

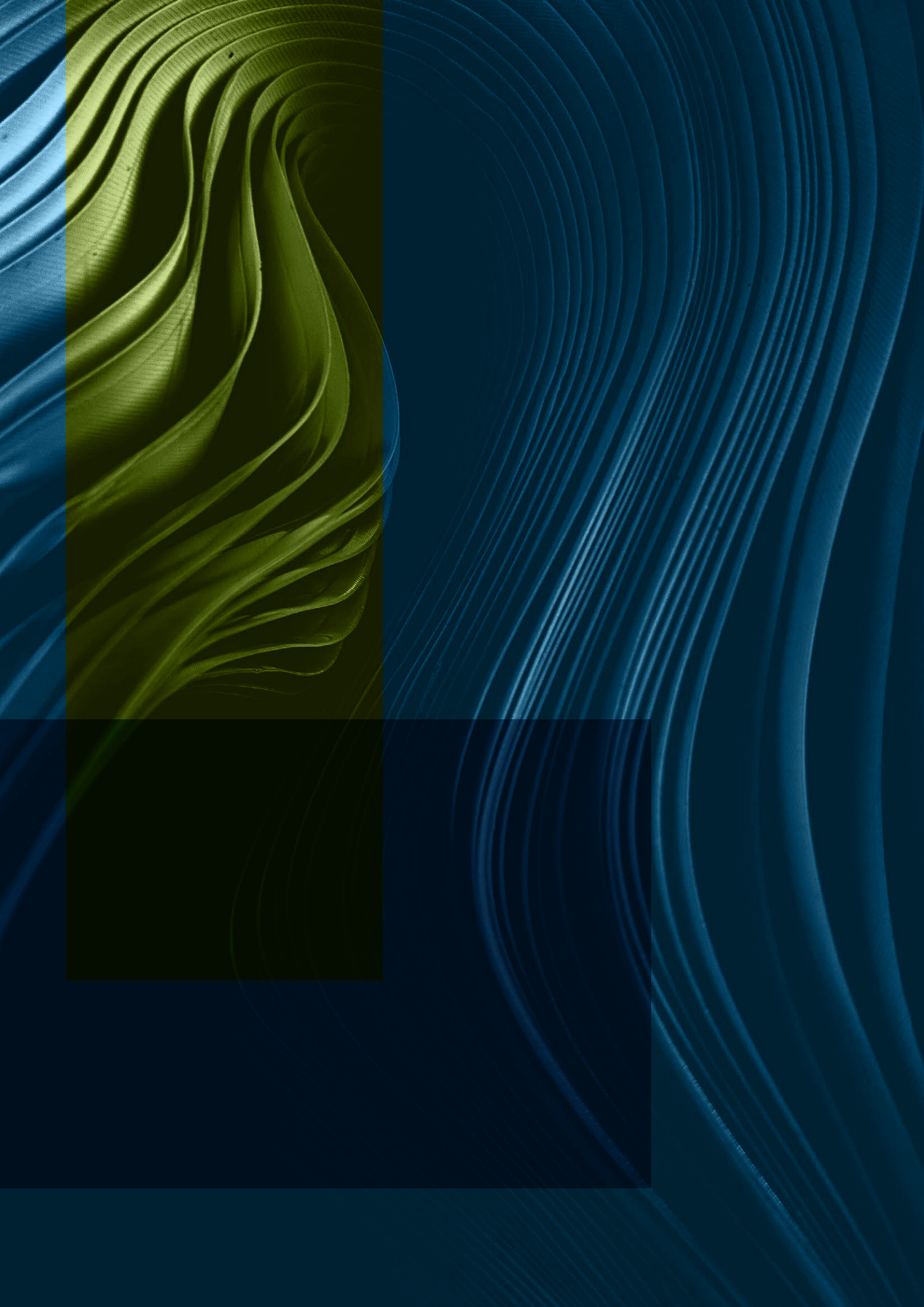
ANNUAL REPORT 2023/24

VCAT

**Victorian Civil &
Administrative
Tribunal**



Update 30 September 2024 –
Residential Tenancies backlog
has been completed



CONTENTS

01 Message from the President and CEO	02	06 Operations	24
		Built Environment	24
02 2023/24 Year in Review	04	Operational initiatives	25
Operating Model Improvement Program	05	Supporting users	26
Digital Case Management System	06	07 Supporting our People	28
CBD Accommodation	06	Professional development	28
Corporate Consolidation	07	Wellbeing initiatives	30
Clearing our backlog	08	08 Financial Report	32
03 Towards Excellence: Our New Strategic Plan	10	09 Appendices	34
04 About VCAT	12	A. Financial information	35
Our operating environment	13	B. Enabling enactments as at 30 June 2024	35
Our governance and leadership	13	C. VCAT member directory	38
05 Work of the Tribunal	14	D. Glossary	40
User feedback	14		
Administrative Division	15		
Civil Division	17		
Human Rights Division	20		
Planning and Environment Division	22		
Residential Tenancies Division	23		
Appeals	23		



01

MESSAGE FROM THE PRESIDENT AND CEO

This year has been one of renewed focus at VCAT on our purpose and foundational characteristics and how these drive the value we create for Victoria.



Justice Ted Woodward, President



Fiona Chamberlain, Chief Executive Officer

VCAT was created to improve the quality, accessibility, timeliness, and cost of civil justice for Victorians. Our 25th anniversary last year was an appropriate moment to revisit whether we continue to provide equal access to high-quality justice and help people to reach a fair outcome at low cost and as quickly as possible. It was clear that we were falling short on that aspiration in a number of areas.

This year has therefore seen a renewed focus on how we serve Victorians – efficiently, informally, inexpensively, quickly, accessibly – leading to significant improvements in our service performance.

We have brought the longstanding backlog of residential tenancies cases to pre-pandemic levels, and we will eradicate that backlog well before the end of 2024.

We have made our services more accessible throughout Victoria’s communities by making greater use of our community-based venues, by increasing our presence at court facilities, and by building new partnerships with community legal organisations.

We have made substantial progress towards digitising our case management and listing systems; in December we ‘went live’ with the civil claims component of our new case management system and we continue to move towards digital end-to-end process in our portal, digital files, and digital hearings.

We remade our governance arrangements to strengthen member participation in decision-making, leadership, and strategic management at VCAT and we have worked with Court Services Victoria to introduce a more efficient shared services model for Courts Group.

At the end of the financial year VCAT announced its new strategic direction, *Towards Excellence*, bringing together all of the initiatives from the previous 12 months into a single statement of intent. This document sets the roadmap for VCAT for the next three years as we work towards excellence as a tribunal with a steady focus on serving the Victorians who come to us for help.

The strategic direction is a dynamic renewal of VCAT’s purpose and its foundational characteristics. *Towards Excellence* also builds on recent lessons and our early successes. We have commenced a comprehensive redesign of our operating model, a process that has already reduced wait times and led to faster outcomes. We are designing our new venue in the Melbourne CBD; this will be home to the new ways that VCAT serves Victorians.

We are also engaging with our staff and members to improve our operating model, to make VCAT an even better place to work, and, ultimately, to renew VCAT as an exemplar of tribunal excellence. VCAT’s people are our most important resource.

It is nevertheless important to acknowledge that the three-year timeframe for the implementation of *Towards Excellence* has been arrived at for a reason. We still have a way to go. The residential tenancies backlog is almost behind us, but the time to resolution for bond and compensation claims is longer than it should be.

Similarly, there are unsustainable delays with civil, domestic building and freedom of information cases, as well as in guardianship reassessments. Each of these will be tackled as part of the redesign of our operating model, which we expect will resolve these remaining areas of concern well within the three-year timeframe.

This has been our first year as President and as Chief Executive Officer of VCAT. We are grateful to VCAT’s staff and members for the faith they have put in us to achieve significant reforms and improvements for them and for our users. Their contributions make a genuine difference in the lives of Victorians. Their commitment gives us great confidence that we will make the aspirations of *Towards Excellence* a reality.

We are also grateful for government’s investment in and support of VCAT’s efforts so far to improve its our performance and Victorians’ experience of tribunal services, as well as the efforts of our funding partners such as Consumer Affairs Victoria.

We are pleased and honoured to serve at VCAT.

Justice Ted Woodward

President

Fiona Chamberlain

Chief Executive Officer

02

2023/24 YEAR IN REVIEW



64,510

TOTAL HEARINGS



90,477

CASES FINALISED



79,386

CASES INITIATED



114%

CLEARANCE RATE



5,161

IN-PERSON QUERIES AT VCAT VENUES

VCAT
Victorian Civil &
Administrative
Tribunal

Operating Model Improvement Program

In April 2024, VCAT established the Operating Model Improvement Program to change the way we work to help our users get an outcome as quickly as possible.

The Program team comprises a small group of staff from across VCAT, members, and people managers: the team has all the requisite staff and roles to manage cases from beginning to end.

Initially focused on the Residential Tenancies List and building on some of the lessons learned from the Backlog Recovery Program, in the 2023/24 financial year the Program studied our current operating model and identified opportunities to eliminate waste and promote early resolution.

The Program team's analysis found that significant delays result from double-handling, multiple hand-offs, and rework.

The team also spoke to many of our users: while experiences were mixed, many users expressed concerns about the length of time it took for their matters to be resolved, and about the difficulty of navigating the process – including finding VCAT correspondence hard to understand, and experiencing uncertainty when attending a hearing.

The new operating model aims to significantly reduce turnaround times and improve user satisfaction by redesigning our processes, work systems and technology to meet users' needs at the earliest point.

By cutting down on repetitive manual tasks and rework, the Program also aims to make work for VCAT staff and members more engaging and rewarding.

The Program started trialing new methods on live cases in May 2024 and will expand proven approaches in the 2024/25 financial year. Early results indicate reduced time and improved outcomes.

Some of the key features of our new operating model include:

- Referring users to different agencies where these are better placed to resolve their matter
- Facilitating agreements as quickly as possible, without always proceeding to a formal hearing
- Giving users the right advice to facilitate discussions and guide them towards appropriate dispute resolution options, such as mediation
- Ensuring all necessary information is gathered and organised to proceed to the next step in the application process
- Helping users to have a clear and up-to-date understanding of each stage of their resolution process
- Using technology that responds to user preferences and allows parties to receive updates and information

Digital Case Management System

The Digital Case Management System program began with funding from the Victorian Government and has delivered an end-to-end 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 one digital portal for improved consistency, transparency, efficiency, and a more contemporary experience. As we design new digital services, we continue to maintain access and options for those who may experience accessibility issues with digital services.

VCAT went live with the new CMS and digital portal (myVCAT) for the Civil Claims List on 6 December 2023. 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 has provided important learnings that can be applied to future transitions across our nine lists.

The Digital Case Management System program team developed and implemented 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 training program, and ongoing communication and engagement opportunities.

VCAT's new CMS and digital portal for users (myVCAT) provides 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.

CBD Accommodation

This financial year, VCAT has continued to work closely with Court Services Victoria (CSV) to deliver a new CBD location at 300 La Trobe Street, Melbourne. Consolidating VCAT's existing city locations at 55 King Street and 414 La Trobe Street, the new venue will be contemporary, modern, flexible and accessible to our staff, members and community. The Tribunal will commence operating from 300 La Trobe Street in early 2026.

The new CBD location will feature a ground floor with security and customer service counters and four upper floors with hearing and mediation rooms, bookable meeting rooms, reception counters, spaces for external support agencies, and enhanced amenities including secure and culturally safe spaces. Additionally, the venue will include two Koori hearing rooms and Indigenous artwork will feature throughout the building.

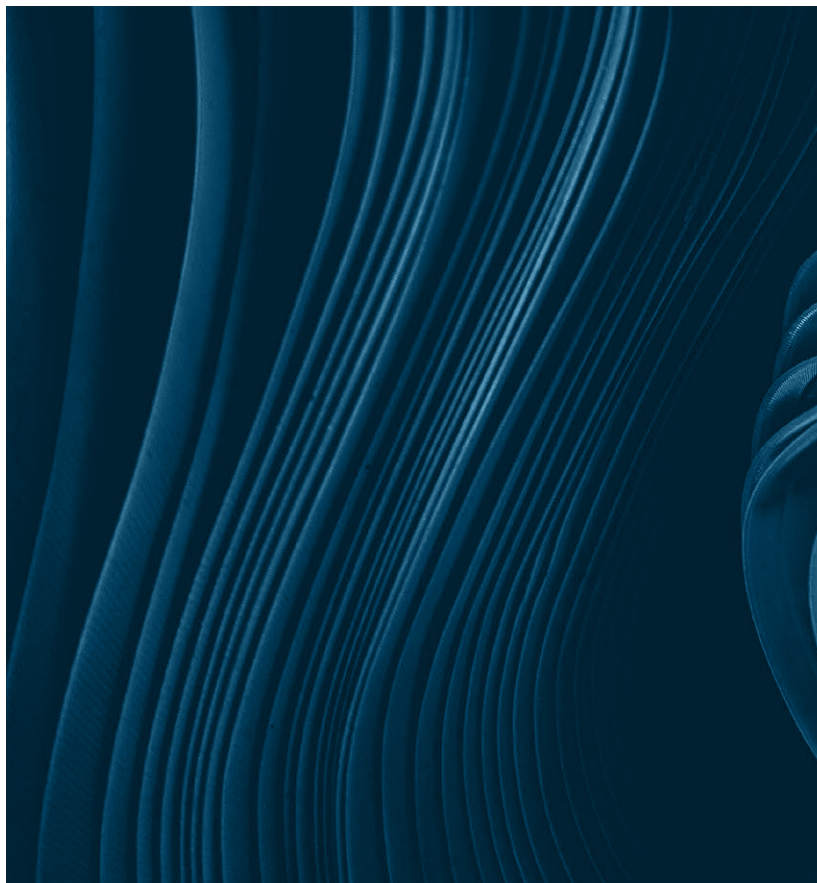
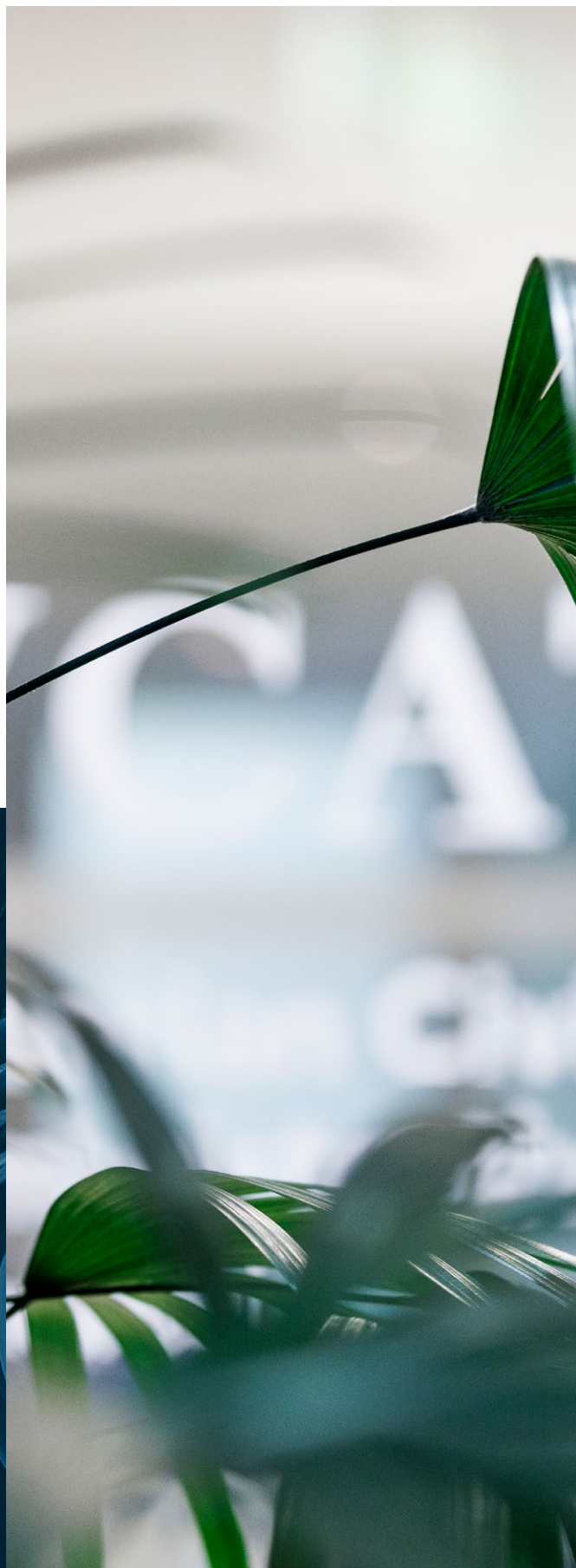
This year, VCAT has taken part in extensive design consultations to ensure the new venue is equipped to service our changing needs into the future. These consultations have involved VCAT staff and members, external service providers and other stakeholders, and were led by Court Services Victoria and Wardle Architects. The fitout of the construction will be completed in late 2025.

Corporate Consolidation

As part of a broader effort from Courts Services Victoria (CSV) and the Courts Group generally to find more efficient and effective ways of delivering corporate services, this year VCAT undertook a review of the People and Culture and Finance functions of the Tribunal. The organic growth of these functions across VCAT, CSV and Courts Group has created inconsistencies in services, accountability and overall service quality, which the corporate consolidation process aimed to address.

The corporate consolidation review sought to streamline the People and Culture and Finance functions and provided an opportunity to improve service provision, ensuring high-quality, responsive support and coordination across VCAT, CSV and Courts Group in a sustainable and effective way.

Following an extensive period of design and engagement, a formal change process commenced in February 2024. The resulting consolidated service model for People Services and Finance provides the capacity to standardise practices whilst retaining jurisdiction-specific knowledge.



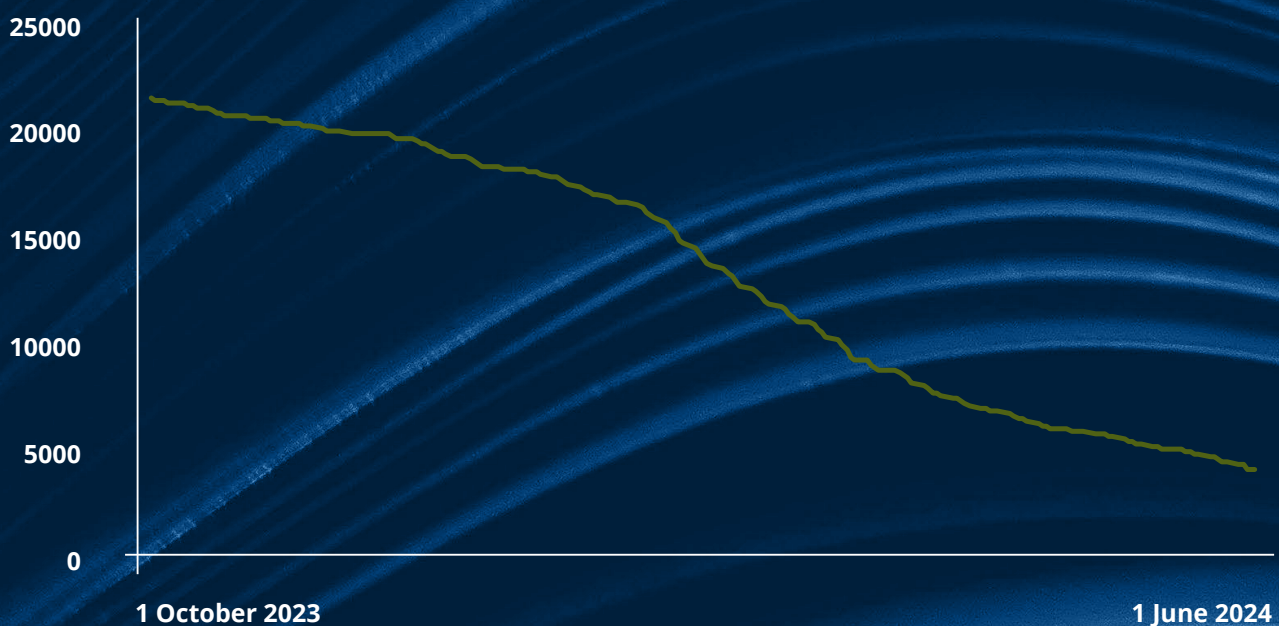
CLEARING OUR BACKLOG

In October 2023, VCAT reinvigorated the Backlog Recovery Program (BRP), which was designed to manage the backlog of cases within the Residential Tenancies List resulting from the COVID-19 pandemic. Due to the volume of cases within the Residential Tenancies List, as well as the need to quickly pivot to prioritising cases during the pandemic, a backlog of approximately 21,500 cases had accumulated since 2020. The majority of these were bond and compensation matters. We acknowledge the impact that these delays have on the lives of our users and the BRP represents our continued commitment to ensuring all Victorians can have their matters resolved as quickly as possible.

The backlog program was initially established on 1 December 2021 and was successful in stabilising the number of pending cases and bringing the clearance rate to 99 per cent. A refresh of the program was undertaken from 1 October 2023 to expand its capabilities and clear the backlog of cases within the Residential Tenancies Division.

Additional funding has allowed the BRP to greatly increase the registry workforce, allowing staff to more comprehensively prepare parties for hearings and maximise the efficiency of hearing time. The program has focused on tailored case management activities and utilising appropriate dispute resolution (ADR) where possible.

This financial year, the BRP has experienced significant success and has met its targets of pending caseload reductions ahead of schedule. As of 30 June 2024, the total number of pending cases within the backlog is 4,007. The Residential Tenancies backlog remains on track to be resolved before the end of 2024. We are applying the learnings from the BRP to assist the Civil Claims List to manage its caseload.





BACKLOG REDUCED TO:
LESS THAN
4000 cases



RESIDENTIAL TENANCIES
CLEARANCE RATE:
126%



FORECAST COMPLETION DATE:
October 2024



BOND MONEY ORDERED
TO BE RETURNED TO THE
VICTORIAN COMMUNITY:
over \$25 million

03

TOWARDS EXCELLENCE: OUR NEW STRATEGIC PLAN

On 1 July, we launched our new strategic direction for the next three years. *Towards Excellence* sets a roadmap from VCAT as we work towards excellence for the Victorians who come to us for help. It is the beginning of a multi-year process of strategic change as we adapt to meet the challenges of a changing world and to meet the expectations of a public that is increasingly complex and diverse.

Towards Excellence represents a renewal of VCAT's purpose and its foundational characteristics: we provide equal access to high-quality justice and help people reach a fair outcome as quickly as possible.

The strategy affirms our commitment to our users and our purpose in providing equal access to high-quality justice for Victorians. Helping to solve problems is how VCAT creates economic and social value for Victorians. For VCAT to fulfill its purpose, we must work with Victorians to reach fair and trusted outcomes.

Towards Excellence sets out VCAT's strategic intent: to be a leader of tribunal excellence that is trusted by Victorians. Over the past few years, trust in the Tribunal has been eroded by long wait times and frustrating processes. To regain and build trust, it is vital that we ensure our services are highly efficient, readily accessible, and continuously improving. The projects currently underway at VCAT – our Operating Model Improvement Program (see [page 14](#)), our Digital Case Management System (see [page 06](#)), our new CBD accommodation (see [page 06](#)) and our Backlog Recovery Program (see [page 08](#)) – are all contributing to creating an excellent tribunal that will serve the needs of Victorians for years to come.



This table represents the areas of excellence set out in our Strategic Directions. For more information on our reforms and how we will make these improvements, you can view the full document on our [website](#).

Our long-term direction	OUR PEOPLE <i>are our most important resource</i>	OUR WORK <i>is how we create value</i>	OUR ORGANISATION <i>is the place that enables tribunal excellence</i>
	Our people are high-value decision makers and professionals and excellent problem solvers who are committed to VCAT's purpose.	Our work systems and processes are highly efficient, outcome focussed, and we continuously improve the ways we work.	Our organisation's service infrastructure, digital capability, and design enable our work and align with VCAT's purpose.
Why it matters	<p>Our people are the principal determinant of VCAT's performance. Enhancing the knowledge, skills, abilities of our entire workforce is the very best investment we can make in VCAT. Making sure that VCAT is a great place to work ensures that we can expect the best from our people each day. Moving VCAT towards excellence means that we must maximise the value of our workforce by creating new roles and structures as the ways we do our work changes, by further leveraging the capabilities of every person through continuous learning, and by building our culture based on respect, professionalism and performance.</p>	<p>Our work and the ways we do it are defined by VCAT's purpose and its foundational characteristics. Our systems and processes must be highly efficient, our services must be accessible, affordable, and straightforward for Victorians, and the work we do must be challenging and meaningful for our people. Moving VCAT towards excellence means that we must embed continuous improvement practices in the way we do things, that our service model matches our capabilities to Victoria's demand, and that our people are empowered to solve problems and share our focus on performance.</p>	<p>Our organisation provides a workplace for our people and the supporting arrangements for our work to be done. This encompasses our locations throughout Victoria, our technology for engaging with Victorians, managing cases, and conducting hearings, as well as the way we organise ourselves to fulfil our purpose. Our organisation sets the parameters for our performance in important ways. Moving VCAT towards excellence means that we must modernise our technologies, optimise the use of our service infrastructure, and redesign our organising structures.</p>

04

ABOUT VCAT

The Victorian Civil and Administrative Tribunal (VCAT) functions independently within Victoria's justice system, resolving disputes and making rulings under more than 150 pieces of Victorian legislation. Established and governed by the *Victorian Civil and Administrative Tribunal Act 1998*, VCAT's operations are supported by Court Services Victoria (CSV), a statutory body corporate that provides administrative services and facilities.



VCAT is committed to serving the needs of all Victorians by delivering timely, cost-effective, and efficient dispute resolution. Our guiding principles are fairness, professionalism, integrity, independence, efficiency, approachability, and accessibility.

Our operating environment

VCAT operates within the broader operating environment of the Victorian courts system. All jurisdictions are established by specific legislation, which provides for the composition and scope of their jurisdiction. VCAT makes decisions under the enabling enactments listed on [page 35](#). This legislation can be subject to change, such as in recent significant cases in the Supreme Court and High Court.

Changes to legislation can affect VCAT operations and contribute to higher caseload in some lists; examples include the amended *Mental Health and Wellbeing Act 2022* impacting the Guardianship List (see [page 21](#)) and the decision of the Supreme Court of Victoria (Court) in *Myers v Southern Grampians SC [2023] VSC 658 (Myers)* impacting the Planning and Environment List (see [page 22](#)).

Our governance and 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. In September 2023, we launched the VCAT Leadership Group (VLG) to bring together the heads of division and the Executive Leadership Team to form a new primary governance group.

The VLG is chaired by the President and comprises the resident Vice President, CEO/Principal Registrar, all heads of division and executives. The VLG's focus is on tribunal service delivery and performance, and strategic issues, bringing together the expertise of our member and staff leadership to guide the decision-making and governance of VCAT. A number of committees report into the VLG, including:

- Appropriate Dispute Resolution Committee
- Environment Committee
- Diversity and Inclusion Committee
- Risk Committee
- Occupational Health, Safety and Wellbeing Committee
- Member Professional Development and Wellbeing Committee

The members of the VLG are:

- President: Justice Ted Woodward
- Vice President: Judge Caitlin English
- Chief Executive Officer and Principal Registrar: Fiona Chamberlain
- Head of Administrative Division: Deputy President Ian Proctor
- Head of Civil Division: Deputy President Richard Wilson
- Head of Human Rights Division: Acting Deputy President Brendan Hoysted
- Head of Planning and Environment Division: Deputy President Teresa Bisucci
- Head of Residential Tenancies Division: Deputy President Lindsay Warren
- Head of the Building & Property List: Deputy President Ian Lulham
- Executive Director Operations and Support Services: Warwick Mitchell
- Executive Director, Experience, Strategy and Transformation: Zoe Dyson
- Executive Director, Service Infrastructure Strategy: Katie O'Keeffe
- Executive Director Governance and Legal: Stuart Moran
- Chief People Officer, CSV, Dr Tina Parras

05

WORK OF THE TRIBUNAL

User feedback

VCAT is committed to continually providing an accessible, inclusive and efficient service to the Victorian public. In all that we do, we strive for fairness, professionalism, integrity and independence. VCAT welcomes feedback and we have thorough processes in place to resolve concerns raised by our users. To maintain the highest standards of dispute resolution and decision-making, our service teams strive to resolve issues raised over the phone or at our venues, while also offering 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 and makes recommendations to the Principal Registrar for action. VCAT regularly reviews the number and types of complaints we receive to identify any systemic issues.

"Thank you so much. You've been an amazing help with this matter."

- User feedback from Operating Model Improvement Project

This year, we received a total of 442 complaints about VCAT people or processes. Of these, 59 were upheld, 3 were partially upheld, 2 were withdrawn, 287 were not upheld and 83 were dismissed. Complaints about the conduct or capacity of VCAT members' can be made to the Judicial Commission of Victoria – 8 complaints fell into this category. 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 (see 'Appeals' on [page 23](#)).



Administrative Division

Head of Division: Deputy President Ian Proctor

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 Division holds hearings in person (predominantly at 55 King St, Melbourne), and remotely via teleconference or Zoom. For the most part, the hearing type is determined according to the preference of the users.

This financial year, the Administrative Division has continued to focus on appropriate dispute resolution, starting at the first directions hearing, continuing through compulsory conferences and to the start of the final hearing. This has often resulted in settlements between the parties; however, this year the Division has also seen substantial numbers of disputes resolved by VCAT decision.

Review & Regulation List

The Review and Regulation List hears matters related to almost **40 pieces** of legislation each year.

Head of List: Deputy President Ian Proctor

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

The Review and Regulation List hears matters related to almost 40 pieces of legislation each year, from a possible 115 pieces of legislation. 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 number of initiated cases increased this year, while the number of finalised cases decreased by 12%. The clearance rate was 73%. This year, many of the cases initiated in the Review and Regulation List fell under the *Transport Accident Act 1986* (with 300 cases), the *Freedom of Information Act 1982* (with 204 cases) and the *Taxation Administration Act 1997* (with 151 cases).

In 2023/24, the Review and Regulation List faced the challenge of lengthy delays for most cases from application to compulsory conference and/or hearing, with a median duration of 40 weeks across the list. Additionally, the list faced the challenge this year of a lack of members to hear complex cases, resulting in some applications being unable to proceed. This was most prominent in cases under the *Freedom of Information Act 1982* (FOI), where only urgent cases have been heard. At 30 June 2024, there were 248 FOI applications pending.

From July 2024, VCAT will be tackling these challenges, having some increased capacity to progress FOI cases and an anticipated overall increase in capacity into 2025, as the backlogs in other lists at the Tribunal are addressed.

Case Study

The Medical Board of Australia made allegations about the professional conduct of a medical practitioner relating to his consultations with and treatment of 17 patients over a 10-year period during his 55-year career.

The Board's allegations included that the practitioner had failed to provide good patient care to his patients, provided treatment that was not clinically justified or evidence-based, exposed his patients to potential harm, and failed to prescribe in accordance with applicable guidelines and rules.

In some cases, the patients were prescribed huge amounts of antibiotics and other treatments which brought significant side effects and suffering, including a patient who found herself unable to walk or talk and another who had such extreme sensitivity to light that he largely remained indoors for a year. Other patients experienced significant distress and were, at times, suicidal. The practitioner told a patient to cease using a medication for his heart condition, risking a heart attack. Another patient was hospitalised with renal failure. The practitioner persisted with the treatments despite his patients reporting their debilitating symptoms.

The Board and the practitioner's solicitors worked together to produce an agreed position on the alleged facts, characterisation of the conduct as professional misconduct and the determinations to be made.

The Tribunal panel agreed with their joint position, including that the practitioner be reprimanded, disqualified from applying to be re-registered and prohibited from providing health services. The panel disagreed with the proposed 12-month period of disqualification and prohibition and instead imposed three and a half years. The consequence was that, when added to the period the practitioner had been out of practice following the Board's intervention, he was unable to practice for 8 years. The Tribunal panel would have imposed a total of 10 years had the practitioner made not the concessions mentioned.

The panel's decision underscored that serious consequences will result from professional misconduct. It also informed the broader community that practitioners who engage in similar conduct would not be readily allowed to resume practice.



Legal Practice List

Clearance rate: **112%**



Head of List: Senior Member Jonathan Smithers

Deputy Head of List: Senior Member Reynah Tang

The Legal Practice List covers two key areas. The first comprises professional disciplinary cases brought by the Victorian Legal Services Commissioner, and reviews of decisions by the Victorian Legal Services Board, for example, refusals of practising certificates.

The second area is disputes between lawyers and clients about services and costs. These are brought under the *Australian Consumer Law and Fair Trading Act 2012*, or the *Legal Profession Uniform Law Application Act 2014*. The list calls upon the expertise of members with experience in the area of law which is the subject of the legal services in dispute, for example, 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 112% (an 18% improvement on last financial year). There was a 12% decrease in initiated cases, and a slight increase in 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 median duration for finalised cases decreased by 48% this year (from 29 weeks to 15 weeks). Cases predominantly came under the *Australian Consumer Law and Fair Trading Act 2012*, with 60 cases initiated (a 6% decrease on 2022/23). There was also a significant decrease in cases under the *Legal Profession Uniform Law Application Act 2014*, down 3% on last financial year to 23 cases.

Civil Division

Head of Division: Deputy President Richard Wilson

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 totaling over \$396 million. There are three lists within the division:

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

Civil Claims List

Head of List: Senior Member Silvana Wilson

Deputy Heads of List: A/Senior Member Anne Moon, A/Senior Member Kim Knights, A/Senior Member Tania Petranis

The Civil Claims List hears disputes about the supply of goods or services, from everyday consumer transactions to large commercial matters. Claims can be issued by suppliers and consumers, with no limit to the amount that may be claimed. The List allows users to more efficiently and cost-effectively resolve disputes, by representing themselves at the Tribunal without the need to incur legal fees via the courts.

In 2023/24, the Dispute Settlement Centre of Victoria (DSCV) continued to conduct mediations in claims for up to \$10,000 in the Civil Claims List. Additionally, the List utilised compulsory conferences extensively for claims of over \$15,000, to assist users in reaching a resolution more quickly. Compulsory conferences are conducted by members of the Civil Claims List who are accredited mediators.

The number of initiated cases within the Civil Claims List decreased by 14% this financial year, while the number of finalised cases fell by 12%. There was a slight increase in pending cases. The vast majority of cases in the List fell under the *Australian Consumer Law and Fair Trading Act 2012*, with 97% of cases. Most cases were small claims (under \$15,000), accounting for 82% of cases. Only 2% of cases involved claims for more than \$100,000. The clearance rate improved on last financial year, to 90% (an increase from 88% in 2022/23). The median duration increased slightly to 44 weeks.

Clearance rate: **90%**,
a **2% improvement on 2022/23**



Building and Property List

Head of List: Deputy President Ian Lulham (A/HOL 31/04/2025)

Deputy Heads of List: Deputy President Eric Riegler, Senior Member Mark Farrelly, Senior Member Leneen Forde, A/ Senior Member Holly Nash

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 and between licensors and licensees of commercial and business premises
- 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 undertook a number of initiatives to improve efficiencies within the list and to encourage early dispute resolution where possible. The list has begun taking steps to improve the 'hearing-readiness' of parties prior to the hearing date, including requiring parties to confirm all interlocutory steps have been completed and the parties are ready before listing the final hearing (in cases where a hearing is likely to take more than two days). This has dramatically reduced the number of late adjournments of hearings and has improved efficiencies in the use of member time for conducting hearings and writing decisions. Additionally, this year administrative processes within the Building and Property List were restructured to reduce duplication of tasks for registry staff.

The list has also utilised appropriate dispute resolution (ADR) methods to assist in faster dispute resolutions, by initially referring all co-ownership of property disputes to mediation. This is particularly important as most of these disputes involve parties who are either related or have personal relationships, and often an early intervention through mediation can assist in avoiding negative impacts or further strain on those relationships.

All disputes involving a claim of more than \$15,000 are referred to either mediation or a compulsory conference at least once, and often more than once if further parties are joined to the proceeding. This assists parties to reach a mutually agreeable resolution more quickly, without going to a hearing. This financial year, standard claims (\$15,000 to \$100,000) accounted for 19% of total cases in the list, while complex claims (over \$100,000) accounted for 12% of cases. Most cases recorded as being of "no value" are also case managed as complex claims due to the nature of the parties' interests involved and the remedies sought.

Half of applications this year were for "no value," meaning that instead of claiming an amount of money, the applicant is seeking to:

- enforce a building contract or a warranty insurance policy (for example by requiring rectification work to be performed)
- seeking an order to sell a property without owner-builder warranty insurance
- seeking an order restraining landlords from re-entering premises
- seeking an order for the sale of property where at least one co-owner does not want to sell the property;
- seeking an order to prevent water ingress from continuing, or
- having a claim for damages that at the time of commencing the proceeding is unquantified.

The number of initiated cases increased by 9% this financial year, while the number of finalised cases fell by 6%. There was a 17% increase in pending cases, leading to a clearance rate of 84%. The median duration of cases this financial year was 39 weeks (a 13% improvement on last year). This is reflective of the decrease in the member resources available to the list due to the decline in the number of members sitting in the list.

**Median duration: 39 weeks,
a 13% improvement on 2022/23**



Owners Corporation List

Head of List: Senior Member Louise Johnson

Deputy Head of List: Senior Member Charlene Price

The Owners Corporations List conducts hearings, compulsory conferences, and mediations to resolve disputes under the *Owners Corporations Act 2006* and the *Company Titles (Home Units) Act 2013*.

Owners corporations are created every time that a subdivision with more than one lot is created. Company Title (Home Units) are an older style of development where the ownership of shares in a company gives the shareholder the right to occupy a unit.

**Clearance rate: 95%,
a -13% change on 2022/23**



Disputes relating to owners corporations include disputes about levying and payment of owners corporation fees, the use of common property, conduct of owners corporations' managers and decision making by committees. Under the *Company Titles (Home Units) Act 2013*, the list hears "neighbourhood disputes," a term that is given a special meaning by that Act.

The people who come to VCAT with disputes include lot owners and occupiers, Owners Corporation committees, and owners corporations managers. There are approximately 800,000 individual lots of apartments and units across Victoria.

This year, the Owners Corporation List has continued our focus on proactive use of appropriate dispute resolution (ADR), utilising compulsory conferences and mediations to more efficiently resolve disputes.

In October 2023, the list hosted a user group meeting with regular users of the list, including owners corporation managers and lawyers involved in owners corporation disputes. Attended by VCAT's president, the meeting included updates as well as the opportunity for users to ask questions and provide feedback to members.

There was a slight decrease in the number of cases initiated in the list this year (down 1%, to 1,662 cases), while the number of finalised cases decreased by 12% (to 1,571 cases). The clearance rate for 2023/24 was 95%, with a median duration of 12 weeks. The majority of cases were under the *Owners Corporation Act 2006* (96%) and were claims of under \$15,000 (72%).

**Median case duration:
12 weeks, a 14%
improvement on 2022/23**



Human Rights Division

Head of Division: Acting Deputy President
Brendan Hoysted

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.

Human Rights List

Head of List: Senior Member Charles Powles

Deputy Head of List: Senior Member Bernadette Steele

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*, *Assisted Reproductive Treatment Act 2008*, *Racial and Religious Tolerance Act 2001*, *Voluntary Assisted Dying Act 2017* and *Mental Health and Wellbeing Act 2022*. Some of the matters heard by this list include cases relating to discrimination, racial and religious vilification, health and privacy information, compulsory and supervised treatment, and decisions made by the Mental Health Tribunal.

The list has implemented changes to accommodate the new legislation in the amended *Mental Health and Wellbeing Act 2022*, with these changes coming into effect in September 2023.

This year, the Human Rights List has focused on promoting face-to-face hearings as much as possible, while also offering hybrid hearings for greater accessibility and flexibility for users. We have resumed the practice of holding direction hearings as in-person by default. These can be held with the assistance of a Victoria Legal Aid (VLA) duty lawyer, who is on hand to provide legal advice to applicants where it might be required. This practice promotes dispute resolution as applicants have access to legal expertise where, prior to this step of the process, many have not. The majority of applicants are self-represented individuals and most respondents are organisations and corporations with legal representation.

Specialised members of the Human Rights List have brought their in-depth knowledge of human rights law to the process of resolving disputes via hearing. Although the list also utilises mediation and as an alternative method for dispute resolution, mediators typically do not have the same level of specialist legal knowledge.

The Human Rights List has continued to engage with the Victorian community in 2023/24, including quarterly user meetings with represented authorities and advocates. These meetings discuss relevant jurisdiction and other issues in human rights law and allow stakeholders to ask questions of the List and of each other.

This financial year, the Human Rights List experienced an unprecedented increase in initiated cases. This was due to a large number of applications being submitted by persons not entitled to make them, that also did not comply with the Act, regulation or rules. Many of these cases have been rejected under s71 of the VCAT Act; however, this high number of applications has impacted the overall numbers of initiated, pending and finalised cases within the list. The number of initiations rose by 132% this financial year, while finalised cases rose by 20%, resulting in a clearance rate of 49% (compared with a 2022/23 clearance rate of 94%). The median duration of finalised cases dropped by four weeks (to 21 weeks). The most common enabling enactment for initiated cases in the Human Rights List this year was the *Equal Opportunity Act 2010* (27% of cases), followed by the *Mental Health and Wellbeing Act 2022* (12% of cases).

**Median case duration
improved by 4 weeks
compared with 2022/23**



Guardianship List

Head of List: Senior Member Brendan Hoysted

Deputy Heads of List: Senior Member Bernadette Steele

The Guardianship List hears cases and makes orders relating to guardianship, powers of attorney and medical treatment matters, under legislation including the *Guardianship and Administration Act 2019*, the *Powers of Attorney Act 2014* and the *Medical Treatment Planning and Decisions Act 2016 (MTPDA)*. The list also decides on special medical procedures applications, compensation applications, MTPDA applications and Advice to Administrator applications, amongst others.

The focus of hearings in the List is sometimes protective and always involves consideration of the person's rights. Some of the orders covered by the list include suspending or revoking the power where the principal has lost capacity and the attorney has breached their obligations, advance care directives, medical treatment decision-maker appointments and some medical treatment decisions, compensation where an attorney or administrator has breached their obligations and caused a loss to the person and decisions about medical treatment decision-maker appointments and advance care directives.

Due to the special nature of these cases, the Guardianship List encourages hearing cases in-person. Last financial year, new hearing space opened at 414 La Trobe St Melbourne, which was designed to be accessible and welcoming for users within the Human Rights Division. Since the commencement of hearings in this venue, there has been a significant increase in in-person hearings across La Trobe St, as well as VCAT's community-based venues and the Bendigo Law Courts. In-person hearings give users and members the best opportunity to connect and reach a considered decision that is the best outcome for the represented person. However, Zoom and teleconference hearings are also available for people with accessibility requirements.

This year, the list returned to hospital-based hearings for the first time since prior to the COVID-19 pandemic. VCAT has an arrangement with eight metropolitan hospitals to hold hearings on a three-week rotation visits. These hearings are conducted within hospitals for users or patients where an application has been made for guardianship or administration to facilitate discharge and ongoing support, enabling patients to participate in hearings. Often these users are referred to the Guardianship List by hospital staff and social workers, who have assessed that they require more support. Depending on the health status of the patient, the VCAT member can conduct a hearing in a separate room within the hospital, or at a patient's bedside.

In 2023/24, the Guardianship List registry focused on triaging applications and assessing risk and complexity and scheduling hearings based on the requirements of the case. The benefit of these specialised registry roles is that they improve participation in hearings by helping users to be better prepared and improve efficiencies by avoiding adjournments and making better use of member time. Additionally, a new specialist registrar assigned to the Human Rights Division more broadly has been assisting to make decisions under delegation and complete administration tasks usually assigned to members, giving members more time for hearing cases and writing decisions.

The number of initiated cases decreased by 5% this financial year, while the number of finalised cases decreased by 8%. This contributed to a clearance rate of 97%. The most common case type was Guardianship and/or Administration orders (with 6,237 cases), followed by Reassessment orders (with 5,300 cases).

**Clearance rate: 97%,
a -3% change on 2022/23**



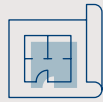
Planning and Environment Division

Head of Division: Deputy President Teresa Bisucci

Deputy Heads of List: A/Deputy President Carol Daicic, Senior Member Justine Jacono, Senior Member Sam Cimino

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 2023/24, the approximate total value of developments involved in cases within the division was \$8.37 billion.

Total value of developments involved in cases with Planning and Environment Division:
\$8.37 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 decreased by 13% from 2022/23, with the number of finalised cases falling by 9%. The overall clearance rate was 112%. Timeliness improved across the division, with the median duration falling from 27 weeks to 25 weeks. Standard claims comprised the majority of cases within the division (76%). Most cases fell under the *Planning and Environment Act 1987* (91%), however there was a 35% increase in cases under the *Valuation of Land Act 1960* compared with last financial year. The most common estimated development cost of initiated cases was between \$100,000 and \$1,000,000 (25% of cases), followed by cases with an estimated value between \$1 million and \$5 million (20%).

Clearance rate: **112%**



The division continues to use digital case management systems (Felix and iManage) to assist with timely and efficient case resolution. These digital systems enable documents received from parties to go directly to the digital file, providing almost instant access to information and significantly reducing manual handling by registry staff.

In October of 2023, the Planning and Environment Division began hearing cases at VCAT community-based venues (CBVs) in Bundoora, Frankston and Oakleigh. Eligible applications received in the Planning and Environment division were triaged to be held at the VCAT venue closest to the land related to the case. This ensures that users of the list – such as local councils, lay people and other interested community observers – can easily attend hearings that are close to their geographic location. Additionally, our CBVs are smaller venues that can often feel more accessible to first-time and unrepresented users.

To accommodate the requirements of our Planning and Environment Division, we undertook a program of upgrades to the technology at the CBVs. Since the inception of this program, the division has been hearing planning cases regularly at the venues.

The Planning and Environment resources hub was established on VCAT's website in late 2023, which provides access to news, significant decisions and resources for users of the division.

A major change to the delivery of business in applications under s 82 of the *Planning and Environment Act 1987* has resulted from the decision of the Supreme Court of Victoria (Court) in *Myers v Southern Grampians SC [2023] VSC 658 (Myers)*. This was a decision on appeal from VCAT in which the court agreed with the Tribunal's reasons and dismissed the appeal. Importantly in *Myers*, the Court highlighted the jurisdictional limits imposed by s 82(3) of the *Planning and Environment Act 1987* and concluded that the Tribunal does not have the dispositive power to direct a planning permit on all triggers in circumstances where its jurisdiction is limited by the *Planning and Environment Act 1987*. This has impacted the delivery of Planning and Environment business and the parties appearing on these matters.

Note: The 2022/23 figures for Planning and Environment List have been revised due to a retrospective inclusion of finalised dates for a number of cases. The changes impact figures published in previous reports, for both pending and finalised, at both the individual list and total level.

Residential Tenancies Division

Head of Division: Deputy President Lindsay Warren

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

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.

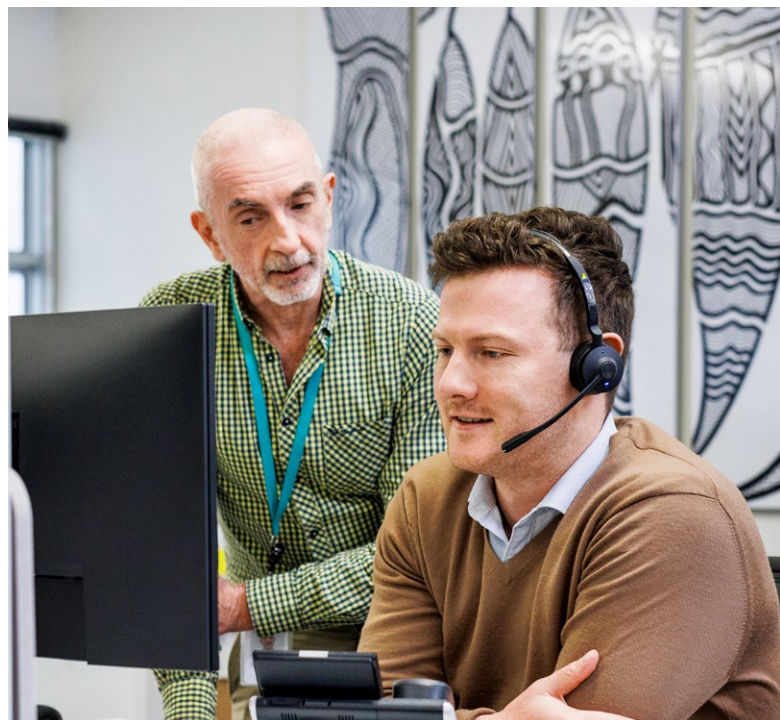
The Residential Tenancies List is VCAT's highest volume list, accounting for 60% of VCAT's new applications for the year (51,092 of 79,386). The list's clearance rate rose to 126% despite an increase in initiations of 11% compared with last financial year. The number of finalised cases improved by 42%; this year, the list finalised 64,428 cases, compared with 45,310 in 2022/23. The median duration for finalised cases was seven weeks. Improvements to the List's case finalisations can be largely attributed to the successes of the Backlog Recovery Program.

Clearance rate: 126%



This financial year, the Residential Tenancies List made significant improvements in the backlog of cases through the Backlog Recovery Program (see [Clearing our Backlog, page 08](#)). Additionally, the list made continual improvement in registry processes to increase efficiency, including triaging matters by registry and heads of list before matters are scheduled for a hearing, and the issuing of directions or procedural orders to try to ensure matters are ready for a hearing on the scheduled hearing date. The list is trying to reduce the number of unnecessary adjournments that occur, as these result in a delay in a matter being dealt with and are not in the best interests of the parties. We continue to review the manner in which we list matters for hearing so as to ensure the maximum efficiency of our hearing time. This includes listing some types of matters for hearing via telephone and other types of matters for in-person hearings. We are also looking at the resumption of more hearings in regional areas to better serve the Victorian community.

In 2023/24, the Residential Tenancies Division continued to host user group meetings. Head of Division, Deputy President Lindsay Warren, also presented at the REIV Annual Conference in early 2024 and appeared on a panel discussing the Victorian housing crisis, broadcast on ABC Radio Melbourne.



Appeals

VCAT decisions can only be appealed on questions of law under section 148 of the *Victorian Civil and Administrative Tribunal Act 1998*. This means that only where a party believes the judge or member made a legal error can users seek permission from the Supreme Court of Victoria to appeal a decision. This limit on appeals helps give certainty to users when we determine their disputes. The Supreme 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.

Appeal allowed	6
Administrative disposal/discontinued/ finalised by consent	14
Appeal refused	36
Judgment	12
Pending decision	63
Total	131



OPERATIONS

Built Environment

New Hearing Venue at Wyndham

This year, extensive work has been undertaken in the construction of the Wyndham Law Courts, which are due to be completed in early 2025. This new location will enhance VCAT's capacity to service communities in the fast-growing western metropolitan Melbourne region.

The Wyndham Law Courts will include four designated hearing rooms and two mediation rooms for VCAT, with these rooms and amenities designed to meet the needs of our users from culturally and linguistically diverse backgrounds and to respond to current and future service demand. Additionally, the venue will incorporate digital wayfinding for a more accessible user experience, and enhanced technology will enable remote hearings, display of digital evidence and video conferencing.

A Community Connection space will be available in the venue for local community services to offer information support and referrals, helping to address court and hearing-related matters.

Enhancing regional service delivery

In early 2024, VCAT commenced a project to increase our presence at VCAT community-based venues (CBVs) and regional locations. The project has begun by increasing our services at our venues in Bundoora, Frankston and Oakleigh, as well as the Bendigo and Geelong Law Courts, and in addition will identify opportunities to expand our service offerings across Victoria.

From February 2024, regular sittings at the Geelong Law Courts recommenced. From April 2024, monthly sittings of the Residential Tenancies List commenced at Neighbourhood Justice Centre in Collingwood.

To support the delivery of VCAT's Residential Tenancies Backlog Recovery Program, the project has increased sittings at CBVs and recently implemented a Residential Tenancies Duty Lawyer Service at Bundoora CBV, in partnership with West Heidelberg Community Legal Service.

Operational initiatives

People Matter Survey staff engagement sessions

In May 2023, all Courts Group employees were given the opportunity to participate in the 2023 People Matter Survey (PMS), with 74 per cent of VCAT staff completing the survey. The survey revealed positive results in terms of our people's sense of purpose and contributions at work, and positive relationships between managers and team members. However, it also provided insight into what our people wanted to see improved in the workplace, including workload, work stress, and negative behaviours.

As a result of the survey, CEO Fiona Chamberlain hosted a series of staff engagement sessions to delve into the detail of each theme, identifying potential challenges and staff perceptions of our performance. The purpose of the engagement process was to improve VCAT's organisational performance over the following twelve months, by developing and implementing a program of actions that address the challenges identified through the survey and engagement sessions.

These engagement sessions led to the development of an action plan that will be implemented, as well as directly impacting the development of *Towards Excellence*, recognising our people as our most important resource and working towards a culture in which VCAT staff are high-value decision makers and excellent problem solvers who are committed to VCAT's purpose.

Resumption of hearings on Level 5

In November 2023, VCAT recommenced in-person hearings on level 5 of 55 King St, as part of our continued commitment to returning to pre-COVID levels of service and to support the Backlog Recovery Program of the Residential Tenancies Division. From November until the end of the financial year, the hearings rooms were attended by an average of ten members per day, hearing approximately 100 to 120 cases. The Backlog Recovery Program has been hearing residential tenancy cases in person as the default, with remote hearings being made available for regional users. Level 5 has been used for hearings within the Residential Tenancies List and Civil Division lists (including Civil Claims List, Owners Corporation List and Building and Property List). To assist our users, we have endeavoured to schedule multiple appearances on the one day for people, such as property managers, who are involved in numerous disputes.

Human Rights List SharePoint initiative

As part of VCAT's continual transition to a new way of working, the Human Rights List began using SharePoint as an electronic file storage system for applications submitted from 1 January 2024. This initiative has provided multiple benefits for the list, including improving access to information across VCAT, creating more time for our case officers who are no longer required to print and file correspondence, allowing the list to test the e-file structure and make amendments as required, and helping members and staff to get used to electronic files before we transition to a new case management system. VCAT users also benefit from the shift to an electronic file storage system, with faster response times for users requesting file access and disclosure of information.

Planning Environment Division hearings to Community-Based Venues

In October 2023, the Planning and Environment Division began hearing cases at VCAT community-based venues (CBVs) in Bundoora, Frankston and Oakleigh. The project to expand the use of in-person hearings beyond our Melbourne CBD venue was intended to help bring our services directly to the Victorian community.

Eligible applications received in the Planning and Environment division are being held at the VCAT venue closest to the land related to the case. This ensures that users of the list – such as local councils, lay people and other interested community observers – can easily attend hearings that are close to their geographic location. Additionally, our CBVs are smaller venues that can often feel more accessible to first-time and unrepresented users.

To accommodate the requirements of our Planning and Environment Division, we undertook a program of upgrades to the technology at the CBVs. Since the inception of this program, the division has been hearing planning cases regularly at the venues.

One point bench book and Civil useful decisions

To further support members within the Civil Division, a database has been developed of 'helpful decisions' that provide useful examples when preparing written reasons across a variety of case categories. This database serves as a single, online touchpoint of information that members can access via SharePoint, forming a key part of storage for the new case management system used in the Civil Division. Members are invited to continuously submit cases for consideration for inclusion in the database, giving our members an increasingly valuable tool in making decisions within the division.

Supporting users

Koori Support

VCAT's Koori Support Services provides cultural and emotional support to the Aboriginal and Torres Strait Islander community. The Koori Support team assists Koori users and clients throughout Victoria and works across all VCAT divisions and lists. The team provide a 'wrap-around' service, helping users to prepare for their hearing, attending hearings with a user and providing post hearing support if needed. The team attends regular community and stakeholder engagement events to promote the Koori program at VCAT and raise awareness of the type of support offered to the Koori community.

In 2023/24, the Koori Support team supported Aboriginal and Torres Strait Islander people across all lists within VCAT. The total number of initiated cases with a Koori party totalled 1,138 this year. The Koori Support Officers most frequently support users who attend hearings remotely, although they may provide support at in-person hearings.

Pre-hearing support continues to be the area where the Koori support team offers the greatest value to the Koori community. This support includes preparation for hearings and providing support and guidance to users so that they attend their hearings feeling confident and with an understanding of what to expect. The Koori support team will also engage with or refer to external support services when they feel this will be beneficial to the user.

Once a user has attended their hearing, the Koori support team will continue to provide support to the user as needed by checking that the user understands the outcome and what may be required of them. The team will provide information and referrals to other support agencies where appropriate.

In 2023/24, there was a total of 1,732 hearings with a Koori party. The highest number of hearings with a Koori party was within the Residential Tenancies List (1268 hearings) followed by the Guardianship List (290 hearings).

The Koori Support team will proactively make contact with users who have identified as Aboriginal or Torres Strait Islander to educate them on our Koori services and the support that is available to them. If users contact VCAT via other channels, the customer service team will offer to refer any identified users to the Koori support team so that they can understand what assistance they may be able to access.

This year the Koori Support team has taken part in events including a community day for the multi-jurisdictional Wyndham Law Court development. This event promoted engagement with the Koori community and elders, as well as support agencies who provide services within the Wyndham area.

Feedback from a Koori user

I have had the unpleasant pleasure of dealing with my previous landlord on many occasions (12+) in VCAT! Initially I tried to deal with it individually, it wasn't exactly the outcome I was hoping for!

Being a Torres Strait Islander, I reached out to Koori Support. Tracey had gotten back to me by phone and clearly explained how the policy and procedure of how Koori support will assist. Throughout many VCAT hearings by phone, Tracey was present! I had gone through a relationship break-up and then loss of employment (which I wish upon no-one).

Had Tracey not been present, I sincerely believe my outcome would have been significantly different. Tracey's presence was a blessing, and I recommend any indigenous person to utilise Koori Support Services. I would personally like to thank Tracey and her efforts, and I would use Koori Support again without hesitation. Keep up the great work Koori Support!

Disability Liaison Support

VCAT provides Disability Liaison Officers to support our users to access our services, ensuring that all Victorians have equal access to the justice system. VCAT's Disability Liaison Officers (DLOs) contribute to our commitment to inclusion and accessibility, ensuring our users have the support they need to take part in hearings and other dispute resolution processes. Some of the services offered by VCAT's DLOs include providing advice regarding accessibility, organising accessible hearing rooms or spaces across our venues, offering accessible entry points to buildings, organising disability services such as interpreters or resting rooms, and coordinating approved adjustments for users.

DLOs work closely with users who require disability services to provide assistance in 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 users with a disability. These include referrals to Victoria Legal Aid, the Disability Network, Court Network, and the Tenancy Advisory and Advocacy Program.

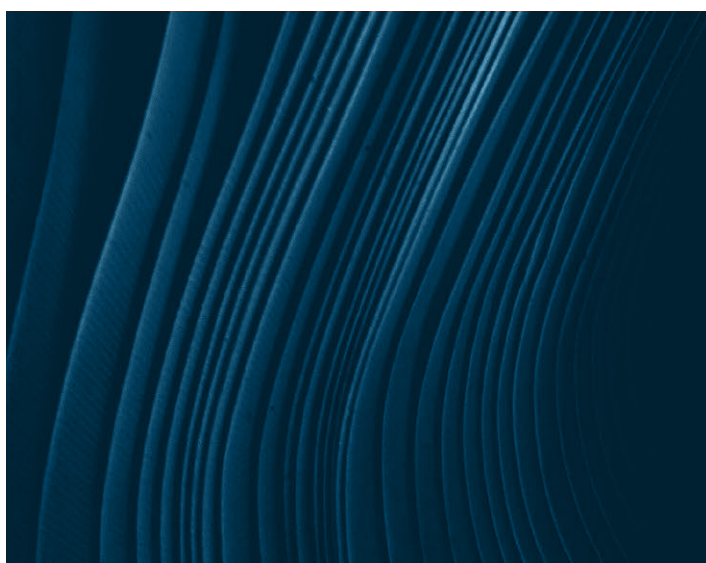
In 2023/24, we have seen a steady increase in the number of active DLO users. An active user is considered someone who has been assisted or is continually receiving assistance from VCAT in the past three months. As of 30 June 2024, we have over 300 active users of the DLO program. The DLO team received 442 enquiries relating to disability support in 2023/24.

There are 6 DLOs at VCAT, as well as a DLO Coordinator. All DLO positions are volunteer-based, in addition to regular duties as VCAT staff members.

Family violence support

The Family Violence Support team at VCAT assist users who are victim/survivors of family violence. Our Family Violence Support team manages over 700 cases per year, in which family and/or personal violence is a factor of the VCAT proceeding. We help ensure victim/survivors can safely participate in their hearing, while ensuring that all parties impacted by family and/or personal violence have access to resources and specialised referral services.

VCAT has one funded role in Family Violence Support, with other assistance coming from volunteers within the organisation and external providers. In 2023/24, we received 2,321 enquiries about Family Violence Support, with 731 cases listed.



Diversity and Inclusion

In 2023-2024, VCAT re-enlivened its Diversity and Inclusion Committee to ensure we continue to be accessible and inclusive for all Victorians.

To give a sense of the diversity of the people coming to VCAT, in the last year in the Guardianship List alone, we have been asked to provide interpreters covering more than 70 different languages or dialects, from Acholi to Zomi.

More than 60% of the represented persons in that list are more than 60 years' old.

As may be expected, 99% of represented person have an identified physical or mental disability, with more than 1,900 people seeking assisted access, hearing loops, wheelchairs or other assistance.

We also want our members and staff to reflect the diversity of the Victorian community. Importantly, the Committee includes members and staff with lived experience across six identified priority areas: First Peoples, people with a disability, culturally and racially marginalised people, gender equality, LGBTIQ+ community and age.

The Committee has already developed a detailed set of actions spanning the priority area, and is seeking to build on important initiatives that have been put in place, such as:

- the establishment of a Koori Support Team and the provision of Disability Liaison Officers, who work to support First Peoples and people with a disability attending the Tribunal
- implementing the recommended national standards on interpreters, developed by the Judicial Council on Diversity and Inclusion
- the development of a practice note on the pronunciation of names and the use of preferred forms of address (including preferred pronouns).

Initiatives currently underway include:

- ensuring that VCAT's new premises will be Disability Discrimination Act (DDA) compliant and otherwise accommodate the diversity within the community we serve
- the development of trauma informed practice guidelines to support parties and witnesses
- VCAT's participation (with other Courts) in the Victorian Bar's Diversity Internship program.

07

SUPPORTING OUR PEOPLE

Professional development

As part of VCAT's goal to build and support a more high-performing, collegial and purposeful workforce, the Capability and Organisational Development team have developed and implemented a number of initiatives for VPS staff and members this year.

Member Professional Development

In December 2023 and January 2024, 20 new members were onboarded to join VCAT, with these members beginning work on the Backlog Recovery Program within the Residential Tenancies List. The Capability and Organisational Development team designed and implemented an induction program for the new members which covered essential corporate information, foundational member knowledge, and technical list-specific content. The induction was designed to ensure new members were set up for success from their first day with VCAT.

The team also introduced a process for facilitating member professional development opportunities. In January 2024, all members had the opportunity to participate in an expressions of interest process program that supported the key pillars outlined in the Member Professional Development framework. The process was introduced to increase the visibility of opportunities available and ensure members were selected in a considered and equitable basis.

These initiatives demonstrate our commitment to empowering members and staff with the necessary tools to excel in their roles and contribute to VCAT's strategic directions.



AI Committee

In early 2024, VCAT established an AI (Artificial Intelligence) Committee to assess the current and potential uses of AI in resolving cases fairly and efficiently. The committee's purpose is to make recommendations for the effective, ethical, and lawful use of AI, including suggesting use cases, policy changes and guidelines.

Comprising representatives from VCAT's members, strategic staff and operational staff, the committee has been active in identifying potential uses for AI at VCAT and assessing them for benefits and limitations. They have been considering the utility of developing AI guidelines for use by both law professionals and self-represented litigants at VCAT, in line with the *AI Decision-Making and the Courts - A guide for Judges, Tribunal Members and Court Administrators*, published by The Australian Institute of Judicial Administration Inc.

The committee has been considering several AI use cases, including hearing transcription, pre- and post-hearing summaries, order drafting, collection of information from applicants, and others. Applications which use AI-enabled speech to text technology to produce instantaneous speech-to-text output of proceedings are being explored. The committee is also carefully considering the potential risks of using generative AI in a legal setting and how these relate to confidentiality, privacy and data security. A trial of an AI system is planned for early next financial year.

Learning and Development for Staff and Leaders

Learning initiatives for staff have been tailored to facilitate setting SMART performance goals and conducting effective feedback conversations, so people leaders and staff can start having constructive conversations about connection to our overarching strategic direction and individual performance.

The Corporate Induction program has been redesigned for VPS staff, with the program transitioning back to in-person sessions in early 2024. The redesign has allowed new starters to engage directly with VCAT leadership and stakeholders from various parts of the organisation; this has enabled new starters to have a smoother transition in their new roles.

The Senior Leadership Team (SLT) meeting format has also been redesigned to increase connection and development within this cohort. There is now an increased focus on leadership development, with SLT members participating in professional development and being introduced to tools and resources to help them increase their leadership and management effectiveness. In February, a dedicated change management session was delivered to the SLT to equip them for changes that will be undertaken at VCAT in 2024.

A pilot Leadership Fundamentals program has been implemented for 20 frontline leaders within the Registry Services team. This is a program that focuses on building fundamental leadership skills essential for effective leadership within VCAT. Participants explored topics such as understanding their leadership style, fostering collaborative relationships, and embracing their responsibilities as leaders within VCAT.

Staff have been given opportunities to expand their skill sets in mediation, allowing them to contribute to programs such as the Backlog Recovery Program and assist in resolving cases before hearing.

Insights gathered from the People Matter Survey engagement sessions have highlighted the continued need of learning and development at VCAT. Identified areas for focus in the upcoming twelve months include de-escalation training, addressing vicarious trauma, and initiatives aimed at eliminating sexual harassment from the workplace.

Wellbeing initiatives

VCAT provides members and staff with a safe and healthy workplace which supports their overall wellbeing and gives them the assistance they need to perform their roles to the best of their abilities. This year, the Occupational Health Safety and Wellbeing Committee presented a roadshow around the organisation to present to all members and staff at divisional meetings, with updates including the new Accident Incident Reporting System (AIRS) reporting method. Additionally, the OHS team at VCAT have continued work on a range of projects designed to support and provide assistance to members during hearings, including desktop duress buttons and threat buttons.

For staff and members with a disability, processes have been put in place to develop Personal Emergency Evacuation Plans (PEEP), which are designed to detail the care or provisions that need to be made for an individual occupant with a disability in the event of an evacuation.

Finally, the OHS team have been closely involved in the design of the new venue at 300 La Trobe St, ensuring that security designs, member egress, furniture and fittings, and other elements of the building, meet OHS requirements.





08

**FINANCIAL
REPORT**





VCAT's 2023/24 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 2023/24 accounts are published in the consolidated CSV Annual Report 2023/24.

To view the CSV annual report, visit 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.



09

APPENDICES



A. Financial information

Our finances (millions)	2019/20	2020/21	2021/22	2022/23	2023/24
How much Parliament appropriates for VCAT costs	\$34.609	\$39.527	\$42.796	\$45.065	\$49.757
Fees retained as appropriations	\$8.335	\$7.889	\$8.021	\$7.961	\$7.008
Funds from Consumer Affairs Victoria (in trust, for dispute services)	\$20.749	\$20.589	\$19.640	\$23.779	\$28.553

B. Enabling enactments as at 30 June 2024

Aboriginal Heritage Act 2006

Accident Compensation Act 1985

Accident Towing Services Act 2007

Accident Towing Services Regulations 2019

Adoption Act 1984

Agricultural and Veterinary Chemicals (Control of Use) Act 1992

Architects Act 1991

Assisted Reproductive Treatment Act 2008

Associations Incorporation Reform Act 2012

Australian Consumer Law and Fair Trading Act 2012

Back to Work Act 2015

Biological Control Act 1986

Births, Deaths and Marriages Registration Act 1996

Building Act 1993

Bus Safety Act 2009

Business Franchise (Petroleum Products) Act 1979

Business Licensing Authority Act 1998

Catchment and Land Protection Act 1994

Cemeteries and Crematoria Act 2003

Change or Suppression (Conversion) Practices Prohibition Act 2021

Children, Youth and Families Act 2005

Children's Services Act 1996

Child Employment Act 2003

Child Wellbeing and Safety Act 2005

Climate Change Act 2017

Commercial Passenger Vehicle Industry Act 2017

Company Titles (Home Units) Act 2013

Congestion Levy Act 2005

Conservation, Forests and Lands Act 1987

Conveyancers Act 2006

Co-operatives National Law Application Act 2013

Country Fire Authority Act 1958

Credit Act 1984

Dairy Act 2000

Dangerous Goods Act 1985

Development Victoria Act 2003

Disability Act 2006

Disability Service Safeguards Act 2018

Domestic Animals Act 1994

Domestic Building Contracts Act 1995

Drugs, Poisons and Controlled Substances Act 1981

Duties Act 2000

Education and Care Services National Law Act 2010

Education and Training Reform Act 2006

Electoral Act 2002

Electricity Safety Act 1998
Emergency Management Act 1986
Emergency Services Superannuation Act 1986
Environment Protection Act 2017
Equal Opportunity Act 2010
Equipment (Public Safety) Act 1994
Essential Services Commission Act 2001
Estate Agents Act 1980
Firearms Act 1996
Fire Rescue Victoria Act 1958
Fire Rescue Victoria (Firefighters Registration Board) Regulations 2022
First Home Owner Grant Act 2000
Fisheries Act 1995
Flora and Fauna Guarantee Act 1988
Freedom of Information Act 1982
Fundraising Act 1998
Gambling Regulation Act 2003
Gambling Taxation Act 2023
Gas Safety Act 1997
Gender Equality Act 2020
Guardianship and Administration Act 2019
Health Complaints Act 2016
Health Practitioner Regulation National Law
Health Records Act 2001
Health Services Act 1988
Heavy Vehicle National Law Application Act 2013
Heritage Act 2017
Housing Act 1983
Instruments Act 1958
Labour Hire Licensing Act 2018
Land Acquisition and Compensation Act 1986
Land Tax Act 2005
Legal Profession Uniform Law Application Act 2014
Liquor Control Reform Amendment Act 2021
Livestock Disease Control Act 1994
Local Government Act 1989
Local Government Act 2020
Long Service Benefits Portability Act 2018
Marine Safety Act 2010
Major Events Act 2009
Major Transport Projects Facilitation Act 2009
Meat Industry Act 1993
Medical Treatment Planning and Decisions Act 2016
Melbourne Strategic Assessment (Environment Mitigation Levy) Act 2020
Mental Health Act 2014
Mineral Resources (Sustainable Development) Act 1990
Motor Car Traders Act 1986
Non-Emergency Patient Transport and First Aid Services Act 2003
Occupational Health and Safety Act 2004
Occupational Health and Safety Regulations 2017
Owner Drivers and Forestry Contractors Act 2005
Owners Corporations Act 2006
Parliamentary Salaries, Allowances and Superannuation Act 1968
Payroll Tax Act 2007
Petroleum Act 1998
Pharmacy Regulation Act 2010
Pipelines Act 2005
Planning and Environment Act 1987
Plant Biosecurity Act 2010
Port Management Act 1995
Powers of Attorney Act 2014
Prevention of Cruelty to Animals Act 1986
Privacy Act 1988
Privacy and Data Protection Act 2014
Private Security Act 2004
Professional Boxing and Combat Sports Act 1985
Professional Engineers Registration Act 2019
Property Law Act 1958
Public Health and Wellbeing Act 2008

Racial and Religious Tolerance Act 2001
Racing Act 1958
Radiation Act 2005
Rail Safety National Law Application Act 2013
Relationships Act 2008
Residential Tenancies Act 1997
Retail Leases Act 2003
Retirement Villages (Contractual Arrangements) Regulations 2017
Retirement Villages Act 1986
Road Management (General) Regulations 2016
Road Management Act 2004
Road Safety (Vehicles) Regulations 2021
Road Safety Act 1986
Rooming House Operators Act 2016
Sale of Land Act 1962
Seafood Safety Act 2003
Second-Hand Dealers and Pawnbrokers Act 1989
Sentencing Act 1991
Service Victoria Act 2018
Sex Work Act 1994
Small Business Commission Act 2017
State Employees Retirement Benefits Act 1979
State Superannuation Act 1988
Subdivision Act 1988
Superannuation (Portability) Act 1989
Supported Residential Services (Private Proprietors) Act 2010
Surveying Act 2004
Taxation Administration Act 1997
Therapeutic Goods (Victoria) Act 2010
Tourist and Heritage Railways Act 2010
Traditional Owner Settlement Act 2010
Transport (Compliance and Miscellaneous) Act 1983
Transport Accident Act 1986
Transport (Safety Schemes Compliance and Enforcement) Act 2014
Transport Superannuation Act 1988
Trustee Companies Act 1984
Unclaimed Money Act 2008
Valuation of Land Act 1960
Veterinary Practice Act 1997
Vexatious Proceedings Act 2014
Victims of Crime Assistance Act 1996
Victoria State Emergency Service Act 2005
Victoria State Emergency Service Regulations 2017
Victorian Energy Efficiency Target Act 2007
Victorian Plantations Corporation Act 1993
Voluntary Assisted Dying Act 2017
Water Act 1989
Wildlife Act 1975
Windfall Gains Tax Act 2021
Worker Screening Act 2020
Workplace Injury Rehabilitation and Compensation Act 2013
Zero and Low Emission Vehicle Distance-based Charge Act 2021

C. VCAT member directory

VCAT President

Justice Ted Woodward

Vice Presidents

Judge Sharon Burchell

Judge Elizabeth Brimer

Judge Sandra Davis

Judge Caitlin English

Judge Suzanne Kirton

Judge Michael Macnamara

Judge Samantha Marks

Judge Jeanette Morrish

Judge My Anh Tran

Deputy Presidents

Teresa Bisucci

Ian Lulham

Ian Proctor

Eric Riegler

Lindsay Warren

Richard Wilson

Senior Members - Non-sessional

Margaret Baird

Susan Burdon-Smith

Domenico Calabro

Kylea Campana

Salvatore Cimino

Geoffrey Code

Carol Dacic

Anna Dea

Spiridoula Djohan

Leneen Forde

Alison Glynn

Justine Jacono

Louise Johnson

Kim Knights

Philip Martin

Anne Moon

Stella Moraitis

Holly Nash

Rachel Naylor

Genevieve Nihill

Tania Petranis

Ian Potts

Charles Powles

Charlene Price

Bill Sibonis

Jonathan Smithers

Reynah Tang

Silvana Wilson

Senior Members - Sessional

Catherine Aird

John Bennett

John Billings

Christopher Edquist

Mark Farrelly

Michael Levine

Jacqueline Preuss

Jeanette Rickards

Rebecca Wilson

Members - Non-sessional

Jillian Bartlett

Rohan Bennett

Claire Bennett

Michael Bevan

Deirdre Bignell

Tracey Bilston-McGillen

Kerrie Birtwistle

Gregory Brock

Danica Buljan

Louise Bygrave

Seuna Byrne

Mary Cameron

Neill Campbell

Megan Carew

Jeremy Cass

Robert Chamberlain

Simon Cohen

Dalia Cook

Richard Curie

Donna D'Alessandro

Robert Daly

Michael Deidun

Jennifer Ellis

Nicole Feeney

Natalie Fleming

Sydney Fry

Danielle Galvin

Peter Gaschk

Filip Gelev

Renee Gorenstein

Martin Guthrie

Christopher Harty

Brook Hely

Adrian Hoel

Diane Hubble

Barry Josephs

Andrew Kincaid

Jessica Klingender

Judith Leshinsky

Clare Lethlean

Susanne Liden

Donald Lucas

Nicole Maher

Felicity Marks

Sarah McDonald

Michael Nelthorpe

Saurabh Pandya

Katherine Paterson

Judith Perlstein

Cassandra Rea

Julia Reid

Linda Rowland

Michael Ryall

Ian Scott

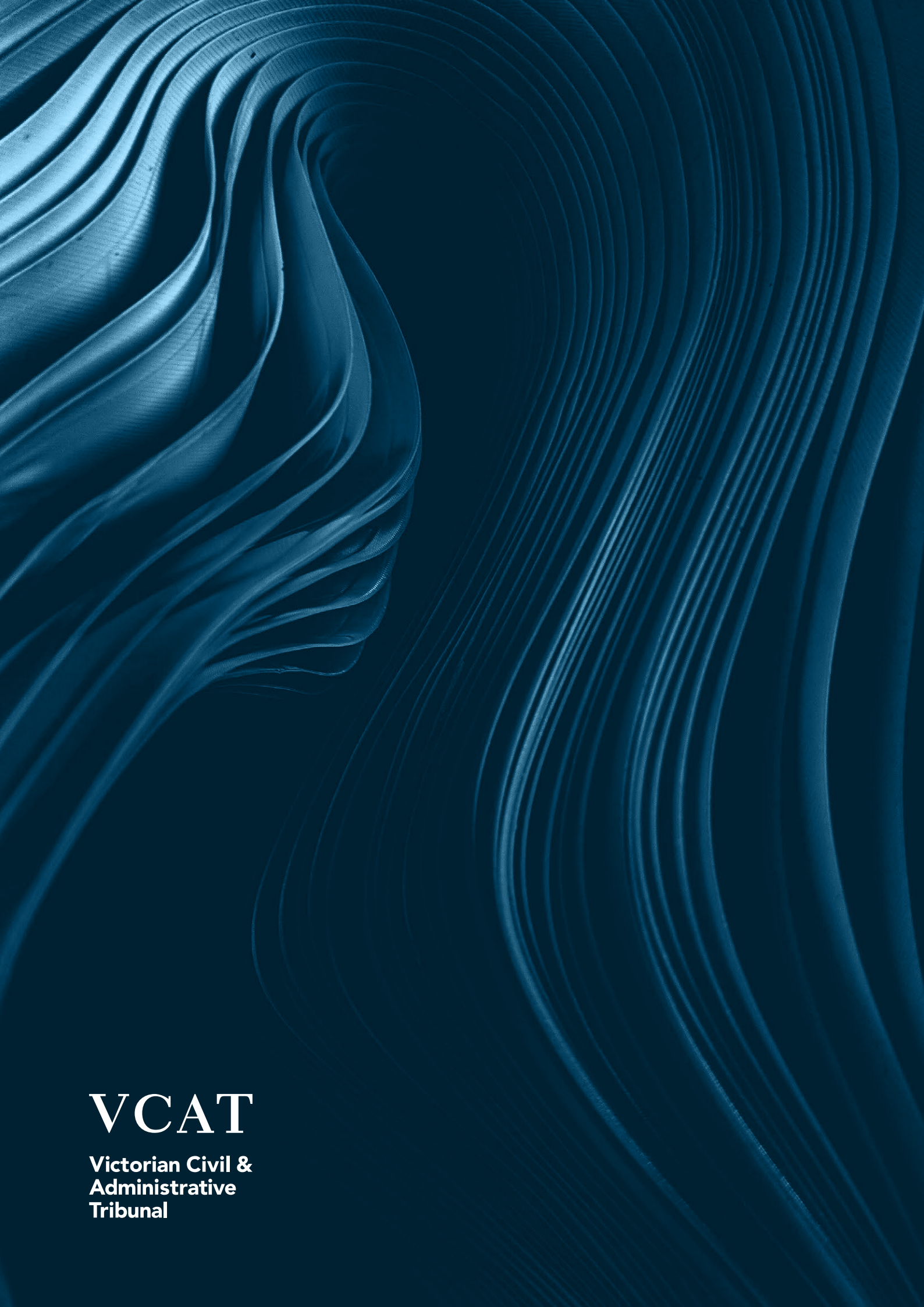
Alison Slattery

Jodie Stroud	Melainie Cameron	Diana Harding	Marian Power
Jane Tait	Stephanie Campbell	Christopher Hart	Mark Prince
Cassandra Tanner	Gregary Chase	John Hatzis	Erin Rankins
Mary-Anne Taranto	John Clampett	Jason Heidrich	Sharon Reneaux
Joel Templar	Gregory Clugston	Adrian Ho	Maja Ristic
Christopher Thwaites	Vicki Cogley	Jennifer Holdstock	Gerard Schembri
Stuart Webb	Peter Cole	Anthony Horan	John Sharkie
Susan Whitney	Maria Collins	Alan Johnston	Gregory Sharpley
Shiran Wickramasinghe	Dominico Condello	Colin Jones	Susan Shedda
Nicholas Wimbush	Owen Mahoney	Ann Keddie	Nastassja Sidiropoulos
Tania Wolff	Rea Condoleon	David Kim	David Southgate
Members - Sessional	Gwenneth Crawford	Amanda Kimpton	Rowan Story
Dianne Anderson	Lara Crocker	Kristianne Lynch	Angela Sungaila
Natalie Angliss	Liem Dang	Carolyn Manning	Michael Sweeney
Mary Archibald	Frank Dawson	Elizabeth Mason	Michelle Taylor-Sands
Stephen Axford	Edward de Zilwa	Jason McCormick	Annemarie Tilley
Mary Ayoub	Clare Delany	Colin McIntosh	Vivienne Topp
Liam Baggoley	Suzanne Dick	Patricia McKeown	Christopher Torr
Leonie Baker	Geoffrey Dick	Peter McNeill	Peter Tyler
Pamela Barry	Anthony Dickinson	Roderick McRae	Shivani Ummat
James Baxter	Barry Draper	Katherine Metcalf	Shajan Velaedan
Philip Bender	Annette Eastman	Gino Mitrione	John Vestakis
Elizabeth Bensch	Michael El Moussalli	Patricia Molloy	Jill Walsh
Helena Berridge	Alison Elmes	Dennis Nadan	Laurie Warfe
Wendy Boddison	Anthony Fernon	Lorina Nervegna	John Waterhouse
Venetia Bombas	Michelle Gardner	Elissa O'Brien	Tracy Watson
Siobhan Boyd-Squires	John Gleeson	Rodney Page	Serene Watterson
Melissa Bray	Donna Goldsmith	Kathryn Partenio	Elisabeth Wentworth
Emma Bridge	Megan Goulding	Rosslyn Pearson	Philip West
Robert Buchanan	Xu Ming Gu	Annette Peart	Angela Williams
Marietta Bylhouwer	Raymond Gymer	Christopher Perera	Samuel Zheng
Louis Cali	Paul Gysslink	Yi - Lee Phang	
Rebecca Cameron	Nicholas Hadjigeorgiou	Robert Phillips	
	Mary Hally	George Ploumidis	

D. Glossary

Appropriate Dispute Resolution	Resolution of a dispute through a VCAT-facilitated process other than a hearing. Examples include settling the dispute through mediation or a compulsory conference.
Applicant	The party applying to VCAT for orders or relief.
Caseflow	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.
Clearance rate	The number of finalised applications divided by the number of new initiated/commenced applications, expressed as a percentage.
Compulsory conference	A form of dispute resolution where a VCAT member facilitates a confidential discussion between the parties.
CSV	Court Services Victoria
DBDRV	Domestic Building Dispute Resolution Victoria – a government agency that provides free services to help resolve domestic (residential) building disputes.
Directions	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.
Directions hearing	A preliminary hearing where VCAT hears from the parties as to directions that might be made, or other preliminary matters.
Division	VCAT has five divisions – Civil, Administrative, Residential Tenancies, Human Rights and Planning and Environment.
80th percentile	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.
Enabling enactment	An Act of Parliament or regulation under which jurisdiction is given to VCAT.
Enduring power of attorney	A legal document that allows another person to make personal or financial decisions on a person's behalf.
Finalisations	The number of applications finalised by VCAT.
Initiations	Applications commenced at VCAT.
Injunction	A type of order that directs a person to do, or not to do, something.
Judicial member	A VCAT member who is a judge of the Supreme Court of Victoria or County Court of Victoria.
Jurisdiction	The legal authority given to VCAT to hear and decide certain types of cases.
List	An area of VCAT that handles a specific type of case. VCAT has nine lists.
Median	The midpoint value in the distribution of finalised applications in weeks.
Mediation	Another form of dispute resolution involving confidential meetings and discussion between the parties. Unlike a compulsory conference, it is conducted by a trained mediator.
Member	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.
Non-sessional member	A full-time or part-time member of the Tribunal.
Objector	A person who has lodged an objection to a proposed planning permit with the responsible authority.
ODR	Online dispute resolution

Order	VCAT's written instructions or final decision in a case.
Original jurisdiction	When VCAT is the original decision-maker, rather than reviewing the decision of a responsible authority.
Party	A person or organisation that has applied to VCAT or who is defending claims made against them, or whom VCAT joins as a party.
Pending	The number of applications that have been commenced and are not yet finalised.
Presidential member	The President, a Vice President or a Deputy President of VCAT.
Real property jurisdiction	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> .
Registry	The administrative section of VCAT that coordinates the exchange of information between VCAT and the parties, supports the members in their duties and handles enquiries about cases.
Respondent	The party against whom orders or relief is sought by an applicant.
Responsible authority	The government department or agency that an Act of Parliament names as the body with power to act in a particular situation.
Review jurisdiction	VCAT's powers to review decisions made by other decision-makers.
Sessional members	A VCAT member who is available as required; not full-time or part-time.
Settlement	An agreement between parties that finalises some or all of their dispute, so that VCAT does not have to decide it for them.
Target	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).
TAC	Transport Accident Commission
Tribunal	The Victorian Civil and Administrative Tribunal established under Part 2 of the <i>Victorian Civil and Administrative Tribunal Act 1998</i> .
User groups	Key stakeholders with interest in particular lists.
VCAT Act	The <i>Victorian Civil and Administrative Act 1998</i>
Variance	Percentage difference between the current and previous financial year.
VPS	Victorian Public Service



VCAT

**Victorian Civil &
Administrative
Tribunal**