry Act 1993</i>	<i>Racing Act 1958</i>	<i>Transport (Compliance and Miscellaneous) Act 1983</i>
<i>Medical Treatment Planning and Decisions Act 2016</i>	<i>Radiation Act 2005</i>	<i>Transport Accident Act 1986</i>
<i>Melbourne Strategic Assessment (Environment Mitigation Levy) Act 2020</i>	<i>Rail Safety National Law Application Act 2013</i>	<i>Transport (Safety Schemes Compliance and Enforcement) Act 2014</i>
<i>Mental Health Act 2014</i>	<i>Relationships Act 2008</i>	<i>Transport Superannuation Act 1988</i>
<i>Mineral Resources (Sustainable Development) Act 1990</i>	<i>Residential Tenancies Act 1997</i>	<i>Trustee Companies Act 1984</i>
<i>Motor Car Traders Act 1986</i>	<i>Retail Leases Act 2003</i>	<i>Unclaimed Money Act 2008</i>
<i>Non-Emergency Patient Transport and First Aid Services Act 2003</i>	<i>Retirement Villages (Contractual Arrangements) Regulations 2017</i>	<i>Valuation of Land Act 1960</i>
<i>Occupational Health and Safety Act 2004</i>	<i>Retirement Villages Act 1986</i>	<i>Veterinary Practice Act 1997</i>
<i>Occupational Health and Safety Regulations 2017</i>	<i>Road Management (General) Regulations 2016</i>	<i>Vexatious Proceedings Act 2014</i>
<i>Owner Drivers and Forestry Contractors Act 2005</i>	<i>Road Management Act 2004</i>	<i>Victims of Crime Assistance Act 1996</i>
<i>Owners Corporations Act 2006</i>	<i>Road Safety (Vehicles) Regulations 2021</i>	<i>Victoria State Emergency Service Act 2005</i>
<i>Parliamentary Salaries, Allowances and Superannuation Act 1968</i>	<i>Road Safety Act 1986</i>	<i>Victoria State Emergency Service Regulations 2017</i>
<i>Payroll Tax Act 2007</i>	<i>Rooming House Operators Act 2016</i>	<i>Victorian Energy Efficiency Target Act 2007</i>
<i>Petroleum Act 1998</i>	<i>Sale of Land Act 1962</i>	<i>Victorian Plantations Corporation Act 1993</i>
<i>Pharmacy Regulation Act 2010</i>	<i>Seafood Safety Act 2003</i>	<i>Voluntary Assisted Dying Act 2017</i>
<i>Pipelines Act 2005</i>	<i>Second-Hand Dealers and Pawnbrokers Act 1989</i>	<i>Water Act 1989</i>
<i>Planning and Environment Act 1987</i>	<i>Sentencing Act 1991</i>	<i>Wildlife Act 1975</i>
<i>Plant Biosecurity Act 2010</i>	<i>Service Victoria Act 2018</i>	<i>Windfall Gains Tax Act 2021</i>
<i>Port Management Act 1995</i>	<i>Sex Work Act 1994</i>	<i>Worker Screening Act 2020</i>
<i>Powers of Attorney Act 2014</i>	<i>Small Business Commission Act 2017</i>	<i>Workplace Injury Rehabilitation and Compensation Act 2013</i>
<i>Prevention of Cruelty to Animals Act 1986</i>	<i>State Employees Retirement Benefits Act 1979</i>	<i>Zero and Low Emission Vehicle Distance-based Charge Act 2021</i>
<i>Privacy Act 1988</i>	<i>State Superannuation Act 1988</i>	
<i>Privacy and Data Protection Act 2014</i>	<i>Subdivision Act 1988</i>	
<i>Private Security Act 2004</i>	<i>Superannuation (Portability) Act 1989</i>	
<i>Professional Boxing and Combat Sports Act 1985</i>	<i>Supported Residential Services (Private Proprietors) Act 2010</i>	
	<i>Surveying Act 2004</i>	

## C. VCAT member directory

Number of VCAT members at 30 June 2023: **205**

### VCAT President

Justice Michelle Quigley

### Vice Presidents

Judge Sharon Burchell

Judge Michael Macnamara

Judge Graham Anderson

Judge Elizabeth Brimer

Judge Samantha Marks

Judge My Anh Tran

Judge Sandra Davis

Judge Jeanette Morrish

### Deputy Presidents

Ms Teresa Bisucci

Mr Ian Proctor

Mr Richard Wilson

Mr Ian Lulham

Mr Eric Riegler

Ms Genevieve Nihill AM

Mr Lindsay Warren

### Senior Members - Non-sessional

Ms Margaret Baird

Mr Brendan Hoysted

Ms Rachel Naylor

Mr John Bennett

Mr Laurie Hewet

Mr Bill Sibonis

Ms Susan Burdon-Smith

Ms Justine Jacono

Ms Anita Smith

Mr Sam Cimino

Ms Suzanne Kirton

Mr Jonathan Smithers

Mr Geoffrey Code

Mr Philip Martin

Ms Bernadette Steele

Ms Carol Daicic

Ms Stella Moraitis

Mr Reynah Tang AM

Ms Anna Dea

Mr Ian Potts

Mrs Silvana Wilson

Mr Mark Farrelly

Mr Charles Powles

Ms Leneen Forde

Ms Charlene Price

### Senior Members - Sessional

Ms Catherine Aird

Mr Michael Levine

Mr Alan Vassie

Mr John Billings

Ms Jacqueline Preuss

Ms Elisabeth Wentworth

Judge Pamela Jenkins

Ms Jeanette Rickards

## Members - Non-sessional

Ms Pamela Barrand

Ms Claire Bennett

Mr Rohan Bennett

Ms Elizabeth Benz

Ms Deirdre Bignell

Ms Tracey Bilston-McGillen

Ms Kerrie Birtwistle

Mr Gregory Brock

Ms Danica Buljan

Mr Domenico Calabro

Ms Mary Cameron

Ms Kylea Campana

Mr Neill Campbell

Ms Megan Carew

Ms Dalia Cook

Mr Richard Curie

Mr Robert Daly

Mr Michael Deidun

Ms Picha Djohan

Ms Jennifer Ellis

Ms Nicole Feeney

Mr Sydney Fry

Ms Danielle Galvin

Mr Peter Gaschk

Mr Filip Gelev

Ms Alison Glynn

Mr Chris Harty

Mr Brook Hely

Ms Diane Hubble

Ms Louise Johnson

Mr Barry Josephs

Mr Andrew Kincaid

Ms Jessica Klingender

Ms Kim Knights

Ms Rebecca Leshinsky

Ms Susanne Liden

Mr Donald Lucas

Mr Owen Mahoney

Ms Felicity Marks

Ms Sarah McDonald

Ms Anne Moon

Ms Holly Nash

Mr Michael Nelthorpe

Ms Katherine Paterson

Mr Sam Pandya

Ms Judith Perlstein

Ms Tania Petranis

Ms Linda Rowland

Mr Ian Scott

Ms Karina Shpigel

Ms Alison Slattery

Ms Jane Tait

Ms Mary-Anne Taranto

Mr Joel Templar

Mr Christopher Thwaites

Ms Anne-Marie Tilley

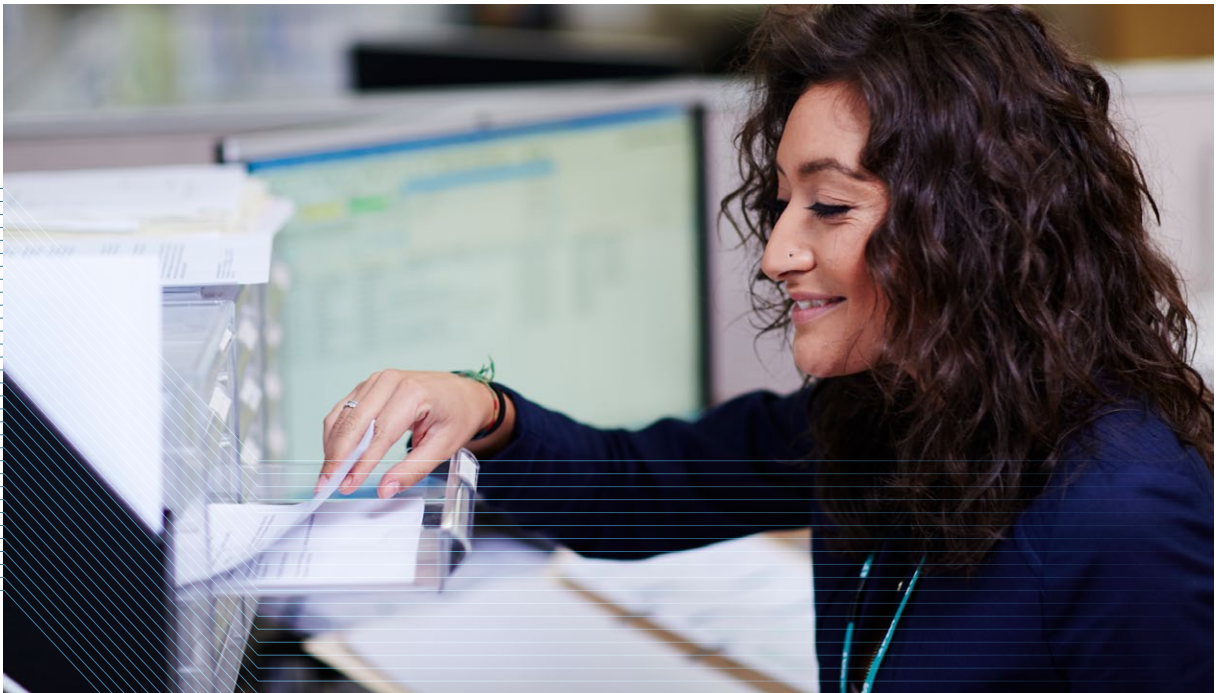
Dr Andrea Treble

Ms Tracy Watson

Mr Stuart Webb

Ms Susan Whitney

Mr Shiran Wickramasinghe



## Members - Sessional

Mr Benjamin Adcock	Ms Alison Elmes	Dr Elissa O'Brien
Ms Vanessa Aitken	Dr Peter Farrelly	Mr Rodney Page
Dr George Alexander	Ms Natalie Fleming	Ms Kate Partenio
Ms Dianne Anderson	Ms Michelle Gardner	Ms Rosslyn Pearson
Ms Mary Archibald PSM	Mr Jayce Gilbert	Ms Annette Peart
Mr Stephen Axford	Dr John Gleeson	Mr Christopher Perera
Ms Pamela Barry	Ms Megan Goulding	Dr Yi-Lee Phang
Dr Philip Bender	Mr Sherman Gu Xu Ming	Mr Robert Phillips
Ms Wendy Boddison	Mr Raymond Gymer	Ms Marian Power
Mr Venetia Bombas	Mr Paul Gysslink	Mr Mark Prince
Ms Siobhan Boyd-Squires	Mr Nick Hadjigeorgiou	Ms Erin Rankins
Ms Melissa Bray	Ms Bernadette Hally	Dr John Reggars
Ms Emma Bridge	Ms Diana Harding KC	Mr John Sharkie
Mr Robert Buchanan	Dr Christopher Hart	Mr Gregory Sharpley
Ms Marietta Bylhouwer	Miss Jennifer Holdstock	Dr Rowan Story AM RFD
Mr Louis Cali	Mr Adrian Ho	Dr Angela Sungaila
Dr Melainie Cameron	Mr Tony Horan	Mr Michael Sweeney OAM
Ms Rebecca Cameron	Dr Alan Johnston	Dr Michelle Taylor-Sands
Mr Gregory Chase	Mr Colin Jones	Ms Anna Maria Tantau
Mr John Clampett	Ms Ann Keddie	Ms Vivienne Topp
Ms Vicky Cogley	Mr David Kim	Mr Christopher Torr
Mr Peter Cole	Ms Carolyn Manning	Mr Peter Tyler
Ms Rea Condoleon	Dr Elizabeth Mason	Mr John Vestakis
Ms Gwenneth Crawford	Mr Colin McIntosh	Ms Jill Walsh
Ms Lara Crocker	Ms Patricia McKeown	Dr Laurie Warfe
Mr Frank Dawson	Dr Peter McNeill	Dr John Waterhouse
Dr Clare Delany	Mr Roderick McRae	Mr Philip West
Dr Anthony Dickinson	Ms Katherine Metcalf	Mr Nicholas Wimbush
Associate Professor Barry Draper	Mr Gino Mitrione	Ms Angela Williams
Ms Annette Eastman	Dr Patricia Molloy	Mr Samuel Zheng
Mr Chris Edquist	Ms Lorina Nervegna	
Mr Michael El Moussalli	Ms Kathryn Norman	

## D. Glossary

<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.
<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 appointed to hear and determine cases in VCAT's jurisdiction. 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 <i>Property Law Act 1958</i> and claims arising from an unreasonable flow of water under the <i>Water Act 1989</i> .
<b>Registry</b>	The administrative section of VCAT that co-ordinates 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 <i>Victorian Civil and Administrative Tribunal Act 1998</i> .
<b>User groups</b>	Key stakeholders with interest in particular lists.
<b>VCAT Act</b>	The <i>Victorian Civil and Administrative Act 1998</i>
<b>Variance</b>	Percentage difference between the current and previous financial year.
<b>VPS</b>	Victorian Public Service



## E. Contact details

### Main office

55 King Street, Melbourne VIC 3000  
Email [communications@vcat.vic.gov.au](mailto:communications@vcat.vic.gov.au)  
Website [vcat.vic.gov.au](http://vcat.vic.gov.au)  
Telephone 1300 01 8228 (1300 01 VCAT)

### Other venues

#### Bundoora

Level 2, Uni Hill Town Centre,  
1-3 Janefield Drive, Bundoora VIC 3083

#### Frankston

1 Balmoral Street,  
Frankston VIC 3199

#### Oakleigh

Level 1, 20 Atherton Road,  
Oakleigh VIC 3166

#### Melbourne (414 La Trobe St)

Level 4, 414 La Trobe St,  
Melbourne VIC 3000

#### Bendigo Law Courts

Corner of Mundy and Hargreaves Streets,  
Bendigo VIC 3550



**VCAT**

**Victorian Civil &  
Administrative  
Tribunal**