



VCAT

ANNUAL
REPORT }

2013/14

VCAT | victorian civil & administrative tribunal

Fair, efficient justice for all Victorians

Dear Attorney-General

In accordance with section 37 of the *Victorian Civil and Administrative Tribunal Act 1998*, I have pleasure in submitting the VCAT Annual Report for the year ended 30 June 2014, for you to present to the Houses of Parliament.

Yours sincerely



Justice Greg Garde AO RFD

President

Keryn Negri

Chief Executive Officer

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ABOUT VCAT

WHO WE ARE

The Victorian Civil and Administrative Tribunal (VCAT) began operating on 1 July 1998, after 15 boards and tribunals were merged into a 'one-stop shop' for the handling of a range of disputes. Established under the *Victorian Civil and Administrative Tribunal Act 1998*, VCAT's vision is to serve the community by resolving disputes in a timely, cost-effective and efficient way. Our goal is to be an outstanding civil and administrative tribunal.

In accordance with the VCAT Act, a Supreme Court Judge heads VCAT as President, and County Court Judges serve as Vice Presidents. Applications are heard and determined by Deputy Presidents (appointed on a full-time basis), Senior Members and ordinary Members (who may be full-time, part-time or sessional). Members have a broad range of specialised skills and qualifications, enabling VCAT to hear and determine cases of varying complexity and subject matter.

WHAT WE DO

VCAT hears and determines matters within three divisions:

The **Civil Division** hears and determines a range of civil disputes relating to:

- Consumer matters
- Domestic building works
- Owners corporation matters
- Residential and retail tenancy disputes
- Sale and ownership of property
- Use or flow of water between properties

The **Administrative Division** deals with applications from people seeking review of government and other bodies' decisions that affect them. These include decisions relating to:

- The development and use of land, including planning permits issued by local councils
- Land valuation for rating purposes, and compensation for the compulsory acquisition of land
- Transport Accident Commission findings

- State taxation
- Legal services
- Business licences, professional registrations and disciplinary proceedings across a range of professions and industries
- Freedom of Information applications
- WorkSafe assessments

The **Human Rights Division** deals with matters relating to:

- Guardianship and administration
- Equal opportunity
- Racial and religious vilification
- Health and information privacy
- Decisions made by the Mental Health Review Board

Hearings are conducted in the Melbourne CBD at 55 King Street and at the William Cooper Justice Centre in William Street, as well as at a range of venues in suburban and regional Victoria.



PRESIDENT'S MESSAGE



VCAT is Australia's largest administrative tribunal with 88,523 originating applications and total funding of just over \$45 million in 2013-14.

Up to two million Victorians have contact with VCAT in any one year, which means Victorians are more likely to interact with VCAT than any other civil jurisdiction. Our tribunal model is increasingly replicated in other states and territories, with the establishment of NCAT in New South Wales and SACAT in South Australia, in addition to QCAT, SAT and ACAT in Queensland, Western Australia and the Australian Capital Territory.

During 2013-14, the Residential Tenancies List remained the busiest list with over 61,000 applications lodged, followed by the Guardianship List with almost 11,000 applications and the Civil Claims List with over 7,500 commencements. VCAT finalised over 90,000 cases bringing the clearance rate for the year to 102 per cent. Pending cases awaiting hearing were reduced to 9,340 by the end of the year reflecting a higher service level provided by VCAT to parties and the community.

The transition to Court Services Victoria (CSV) from the Department of Justice represents a major milestone for Victorian courts and VCAT. CSV is a major new organisation with close to 2,000 staff and over 70 facilities. The new body is focused on administrative support to courts and VCAT, leading to better services and the availability of specialist expertise.

The *Victorian Civil and Administrative Tribunal Act 1998* and enabling enactments are VCAT's statutory birthright. After 16 years of operation, the VCAT Act was this year subject to significant amendments. The *Victorian Civil and Administrative Tribunal Amendment Act 2014* commenced operation on 2 June 2014, introducing a number of changes.

New powers include the ability to invite original decision-makers to reconsider decisions, powers to order reimbursement of Tribunal fees, increased powers of delegation to the Principal Registrar and registrars, and a comprehensive range of powers in relation to expert witnesses. The changes will improve efficiency, strengthen VCAT's case management practices and facilitate the early resolution of disputes.

During the year, Parliament conferred new and extended jurisdictions on the Tribunal under new or amended legislation including the *Building and Planning Legislation Amendment (Governance and Other Matters) Act 2013*, the *Planning and Environment Amendment (General) Act 2012*, the *Open Courts Act 2013* and the *Company Titles (Home Units) Act 2013*, among others.

The Victorian Civil and Administrative Tribunal (Fees) Regulations 2013 fix the fees that are charged at VCAT. They came into operation on 1 June 2013 and will operate until 30 June 2016. VCAT has an established fee reduction or waiver protocol for people in financial hardship.

Alternative dispute resolution, including mediation and compulsory conferences, are important ways of resolving disputes in an appropriate and timely way. As a recognised mediator accreditation body under the national mediator accreditation scheme, VCAT delivers mediation training for members and staff and supports accredited mediators to meet their yearly accreditation requirements. During the year, 12 members and staff participated in the mediation training program. There are currently 79 VCAT members and staff who are accredited mediators, as well as a specialist panel of 26 mediators at the Tribunal. During the year, Deputy President Ian Lulham was appointed ADR member succeeding Deputy President Genevieve Nihill.

VCAT's members and staff are pivotal to our ability to deliver fair and efficient resolution of disputes for all Victorians. VCAT prides itself on the capability of its people and ensures that there is high quality training and professional development available. The Professional Development Group is chaired by Vice President Judge Pamela Jenkins and includes all Heads of Division. During 2013-14, VCAT ran a busy schedule

of training including a number of twilight sessions to keep members up-to-date with legislative changes in Victoria, list-specific professional development days, as well as mindfulness workshops.

The 2014 VCAT Conference was held in March for members and staff, and achieved excellent reviews and attendance. I had the great pleasure of launching the *Building a Better VCAT Strategic Plan*, which describes our strategic vision for 2014-17. The Hon. Robert Clark MP, Attorney-General for Victoria, again opened the conference and key addresses were given by Ms Christine Nixon, former Chief Commissioner of Police, Dr Craig Hassed and Dr Louise Mahler. My special thanks go to the staff who undertook the organisation and planning of this significant event.

There were a number of promotions and appointments to the Tribunal during 2013-14. Congratulations to Senior Members Heather Barker and Genevieve Nihill who were promoted to Deputy President. Congratulations also to Members Gerry Butcher and Stella Moraitis who were promoted to Senior Member. Congratulations to Members Andrew Kinkaid and Susan Burdon-Smith who were appointed as full-time members.

I thank our new Heads of Division, Deputy Presidents Cathy Aird and Genevieve Nihill, who succeeded Deputy Presidents Heather Lambrick and Anne Coghlan. Deputy President Coghlan retired as

full-time member after many years of service, but has elected to continue as a sessional senior member.

Congratulations to those members appointed as Heads and Deputy Heads of Lists, and to the new sessional members appointed to the Tribunal over the course of the year. I express my sincere thanks to the members who retired as well as administrative staff who concluded their time at VCAT over the last year. Your service to the Victorian community is greatly appreciated.

I thank the Tribunal members and staff who throughout the year have continued to give outstanding service to VCAT and the Victorian community. I look forward to an exciting and active year of continuing progress for VCAT in 2014-15.



**Justice Greg Garde AO RFD
President**

CHIEF EXECUTIVE OFFICER'S MESSAGE



2013-14 has been a very busy year at VCAT. In addition to finalising over 90,000 matters, we developed and launched our four-year strategic plan *Building a Better VCAT*, assisted the establishment of Court Services Victoria, strengthened our governance and committee structures, relocated the Human Rights Division to the William Cooper Justice Centre, and commenced an extensive program of works to upgrade our facilities at 55 King Street Melbourne.

VCAT's President Justice Greg Garde and the Attorney-General, the Hon. Robert Clark MP, launched *Building a Better VCAT 2014-17* in March 2014. VCAT's new strategic plan was developed over several months to allow for meaningful input from the community and our key stakeholders. We made sure our draft plan was available on our website for comment and it was pleasing to receive a range of constructive comments and suggestions.

The plan is simple. It outlines five strategic directions that, in summary, are about better access, greater community involvement, modernising our systems

and processes, improving efficiency, and investing in our staff and members to ensure they continue to provide a high quality service to the community. We intend to report regularly on our progress towards achieving the vision and our goal – to be an outstanding civil and administrative tribunal.

Court Services Victoria (CSV) came into effect on 1 July 2014. VCAT is proud to be part of this new statutory authority that aims to provide the courts and tribunals with greater independence and autonomy. Since VCAT's inception in 1998, we have been part of the Department of Justice (DOJ). During

the year, we invested a great deal of effort in preparing our systems, processes and stakeholders for the smooth transition from DOJ to CSV.

Another key area of focus for VCAT over the past 12 months has been to strengthen our assurance and governance processes. With assistance from our internal auditors, VCAT reviewed our governance structure, established the President's Advisory Committee (PAC), and ensured each of our sub-committees have clear and relevant terms of reference. The role of PAC is to provide strategic advice and leadership within VCAT, and to assist with the efficient management and continuous improvement of VCAT's operations in accordance with the Tribunal's vision and values.

Innovation was the theme of the staff stream of our member and staff conference held in March. We are always looking for ways to simplify and improve our processes, but if the organisational culture does not support innovation it can be difficult to drive change. The conference focused on ways to ensure that VCAT is an innovative

workplace, a workplace where new ideas are encouraged and supported. A number of practical ideas were put forward at the conference. Those that were quick to implement have already occurred, and a number of ideas have been incorporated into our communications strategy and IT work program for the forthcoming year.

The other key area of activity for the year has been the roll-out of a major refurbishment project at our CBD offices at 55 King Street Melbourne. People visiting VCAT have been very patient as we have undertaken major works to upgrade facilities, whilst at the same time maintaining our normal level of hearings. The project will continue in 2014-15 and, when complete, will provide more usable and appropriately-sized hearing rooms with more natural light, upgraded security, lifts and amenities.

As part of the refurbishment works, the Human Rights Division relocated to the William Cooper Justice Centre at 223 William Street Melbourne and now holds Guardianship and Human Rights matters at that venue.

We have ended the year in a solid financial position and have met our key performance targets. It has been, without a doubt, a productive and successful year and I thank the hard-working and dedicated VCAT members and staff for another year of supporting the Victorian community to resolve disputes in a timely and efficient way.



Keryn Negri
Chief Executive Officer

YEAR IN REVIEW

HIGHLIGHTS

- Developed and launched *Building a Better VCAT: Strategic Plan 2014-17* to guide our activities over the next four years
- Commenced a major refurbishment of our main hearing facility at 55 King Street Melbourne, which will result in more modern, secure and appropriate hearing rooms and public spaces
- *VCAT Amendment Act 2014* introduced, bringing new and enhanced powers to the Tribunal and enabling us to increase efficiencies and provide a better service
- Prepared for a successful transition to Court Services Victoria – a major milestone in the history of Victoria’s court system
- Reduced the number of cases awaiting a hearing to 9,340, our lowest pending rate in eight years
- Introduced new procedures in the Civil Claims List enabling us to process applications faster and reduce potential delays and adjournments
- Introduced a new service to make audio recordings of a hearing available to parties – a cheaper alternative to transcripts and more helpful for people who are vision-impaired
- Reviewed and improved information for parties with proceedings in our Review and Regulation List, including specific content on more than 80 enabling enactments
- Achieved a clearance rate (cases received compared to cases finalised) of 102 per cent, using 71 venues
- Moved our Human Rights Division to new premises at the William Cooper Justice Centre, enabling these often sensitive proceedings to be heard in more appropriate accommodation
- Improved our online system for the annual lodgement of accounts by private administrators, making it faster and more convenient to use
- Implemented a financial reporting framework that strengthens and accelerates VCAT’s decision-making and makes key financial risks and opportunities more transparent
- Completed a successful pilot of ‘staying’ Transport Accident Commission matters, avoiding unnecessary directions hearings



ACTIVITIES

OVERVIEW

	2011-12	2012-13	2013-14
Cases lodged	89,470	90,626	88,523
Cases finalised	89,683	88,421	90,534
Cases pending	11,066	11,700	9,340
Clearance rate	100%	98%	102%
Hearing venues used	71	63	71

● 2011-12 ● 2012-13 ● 2013-14

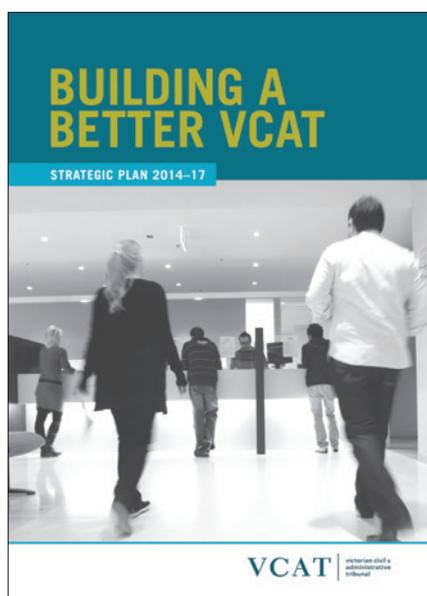


CASES RECEIVED PER LIST

TIMELINESS

	2011-12	2012-13	2013-14	2013-14 Median	2013-14 80th Percentile	Target
CIVIL DIVISION						
Civil Claims	8,928	9,205	7,794	15	28	19
Residential Tenancies	58,755	59,455	61,126	2	5	6
Domestic Building	1,229	1,497	1,253	13	32	35
Owners Corporations	3,084	3,246	2,945	6	12	10
Retail Tenancies	328	333	317	9	23	18
Real Property	192	206	173	17	34	35
ADMINISTRATIVE DIVISION						
Legal Practice	175	230	200	14	31	40
Planning and Environment	4,011	3,622	2,296	22	31	
Review and Regulation	1,494	1,567	1,253	29	61	
HUMAN RIGHTS DIVISION						
Guardianship	10,898	10,942	10,865	5	11	13
Human Rights	376	323	301	15	32	
Total	89,470	90,626	88,523			

PREPARING FOR OUR FUTURE



Building a Better VCAT

In March, we launched the *Building a Better VCAT: Strategic Plan 2014-17* – a roadmap to the future for our organisation and the result of considerable reflection and consultation on where we want to be as an organisation in 2017. Our vision is to serve the community by resolving disputes in a timely, cost effective and efficient way. Our goal is to be an outstanding civil and administrative tribunal.

Our strategic directions include:

- **better access** to our services, including improved support for people who represent themselves at VCAT, planning for future accommodation needs, support for the development and use of multi-jurisdictional facilities through Court Services Victoria (CSV), modernised hearing room facilities and improved security at 55 King Street.

- **community involvement and engagement** through working in partnership with our stakeholders, reviewing and improving community engagement and user group forums, seeking feedback from people who have had a matter heard at VCAT, and improving the way we provide information and build knowledge about VCAT.
- **modernising service delivery** by reviewing and updating the VCAT Act and enabling provisions, supporting the development of CSV, engaging earlier with government stakeholders in the legislative process, reviewing and expanding the use of ADR, driving process improvements in Registry and expanding our use of technology.
- **improving efficiency** through improving governance arrangements, driving process improvements for Listings, reviewing performance measures and ensuring data integrity, and monitoring the impact of fee regulations.
- **investing in our people** by improving the way we manage our workforce, improving training and development opportunities for members and staff, and maintaining transparent appraisal processes.

The *Building a Better VCAT: Strategic Plan 2014-17* is available on the VCAT website, which will also house half-yearly updates on its progress.

Business planning for 2014-15

Late in the financial year, our senior management team met twice to workshop and refine the organisation's business priorities for the coming year. A 2014-15 Business Plan was developed and endorsed by the President's Advisory Committee (see p. 45), including key projects aligned to the strategic directions in *Building a Better VCAT: Strategic Plan 2014-17*.

These projects include developing tools to support self-represented litigants, developing our stakeholder engagement strategy, undertaking customer satisfaction surveys, reviewing fee regulations (including a Regulatory Impact Statement), reviewing performance reporting, timeliness targets and our customer service framework, developing a workforce planning strategy, exploring ways to modernise VCAT services with technology and undertaking a skills and capacity review. The progress on our 2014-15 Business Plan will be captured in our regular updates on the strategic plan.

Refurbishing 55 King Street

In October 2013, a major refurbishment commenced of VCAT's main hearing facility, 55 King Street Melbourne. Funded mainly by building landlord Lend Lease as a result of lease renegotiations, the \$6 million refurbishment will create more modern, clean and comfortable spaces. The upgrades include:

- major improvements to the building fitout (interior walls, rooms and furnishings)
- new audiovisual and recording equipment for hearing rooms and updated facilities for people with hearing impairments
- improved functionality and layout of hearing rooms, members' chambers, offices and cubicles to increase natural light and ensure hearing rooms are appropriately sized
- Level 2 becoming a dedicated hearing room floor and the VCAT Learning Centre relocated to Level 6 to create a larger and more functional space with improved audiovisual facilities
- creating additional offices and workstations to accommodate VCAT staff and services
- base building updates to lifts, carpets, ceiling tiles, heating, air-conditioning systems, and fixtures and fittings in restrooms
- reconstructing the ground floor entrance and replacing the ramp and non-compliant staircase to improve access.

At 30 June 2014, the Level 6 and 7 fitouts were complete, base building works had been done on all levels, the reconstruction of the ground floor entrance had commenced, and upgrades had been made to two out of four lifts. The Level 4 refurbishment is currently in progress, with upgrades to the remaining floors and lifts scheduled for completion by the end of 2014.

Planning for future accommodation needs

To ensure our services remain accessible to all Victorians, we constantly review the number, location and quality of our hearing facilities.

A number of hearing facilities became unavailable during the year and we needed to make other arrangements. In August, the Berwick Justice Service Centre closed due to the end of the tenancy agreement and the hearings for this venue were relocated to facilities in Dandenong, Frankston and Moorabbin. The Robinvale hearing facility also closed and hearings were distributed between our venues in Mildura and Swan Hill.

Guardianship List hearings commenced once a week from May at the Greater Dandenong City Council premises in Springvale. By 30 June, a total of 37 hearings had been held at the Council chambers. In 2014-15, VCAT will pilot twilight hearings in Dandenong in the Residential Tenancies List to help meet demand in this growing corridor. With other courts, we are involved in developing new facilities at the Bendigo and Shepparton Magistrates' Courts and in refurbishing the Moe Town Hall for future use.

ALTERNATIVE DISPUTE RESOLUTION

Alternative or appropriate dispute resolution (ADR) is an umbrella term referring to a range of ways we help parties resolve their disputes without the need for a full hearing, for example, mediations and compulsory conferences. We have used ADR at VCAT since the Tribunal was established in 1998.

ADR is a more cost-effective and flexible alternative to traditional Tribunal hearings and can be less stressful for the people involved. It gives parties greater control over the outcome of their disputes and can often lead to successful outcomes not achievable with traditional methods of dispute resolution.

Three broad groups of people conduct ADR at VCAT:

- a specialist panel of mediators who conduct mediations across many of VCAT's Lists and offer a wide range of specialist expertise as well as in-depth mediation experience
- VCAT members, accredited as mediators, who conduct compulsory conferences and mediations
- accredited staff mediators, who conduct short mediations.

VCAT has purpose-built mediation facilities at 55 King Street that include mediation and breakout rooms. Parties can access a computer and printer and can use VCAT's templates to prepare, print and sign their terms of settlement onsite.



ELEMENTS OF THE ADR PROGRAM

In 2013-14, we appointed 26 mediators to the ADR panel. This is in addition to the 79 VCAT members and staff who are currently accredited mediators and who also provide extensive mediation skills and experience. The process of appointing mediators occurs every two years to ensure we maintain a good balance of ongoing mediators who offer depth of expertise and experience in the Tribunal, and new mediators who bring fresh perspectives and skills. We also extended and consolidated the ADR Program, which has seven key elements. Sub-committees of the ADR Program Committee supported the development of each element summarised below.

Short mediations and hearings

In 2013-14, we continued the Short Mediation and Hearing (SMAH) program. SMAH listings require parties to attend a brief mediation, generally conducted by a VCAT accredited staff mediator, prior to their scheduled hearing. The mediator helps parties reach an agreement that both parties find acceptable, thereby avoiding the potential stress of a public hearing. If the matter does not settle at the short mediation, the parties are given a hearing on the same day.

Feedback from parties who have tried SMAH suggests they feel more in control of their case and appreciate the opportunity to develop their own solutions. About half the cases listed for SMAH in 2013-14 were resolved without a hearing.

The Dispute Settlement Centre of Victoria generously offered us their expertise in co-mediation and trained our SMAH mediators in this model. This enabled us to trial co-mediation in SMAH and obtain the benefits of increased support and de-briefing for mediators, and increased opportunities to mediate. We will continue to use this model as one of our mediation options.

Mediation training and professional development

We continued to offer an inhouse mediation training program, which in 2013-14 enabled 12 VCAT members and staff to become accredited mediators. We also offered monthly professional development sessions on topics such as encouraging settlement and the legal principles around the interpretation of terms of settlement and deeds of release. In 2014-15, we are planning to develop and offer a comprehensive Skills Development Program to ensure our current mediators are continuing to work with highly-developed and fresh skills.

Ongoing accreditation requirements

VCAT is a Recognised Mediator Accreditation Body (RMAB) under the National Mediator Accreditation Scheme. We deliver training and professional development so that our staff and members can become accredited mediators and fulfil their ongoing accreditation requirements. We monitor compliance with the National Mediator Standards to ensure VCAT meets its obligations.

ADR research and development

We continued to use a 'cooling off' period for mediations conducted by panel mediators in which one or more parties were self-represented. The cooling-off period (two business days) allows parties who have reached a settlement an opportunity to reconsider the settlement agreement.

Documentation

We continued to update the guides, fact sheets and practice notes available to assist parties. We also extensively revised the template terms of settlement documents available for parties and mediators.

ADR data quality and improvement

We continued to measure our ADR outcomes to evaluate their quality and effectiveness. To measure party satisfaction, we offered a simple qualitative survey to parties who had participated in mediations with the panel mediators. All members and mediators undertaking ADR in any List are required to complete a standard form recording the process and outcome. This enables us to record settlement rates in every List and across a range of ADR methods, including mediations and compulsory conferences. The information helps us more precisely identify where and when ADR is best used, and to plan for future development.

Community engagement

ADR features frequently in VCAT's community and education activities. The ADR Member, Principal Mediator and several other VCAT mediators spoke about VCAT's ADR program at a number of community forums.

INDICATIVE CASE STUDIES

These case studies are indicative of the types of matters that regularly appear before VCAT, however they do not represent actual cases.

Resolving a co-ownership dispute

An applicant brought a matter to VCAT seeking an order that a property owned jointly with a former friend, the respondent, be sold and the proceeds divided equally between them. The parties had bought the property as a joint investment with the intention that they would live in and improve the property before selling it. However, a dispute subsequently arose between the co-owners and the applicant moved out. The applicant claimed that the respondent would not agree to the sale and would not discuss the matter. The parties had not spoken in more than a year. The mediator encouraged the parties to hear each other out and quickly discerned that the respondent also wanted to sell but there were some differences regarding the division of the proceeds of sale. These were soon resolved.

Mediating to resolve a building dispute

A builder commenced proceedings at VCAT to recover the final payment due for renovation work carried out on the respondents' home. The builder had suspended the works when the owners refused to make the payment. The owners counter-claimed for incomplete work and alleged defects set out in their expert's report. The quotes they had received were significantly higher than the amount claimed by the builder, but they did

not want the builder to come back. If the matter had gone to a final hearing there is little doubt that each party would spend more on legal costs and expert witnesses than the amounts in dispute. After a long and at times heated mediation, it was agreed that the builder would promptly return, complete the work and remedy defects in accordance with the owners' report, and would be paid an agreed amount. Both parties appreciated that they were better off settling on this basis rather than enduring the expense and delay inevitable if they chose to wait for a full hearing and decision on the claim and counterclaim.

Settling an issue of equal opportunity

An applicant for employment as a tradesman, who was refused the job, applied to VCAT claiming the company had discriminated against him based on his physical characteristics. He claimed a large sum in recompense. The company defended the claim, alleging that the applicant's physical characteristics were contrary to its occupational health and safety requirements which applied to all employees, that the applicant had not been discriminated against, and that the sum claimed was unreasonable because the applicant was still employed elsewhere. At mediation the parties reached a settlement of the claim, which saved them the time and cost of going to a full hearing.

Mediating a matter of spiritual significance

A council approved a planning permit application to construct a dwelling and associated outbuildings on rural land. Members of the local Koori community, who objected to the grant of the permit, lodged an application with VCAT to review the council's decision. They expressed concern that the dwelling was to be constructed on part of the land once occupied by their ancestors, which had spiritual significance. The matter was referred to mediation and this was conducted at a local venue. As part of the mediation, the parties visited the land and together developed and discussed options as to how the dwelling could be constructed whilst respecting the physical and spiritual significance of the area. An agreed option was formulated on site. The outcome resulted in the land owner being granted a permit to construct the dwelling on a different part of the site, sufficiently separated from the area of spiritual significance.

ADR STATISTICS

MATTERS REFERRED TO COMPULSORY CONFERENCE (COMP CONF)*

	CC	DB	HR	LP	OC	RP	RetT	RR	PE	Totals
Matters resolved through Comp Conf	260	109	23	10	34	16	34	145	65	696
Matters still in Comp Conf process	28	34	1	0	2	5	1	36	3	110
Post Comp Conf matters that resolved before final hearing	50	21	7	4	13	4	2	26	8	135
Post Comp Conf matters still awaiting final hearing	44	63	10	2	11	9	5	42	5	191
Post Comp Conf matters that went to final hearing	38	16	1	1	18	1	2	33	8	118
Total Matters	420	243	42	17	78	35	44	282	89	1,250

MATTERS REFERRED TO MEDIATION*

	CC	DB	HR	LP	OC	RP	RetT	RR	PE	Totals
Matters resolved through mediation	56	243	25	0	28	47	18	1	201	619
Matters still in mediation process	0	20	0	0	0	2	1	0	6	29
Post-mediation matters that resolved before final hearing	1	41	15	0	5	14	3	0	15	94
Post-mediation matters still awaiting final hearing	0	62	9	0	9	11	4	0	29	124
Post-mediation matters that went to final hearing	55	17	3	0	5	6	4	0	126	216
Total Matters	112	383	52	0	47	80	30	1	377	1,082

Abbreviations:

CC	Civil Claims
DB	Domestic Building
HR	Human Rights
LP	Legal Practice
OC	Owners Corporations
RP	Real Property
RetT	Retail Tenancies
RR	Review and Regulation
PE	Planning and Environment

*Data relates to number of individual files (matters) referred to compulsory conference or mediation.

CIVIL DIVISION

The Civil Division includes the Civil Claims, Residential Tenancies, Domestic Building, Retail Tenancies, Real Property and Owners Corporations Lists.

CIVIL CLAIMS LIST

The Civil Claims List handles disputes about goods or services. It hears matters where the goods or services in dispute are worth less than \$500 through to matters with values over \$1million. There is no limit on the amount that may be claimed in an application to the Civil Claims List.

The List hears disputes about:

- services that are not satisfactory
- repairs or servicing that was late or unsatisfactory
- not being paid for services supplied
- misleading or deceptive conduct, false representation and unconscionable conduct
- items bought that won't perform.

In 2013-14, the List heard 7,794 matters, including 6,384 matters where the amount claimed was less than \$10,000, 1,066 matters where the amount claimed was between \$10,000 and \$100,000, and 106 matters where the amount claimed was between \$100,000 and \$1million. There were no matters where the claim was over \$1million. About 240 matters involved a dispute with no monetary value.

Compared to last financial year, there were 15 per cent more cases involving claims worth over \$100,000. This was on top of a 14 per cent increase in \$100,000+ matters in 2011-12 and 11 per cent growth in 2012-13, reflecting the community's increasing use of VCAT for resolving commercial and complex disputes.

The most common types of disputes involved consumer guarantees under the Australian Consumer Law (Victoria) regarding goods and services, the purchase and repair of used cars, franchise agreements, contracts for the supply of services such as website development and for the supply of professional services, and an increased number of sophisticated claims that involved complex subject matter.

New procedures streamline operations

Several procedural changes were introduced this year to streamline the application process, give applicants greater control over the service of documents, reduce service errors and delays in listing matters, and avoid unnecessary adjournments.

Following a successful pilot involving 210 cases, a new procedure was introduced in May that required applicants to serve supporting documents on respondents themselves, instead of sending their documents to VCAT for service (although VCAT continues to serve the application). This supported an earlier change in October 2013, which required applicants to submit a company ASIC search form with their application identifying the registered office for service of the application, where a respondent was a company.

Requiring applicants to submit an ASIC search reduces the risk of documents being served on the wrong address, which can lead to delays and adjournments caused by respondents not knowing about the application or receiving notice of the hearing.

Requiring applicants to serve their own documents reduces the amount of paper and resources VCAT would otherwise need to serve documents on thousands of respondents per year and keep numerous supporting documents on file. Instead, parties produce a copy of their documents on the day of the hearing and VCAT keeps them until it makes a decision.

Making it easier for users

We improved our information for people considering making an application to the Civil Claims List, or who had an existing claim at VCAT. We rewrote our guides to making an application, one for matters under \$10,000 and one for matters over \$10,000 (where the procedures are more complex), and rewrote the guide to preparing for a hearing. The aim was to make it easier for people to understand what they had to do, whilst providing sufficient detail to avoid unnecessary adjournments and delays.

For cases where the amount claimed was more than \$10,000, or under \$10,000 with multiple parties, we reduced the number of times that parties needed to appear at the Tribunal. Previously, parties needed to attend a directions hearing, in which the steps required to ensure a smoothly-run hearing were identified and provided for, such as arrangements for the inspection of relevant items by expert witnesses and the disclosure of relevant documents.

A directions hearing ultimately saves the parties time and money, but can be inconvenient to attend, as it may require a party to take half a day off work. To avoid this, we introduced a new procedure of tailor-making directions based on the application and giving parties the right to seek further directions if needed. We also now allow parties to attend directions hearings by telephone, where appropriate. These new procedures have been extremely well received.

Impact of the VCAT Amendment Act

The *VCAT Amendment Act 2014* came into effect on 2 June, enabling a successful applicant in a range of matters, including small claims, to seek reimbursement from a respondent of the application fee and any hearing fees.

APPLICATIONS BY CLAIM AMOUNT

	2011-12	2012-13	2013-14
Small Claims: < \$10,000	7,460	7,660	6,384
Standard Claims: \$10,000 – \$100,000	959	1,103	1,066
Complex Claims: \$100,000 +	83	92	106
No Value	426	350	238
Total	8,928	9,205	7,794

CASEFLOW

	2011-12	2012-13	2013-14
Initiations	8,928	9,205	7,794
Finalisations	7,627	8,433	9,878
Pending	3,948	4,507	2,161
Clearance Rate	85%	92%	127%

TIMELINESS OF FINALISED CASES (WEEKS)

	2011-12	2012-13	2013-14
Median	14	18	15
80th Percentile	24	38	28
Target			19

APPLICATIONS BY ENABLING ENACTMENT

	2011-12	2012-13	2013-14
<i>Australian Consumer Law and Fair Trading Act 2012</i>	-	6,975	6,414
<i>Domestic Building Contracts Act 1995</i>	867	1,876	1,330
<i>Fair Trading Act 1999</i>	8,029	218	47
Other Acts	32	136	3
Total	8928	9,205	7,794

RESIDENTIAL TENANCIES LIST

The Residential Tenancies List is our busiest List, accounting for about 60 per cent of VCAT's total caseload. It is a high-volume, fast throughput list where matters are often finalised within four weeks of the original application – even earlier for matters such as urgent repairs, which can be resolved within days. Parties attending a Residential Tenancies hearing generally receive their decision on the same day as the hearing. The List handles disputes between:

- tenants and landlords
- rooming house owners and rooming house residents
- the Director of Housing and public housing tenants
- caravan park owners and residents.

For several years now, the number of applications to the List has grown about five per cent each year. This reflects Victoria's growing population and the resulting higher number of tenancies, rather than an increase in the number of disputes per tenancy.

Of the 61,126 applications made to this List in 2013-14, most were made by landlords to regain possession of their rented premises because the tenant had failed to pay rent. The second most common type of application was made by landlords requesting bond and/or compensation be paid to them for rent owing or damage to premises at the end of a tenancy.

Increasing venue options to meet demand

We manage the large volume of Residential Tenancies matters by spreading our services across venues in the Melbourne CBD, metropolitan and regional Victoria. To meet demand and provide a convenient service, in 2013-14 we increased the number of days on which Residential Tenancies matters were heard at several venues. New sessional members, and full and part-time members, were appointed to ensure VCAT could continue to provide timely hearings with minimal delays.

Engaging with our users

In 2013-14, members within the Residential Tenancies List conducted a user-group forum in seven regional centres, including Ballarat, Geelong and Wangaratta. A total of 350 people attended the forums in these three cities alone. Four forums were also held in Melbourne. Anyone interested was welcome to attend, however we had particular interest from estate agents, community housing groups, tenant representatives as well as rooming house owners, private landlords and tenants.

The forums inform users of the technical requirements of the Residential Tenancies Act, what to expect at hearings and how the Tribunal works. By educating our users we reduce the number of applications that need to be returned to parties due to them being incomplete or incorrect. Parties benefit from being well prepared for their hearing so the member can efficiently hear and determine the dispute.

We are also working with Consumer Affairs Victoria on how to best inform users of the use of electronic transmission in serving documents and making applications under the Residential Tenancies Act. We expect this to make compliance with requirements easier for users and make the processing of applications more efficient.

Impact of the VCAT Amendment Act

The most important legislative change affecting the list this year was the *VCAT Amendment Act 2014* (see p. 42), which introduced a requirement that VCAT make an order in each hearing stating whether fees were to be reimbursed to the applicant. This required a slightly longer hearing time for each application but did not have a substantial impact on timeliness.



CASEFLOW

	2011-12	2012-13	2013-14
Initiations	58,755	59,455	61,126
Finalisations	58,436	56,914	58,962
Pending	2,760	2,741	3,800
Clearance Rate	99%	96%	96%

TIMELINESS OF FINALISED CASES (WEEKS)

	2011-12	2012-13	2013-14
Median	2	2	2
80th Percentile	3	4	5
Target			6

APPLICATIONS BY ENABLING ENACTMENT

	2011-12	2012-13	2013-14
<i>Residential Tenancies Act 1997</i>	55,935	56,498	58,091
<i>Victorian Civil and Administrative Tribunal Act 1998</i>	2,820	2,912	3,018
Other Acts	-	45	17
Total	58,755	59,455	61,126

APPLICATIONS BY CASE TYPE

	2011-12	2012-13	2013-14
Bond – unpaid rent and loss or damage or both – Landlord	9,483	9,761	9,877
Bond and compensation – Landlord	6,264	6,656	6,635
Possession and rent	12,421	14,165	13,901
Possession, rent and bond	5,913	6,263	6,169
Others	24,674	22,610	24,544
Total	58,755	59,455	61,126

APPLICATIONS BY APPLICANT TYPE

	2011-12	2012-13	2013-14
Director of Housing	12,373	12,161	14,396
Landlords represented by estate agents or property managers	38,099	39,654	39,302
Private landlords	3,008	2,705	2,653
Tenants or residents	4,350	4,098	3,954
Others	925	837	821
Total	58,755	59,455	61,126

DOMESTIC BUILDING LIST

The Domestic Building List hears and determines disputes relating to domestic building contracts or domestic building works, ranging from small projects such as bathroom and kitchen renovations, to disputes concerning high-rise apartment buildings. The List also hears applications for review of decisions by warranty insurers in relation to domestic building contracts.

In 2013-14, we finalised 1,237 domestic building matters and received 1,253 new applications. The number of initiations was down 16 per cent on last year's figure of 1,497 but was similar to 2011-12 figures (1,229). Applications to the List have topped 1,000 cases per year since 2009-10.

Trends in claim types

There were more claims this year relating to high-rise apartment buildings, particularly in relation to leaking balconies, water leaking through windows and doors, and issues to do with fire separation. Claims regarding high-rise apartment buildings are typically complex and time-consuming. They often require significant evidence from specialist technical experts.

We received an increased number of applications from people seeking a review of a decision by a warranty insurer, where the policy only applies if a builder is dead, disappeared or insolvent. We also received claims from builders seeking progress payments and increasingly, from sub-contractors seeking payment from builders.

Managing the caseload

The timely delivery of expert reports continued to be an issue this year. Expert reports are generally finalised within 8-10 weeks of the expert inspecting the property, although in the case of apartment buildings with many alleged defects they can take many months. The longer time frame in obtaining an expert report is mainly attributable to a limited pool of available experts. These delays inevitably caused the adjournment of some ADR processes and hearings. However, we continued to be able to list matters for final hearing when the parties were ready to proceed.

Use of Alternative Dispute Resolution

We continued to tailor proceedings to suit each case. A large proportion of matters were resolved with the use of ADR processes, without parties incurring significant costs, even where they were legally represented. Often, parties were offered more than one compulsory conference, usually conducted by the same member so the parties had the best opportunity to negotiate an outcome. Only a small percentage of matters proceeded to final hearing.

Ensuring our efficiency

This year we discontinued the practice of sending compliance warnings and instead listed appropriate matters for compliance directions hearings to ensure more efficient and timely case management.

We continued other initiatives that help promote efficiency at the Tribunal, including:

- Actively managing files to ensure compliance with directions, thus minimising late adjournment requests
- Listing directions hearings every morning at 9.30am, before hearings and compulsory conferences, enabling us to hear more matters and therefore minimise delays
- Reviewing older cases and actively managing them to ensure they are finalised efficiently
- Increasing the number of expert conclaves (meetings of experts chaired by a member) for matters involving significant alleged defective and/or incomplete works. Where possible, conclaves were conducted in a room with a computer and projector so joint reports could be prepared and finalised during the conclave. Joint reports often facilitate settlement, and where settlement is not achieved, provide the basis for hearing expert evidence concurrently, thus reducing hearing time and promoting greater understanding of the technical issues.

Engaging with users

We met twice during the year with the Domestic Building List's user group to discuss issues pertinent to the List and for attendees to provide us with valuable feedback. User group members include representatives from the Building Disputes Practitioners Society, building consultants, barristers and solicitors.

New Building and Property List

The Domestic Building, Retail Tenancies and Real Property Lists will be merged on 1 July 2014 to form a new Building and Property List. All building disputes (whether domestic or commercial) and all non-residential leasing disputes (whether retail or commercial) will be heard within the new List by appropriately qualified and experienced members.

CASEFLOW

	2011-12	2012-13	2013-14
Initiations	1,229	1,497	1,253
Finalisations	1,209	1,463	1,237
Pending	589	611	631
Clearance Rate	98%	98%	99%

TIMELINESS OF FINALISED CASES (WEEKS)

	2011-12	2012-13	2013-14
Median	16	13	13
80th Percentile	36	28	32
Target			35

APPLICATIONS BY ENABLING ENACTMENT

	2011-12	2012-13	2013-14
<i>Building Act 1993</i>	4	10	3
<i>Domestic Building Contracts Act 1995</i>	1,201	1,455	1,233
<i>Fair Trading Act 1999</i>	24	31	3
Other Acts	-	1	14
Total	1,229	1,497	1,253

APPLICATIONS BY CLAIM AMOUNT

	2011-12	2012-13	2013-14
Small Claims: < \$10,000	433	638	488
Standard Claims: \$10,000 – \$100,000	466	604	465
Complex Claims: \$100,000 +	121	207	192
No Value	209	48	108
Total	1,229	1,497	1,253

RETAIL TENANCIES LIST

The Retail Tenancies List hears applications brought by a:

- landlord or tenant under a retail premises lease
- specialist retail valuer seeking resolution of a retail tenancy dispute.

The List finalised 326 matters in 2013-14 and received 317 new applications. The number of injunction applications increased, reflecting the downturn in the retail sector, with some retailers finding it difficult to maintain profits and meet their rent obligations. Overall, the clearance rate of applications (applications received versus applications finalised) exceeded 100 per cent.

Use of Alternative Dispute Resolution

ADR continued to help parties successfully resolve many disputes prior to hearing. In many cases, these outcomes would not have been possible through the traditional hearing and determination process. ADR was also successful in resolving injunction applications, especially where economic circumstances resulted in the tenant being unable to meet their rent obligations. The mediation or compulsory conference process allowed parties to work together to maintain the tenancy relationship, using a flexible and often pragmatic approach.

The continuing use of standard form templates and standard orders has proved successful in assisting self-represented parties to articulate their claims and defences. The introduction of Practice Note PNRT1 (2013) in October streamlined interlocutory processes, with the result that in many cases, parties were able to avoid having to attend the Tribunal for an initial directions hearing. Instead, standard orders were often made in chambers without the need for either party to appear. These standard orders include orders such as the filing and service of a defence or exchange of documents. Consequently, it is quite common for matters to be listed for hearing without the need for any appearance prior to the hearing date, saving the parties both time and money.

Engaging with stakeholders

Ongoing engagement with stakeholders continued during this reporting period, including meetings with the Small Business Commissioner where industry issues had arisen. An amendment made to the *Small Business Commissioner Act 2003* now allows VCAT to provide the Small Business Commissioner with advisory opinions. In 2013-14 we received the first of this type of application.

New Building and Property List

The Retail Tenancies List, Domestic Building List and Real Property List will be merged on 1 July 2014 to form a new Building and Property List. All tenancy disputes, other than residential tenancies, will be heard within the new list by members with specialist expertise.

CASEFLOW

	2011-12	2012-13	2013-14
Initiations	328	333	317
Finalisations	327	339	326
Pending	112	99	78
Clearance Rate	99%	102%	103%

TIMELINESS OF FINALISED CASES (WEEKS)

	2011-12	2012-13	2013-14
Median	12	10	9
80th Percentile	32	27	23
Target			18

APPLICATIONS BY ENABLING ENACTMENT

	2011-12	2012-13	2013-14
<i>Fair Trading Act 1999 & ACLFTA 2012</i>	16	15	23
<i>Retail Leases Act 2003</i>	312	318	294
Total	328	333	317

APPLICATIONS BY CLAIM AMOUNT

	2011-12	2012-13	2013-14
Small Claims: < \$10,000	38	35	27
Standard Claims: \$10,000 – \$100,000	63	66	26
Complex Claims: \$100,000 +	22	14	11
No Value	205	218	253
Total	328	333	317

REAL PROPERTY LIST

The Real Property List hears and determines property-related disputes, including disputes concerning:

- the amount of commissions or outgoings charged by an estate agent
- subdivisions not related to planning or environmental issues
- owners corporations, related to the subdivision of land affected by an owners corporation
- damages brought about by the taking, use or flow of water
- liability of licensees arising out of the flow of water
- sale or division of co-owned land or goods.

We finalised 173 proceedings in 2013-14 and achieved our timeliness target of 35 weeks from initiation to finalisation. This was despite handling more co-ownership matters this year, which typically take longer to finalise as the process usually depends on the sale of a property.

The number of applications to the List fell by 16 per cent in 2013-14. The biggest decrease was in applications brought under the *Water Act 1989*, which fell 36 per cent. This is a return to normal levels after a spike in 2011-12 and 2012-13 brought about by a major flooding event in Melbourne in 2011. Applications brought under the *Property Law Act 1958* were similar to last year.

Use of Alternative Dispute Resolution

Similar to previous years, most of the co-ownership disputes were referred to mediation as a first step, where the large majority of cases were settled. Mediation enabled parties to tailor outcomes to best suit their needs. This was particularly pertinent for co-ownership disputes, where parties may have agreed to sell the property but could not agree on the method or terms of the sale.

Claims under the *Water Act 1989* also benefited from the use of ADR, especially in matters that involved the flow of water from one residential property to another. ADR allowed neighbours to work together on an outcome to arrest the flow of water, whilst preserving an amicable relationship.

The use of expert conclaves and joint reports has been successful in narrowing the technical issues involved in large and complex flooding cases. In these cases, compulsory conferences are sometimes convened to enable technical hydrological issues to be narrowed.

Keeping our service flexible

We have adopted a flexible approach to hearing matters in the Real Property List, which includes the use of video link hearings, telephone directions hearings and convening hearings and mediations in regional courts or other facilities. Standard form directions and orders are made available to parties, which in many cases assist them in narrowing the issues in dispute. We have also used engineering members to conduct compulsory conferences and mediations in more technical flooding cases. This has been extremely successful in facilitating technical solutions to what are sometimes very complex hydrological problems.

New Building and Property List

The Retail Tenancies List, Domestic Building List and Real Property List will be merged on 1 July 2014 to form a new Building and Property List. This will ensure many *Water Act* disputes will be heard by members experienced in domestic building disputes and associated technical issues.



CASEFLOW

	2011-12	2012-13	2013-14
Initiations	192	206	173
Finalisations	189	210	173
Pending	104	95	90
Clearance Rate	98%	102%	100%

TIMELINESS OF FINALISED CASES (WEEKS)

	2011-12	2012-13	2013-14
Median	21	17	17
80th Percentile	36	42	34
Target			35

APPLICATIONS BY ENABLING ENACTMENT

	2011-12	2012-13	2013-14
<i>Property Law Act 1958</i>	116	119	118
<i>Water Act 1989</i>	59	80	51
Other Acts	17	7	4
Total	192	206	173

APPLICATIONS BY CLAIM AMOUNT

	2011-12	2012-13	2013-14
Small Claims: < \$10,000	7	9	3
Standard Claims: \$10,000 – \$100,000	17	9	5
Complex Claims: \$100,000 +	3	7	1
No Value	165	181	164
Total	192	206	173

OWNERS CORPORATIONS LIST

The Owners Corporations List almost invariably deals with disputes under the *Owners Corporations Act 2006*. An owners corporation, formerly known as a body corporate, manages the common property in a subdivision that has created several lots or units. The common property can for example be a driveway, car parking space, garden, lift, staircase or foyer. The owners corporation collects fees from its lot-owning members to pay for the cost of managing, maintaining and insuring the common property.

Effectively resolving disputes

The Owners Corporations List finalised 2,834 cases in 2013-14, and received 2,944 new applications. Almost all disputes brought to VCAT by owners corporations were fee recovery claims against lot owners. We aimed to list these proceedings within seven weeks of the application being lodged, however most were listed earlier.

Other disputes involved a breach of owners corporations rules by the lot owner or occupier. Owners corporations rules are either model rules prescribed by the Owners Corporations Regulations 1997, or rules that the owners corporation has set itself. The rules may stipulate where a person can and cannot park a vehicle on common property, and may regulate the behaviour of occupiers by, for example, forbidding undue noise or conduct that creates a nuisance.

The *Owners Corporations Act 2006* imposes duties on an owners corporation and its manager, if it has one. Some disputes related to alleged breaches of duty by the owners corporation or its manager. We aimed to resolve these disputes by compulsory conference or mediation, initiating a hearing only if ADR was unsuccessful.

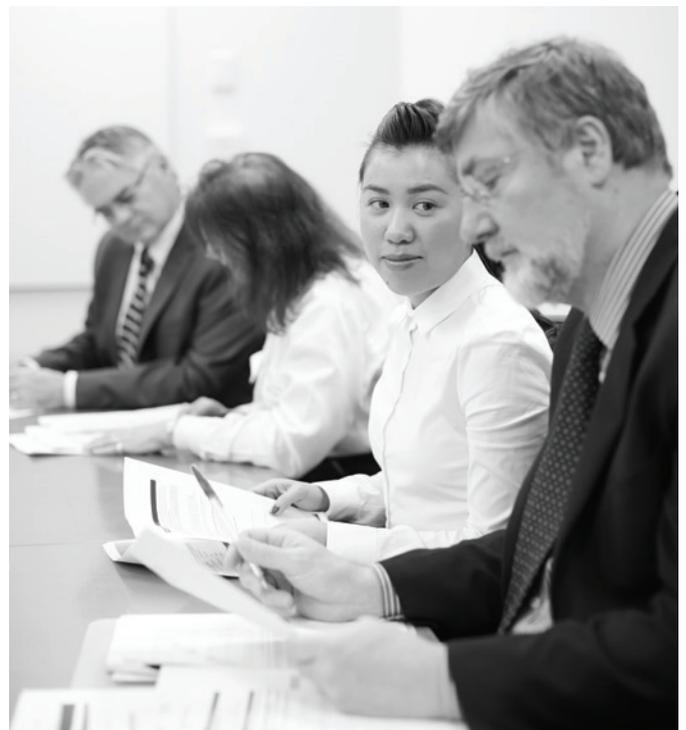
A small number of matters heard in the List related to the alteration of a plan of subdivision (part 5 of the *Subdivision Act 1988*) and applications brought under the *Company Titles (Home Units) Act 2013*, which commenced operation on 1 October 2013. This Act deals with neighbourhood disputes in multi-unit developments that do not have owners corporations and common property but have residual land held in the name of a company – a service company (in a stratum title development) or a company title corporation (in a share ownership development).

Engaging with our users

We held three user group forums in 2013-14 for stakeholders and frequent users of the Owners Corporations List. The forums were attended by representatives from the Law Institute of Victoria, Strata Community Victoria and Consumer Affairs Victoria. Owners corporation managers also attended. Matters discussed at the June meeting, for example, included recent changes in legislation, their effect on VCAT practice, and the presumption that a substantially successful applicant is entitled to an order that another party reimburse the applicant's Tribunal fees.

Streamlining processes

This year we introduced one standard application form for any dispute type within the Owners Corporations List, replacing three forms. The new form requires the applicant to identify the street address of the multi-unit development (owners corporation, service company or company title corporation) involved. This enables us to list a hearing at the most convenient location for the parties.



CASEFLOW

	2011-12	2012-13	2013-14
Initiations	3,084	3,246	2,944
Finalisations	2,886	3,105	2,834
Pending	475	586	678
Clearance Rate	93%	96%	96%

TIMELINESS OF FINALISED CASES (WEEKS)

	2011-12	2012-13	2013-14
Median	5	6	6
80th Percentile	7	11	12
Target			10

APPLICATIONS BY ENABLING ENACTMENT

	2011-12	2012-13	2013-14
<i>Fair Trading Act 1999</i>	-	0	0
<i>Owners Corporations Act 2006</i>	-	3,243	2,941
<i>Subdivision Act 1988</i>	-	3	0
Other Acts	-	-	3
Total	-	3,246	2,944

APPLICATIONS BY CLAIM AMOUNT

	2011-12	2012-13	2013-14
Small Claims: < \$10,000	2,550	2,677	2,573
Standard Claims: \$10,000 – \$100,000	138	112	136
Complex Claims: \$100,000 +	5	6	9
No Value	391	451	226
Total	3,084	3,246	2,944

ADMINISTRATIVE DIVISION

The Administrative Division handles disputes within the Legal Practice List, Planning and Environment List and Review and Regulation List.

LEGAL PRACTICE LIST

The Legal Practice List mainly deals with disputes about lawyers' services and costs, and complaints about lawyers' conduct. It hears and determines disputes that have not been able to be resolved by the Legal Services Commissioner. The Legal Practice List handles:

- applications from the Legal Services Commissioner about the professional conduct of lawyers
- claims by clients disputing legal costs
- claims by clients for losses they allege their lawyer has caused them to suffer
- claims by lawyers about non-payment of legal fees
- applications to overturn costs agreements between clients and lawyers.

Types of matters heard

In 2013-14, the Legal Practice List finalised 226 matters and received 200 new applications. There was a greater focus this year on resolving disputes at the earliest possible stage, including where possible at the initial directions hearings.

The most common civil disputes involved clients complaining about unexpectedly high legal costs or their dissatisfaction with the legal outcome their lawyer had achieved. Common disciplinary matters we handled involved trust account breaches, conflicts of interest, practising without a practising certificate, wrongly taking executors' commission and false attestation of documents. We finalised 48 disciplinary proceedings in 2013-14.

This year we also handled matters regarding the falsification of a practitioner's resume and the use of provocative and intemperate language in correspondence. Of note was a matter involving a solicitor improperly communicating directly with his opponent's client (a minor) and seeking to influence him. The Tribunal's decision in that matter was upheld on appeal to the Supreme Court. There were also two major cases involving improper practices by solicitors pursuing debt recovery on behalf of clients.

Preparing for a new law

In February, the Legal Profession Uniform Law and the *Legal Profession Uniform Law Application Act 2014* (Vic) were passed by the Victorian Parliament. This was a major milestone in the process of introducing a uniform regulatory regime for lawyers across Australia.

By 30 June 2014, the new Uniform Law had been taken up by Victoria and NSW, the states with the majority of Australia's lawyers. It is expected to come into operation in 2015. This new law will alter the legislative framework within which the Legal Practice List operates, for both disciplinary and civil matters. It will particularly affect the way we are required to handle civil disputes between lawyers and clients over costs and services provided.

In April, VCAT hosted a workshop involving representatives of the Legal Services Commissioner and the Supreme Court (Costs Court) to consider how the new regime will operate and the implications of its introduction. For example, under the new regime the Legal Services Commissioner will have a role as a decision maker in relation to certain complaints, including costs disputes and applications for compensation. Further consultations will be conducted closer to the commencement date.



CASEFLOW

	2011-12	2012-13	2013-14
Initiations	175	230	200
Finalisations	178	192	226
Pending	85	115	87
Clearance Rate	101%	83%	113%

TIMELINESS OF FINALISED CASES (WEEKS)

	2011-12	2012-13	2013-14
Median	17	12	14
80th Percentile	46	25	31
Target			40

APPLICATIONS BY ENABLING ENACTMENT

	2011-12	2012-13	2013-14
<i>Fair Trading Act 1999</i>	38	60	65
<i>Legal Practice Act 2004</i>	135	166	130
Other Acts	2	4	5
Total	175	230	200

PLANNING AND ENVIRONMENT LIST

The Planning and Environment List deals with a variety of applications related to the development, use or valuation of land, including planning permits issued by local councils, gaming premises approvals, water and EPA licensing and approvals, Aboriginal heritage, the valuation of land for rating purposes, and compensation arising from the compulsory acquisition of land.

Disputes heard in the Planning and Environment List are generally related to extensions and alterations to houses, new apartment or townhouse projects, new shops or extensions to shops, advertising signs, subdivision of land and buildings, removal of vegetation and development of land in special areas, such as heritage or bushfire areas.

When reviewing the decision of a council to grant a permit, VCAT's role is to reconsider the whole application afresh on its merits. It has all the powers of the original decision-maker in relation to the matter. On 2 June, the *VCAT Amendment Act* came into effect enabling VCAT to invite an original decision-maker to review their decision at any time during a proceeding (see p. 42). This change has implications for councils, which may be invited to review decisions regarding permit applications if, for example, significant time has lapsed since the original permit application.

Trends in applications

In the first half of 2013-14, we experienced backlogs and long delays in listing hearings, however by financial year-end all backlogs had been eliminated and cases were being listed when they were ready. At 30 June 2014, there were less than 1,000 cases pending, the lowest pending rate in many years.

This year, we finalised 2,974 matters and received 2,296 new applications. The number of initiations has been declining in recent years, down from a high of 4,011 applications in 2011-12 and 3,622 applications in 2012-13. The decline reflects a downturn in the number of permit applications lodged with councils and is partly attributable to changes to the *Planning and Environment Act 1987*, in effect from July, which include:

- giving power to councils, similar to VCAT's power, to consider extensions of time
- enabling permits which have been issued at the direction of VCAT to be amended by the responsible authority rather than only being capable of amendment by VCAT.

Engaging with our users

In 2013-14, we conducted eight forums with regular user groups, including metropolitan councils, small one and two practitioner firms of planning consultants, larger firms of planning consultants and legal practitioners (solicitors and members of the Bar). We extended the forums this year to include urban fringe and regional councils, consultants and referral authorities.

Feedback from these user groups prompted a review of our administrative processes, with a view to providing advice about potential hearing dates for a standard proceeding as soon as we receive an application. These process improvements will be implemented later in 2014.

Members contributed to the planning and environment community by participating in seminars, conferences and working groups, such as the Department of Planning and Community Development's PLANET program, the Swinburne University and RMIT University student programs, and various seminars conducted by organisations such as the Victorian Planning and Environmental Law Association and the Australian Property Institute.

CASEFLOW – PLANNING AND ENVIRONMENT LIST

	2011-12	2012-13	2013-14
Initiations	4,011	3,622	2,296
Finalisations	3,869	4,023	2,974
Pending	2,074	1,650	953
Clearance Rate	96%	111%	130%

TIMELINESS OF FINALISED CASES (WEEKS)

	2011-12	2012-13	2013-14
Median	-	27	22
80th Percentile	-	42	31
Target			

Land valuation applications

CASEFLOW

	2011-12	2012-13	2013-14
Initiations	138	179	110
Finalisations	151	117	178
Pending	77	136	56
Clearance Rate	109%	65%	162%

APPLICATIONS BY ENABLING ENACTMENT

	2011-12	2012-13	2013-14
<i>Land Acquisition and Compensation Act 1986</i>	25	25	14
<i>Valuation of Land Act 1960</i>	104	152	78
Other Acts	9	2	18
Total	138	179	110

Planning and environment applications

CASEFLOW

	2011-12	2012-13	2013-14
Initiations	3,873	3,443	2,186
Finalisations	3,718	3,906	2,795
Pending	1,997	1,514	897
Clearance Rate	96%	113%	128%

APPLICATIONS BY ENABLING ENACTMENT

	2011-12	2012-13	2013-14
<i>Environment Protection Act 1970</i>	13	11	12
<i>Planning and Environment Act 1987</i>	3,832	3,406	2,162
<i>Water Act 1989</i>	8	4	7
Other Acts	20	22	5
Total	3,873	3,443	2,186

APPLICATIONS BY TYPE

	2011-12	2012-13	2013-14
Major Cases List	97	202	178
Standard Claims	3,260	2,983	2,008
Short Case List	516	258	0
Total	3,873	3,443	2,186

APPLICATIONS BY CLAIM AMOUNT

	2011-12 (\$m)	2012-13 (\$m)	2013-14 (\$m)
Small Claims: < \$10,000	453	516	75
Standard Claims: \$10,000 – \$100,000	117	105	26
Complex Claims: \$100,000 – \$1m	1,122	857	207
Complex Claims: \$1m – \$5m	414	379	79
Complex Claims: \$5m – \$20m	240	228	129
Complex Claims: \$20m +	69	88	49
No Value	1,458	1,270	1,731
Total	3,873	3,443	2,296
Approximate Total Value (\$billion)	\$6.39	\$8.62	\$3.80

TOP 20 COUNCILS

APPLICATIONS BY COUNCIL AREA	2011-12	2012-13	2013-14
Boroondara City Council	198	184	138
Yarra City Council	197	229	119
Darebin City Council	128	120	100
Mornington Peninsula Shire Council	173	119	99
Moreland City Council	143	126	95
Port Phillip City Council	197	160	95
Bayside City Council	135	145	94
Stonnington City Council	202	137	87
Glen Eira City Council	166	150	85
Whitehorse City Council	81	71	79
Banyule City Council	147	110	70
Monash City Council	111	107	65
Moonee Valley City Council	107	77	62
Greater Geelong City Council	83	79	60
Whittlesea City Council	-	59	59
Yarra Ranges Shire Council	119	101	55
Melbourne City Council	72	88	54
Hobsons Bay City Council	117	85	49
Maribyrnong City Council	-	64	48
Maroondah City Council	-	63	45

TOP 20 SUBURBS

APPLICATIONS BY SUBURB	2011-12	2012-13	2013-14
Richmond	67	67	32
Brighton	47	45	31
Brunswick	45	35	27
St Kilda	30	43	26
Kew	30	26	24
Preston	-	17	24
South Yarra	50	34	24
Camberwell	35	27	23
Williamstown	49	44	23
Hawthorn	33	33	22
Northcote	-	16	22
Toorak	-	16	22
Melbourne	18	29	19
Thornbury	-	22	18
Essendon	-	18	17
Moonee Ponds	-	16	17
Port Melbourne	39	25	17
Ringwood	-	19	17
Box Hill	-	15	16
Burwood	-	9	16



REVIEW AND REGULATION LIST

The Review and Regulation List hears matters in relation to more than 80 different pieces of legislation. Its review jurisdiction allows people to challenge administrative decisions made by government decision-makers, and professional and licensing decisions made by regulatory authorities, boards, panels and committees.

The List also conducts inquiries into the professional conduct of various professionals, including a broad range of health professionals, as part of its 'original' jurisdiction, that is, its power to hear matters not under review but related to the laws it is responsible for administering.

Most applications the List received related to building practitioner disciplinary and registration matters, child welfare, domestic animals (restricted breed dogs and dangerous dogs), estate agents, Freedom of Information, health practitioners, racing, taxation, transport, Transport Accident Commission, victims of crime and working with children.

Ensuring timely dispute resolution

Part of our focus this year has been on ensuring timely dispute resolution with a minimum number of Tribunal attendances for parties.

Transport Accident Commission (TAC) cases were a particular area of focus. Last financial year, we received 668 applications for review of decisions made by TAC, however fewer than 20 of these matters proceeded to final hearing. Most cases settled through negotiations under the 'No Fault Dispute Resolution Protocols' between TAC, the Law Institute of Victoria and the Australian Lawyers Alliance. Tribunal hearings and decisions were not required.

Using this knowledge, in 2013-14 we conducted a six-month pilot where we routinely stayed (put on hold) all applications made under the protocols until the protocol process ended or a party applied for the stay to be lifted. The aim was to avoid unnecessary directions hearings or adjournments. The pilot was embraced by parties and has resulted in greater efficiencies for the Tribunal and less inconvenience for parties. We will continue this approach in 2014-15.

Improving our communications

Another priority this year was to improve the way we communicated about what our List does and what parties need to do. We did this by:

- improving the quality of information on the Review and Regulation page of the VCAT website
- providing parties with relevant procedural information in the form of printable Information Sheets relating to each of the 80+ enabling enactments within the Lists' jurisdiction, and
- ensuring VCAT's administrative communications to users are consistent with the information on our website.

New jurisdiction

On 1 July 2013, the *Building Act 1993* was amended to transfer new jurisdiction to VCAT. A total of 48 applications have since been made to review:

- a decision to refuse to register an applicant as a building practitioner
- disciplinary decisions concerning building practitioners, or
- decisions to refuse to issue an owner-builder a certificate of consent for domestic building work.

The parties to these proceedings have embraced the Tribunal's use of alternative dispute resolution, with many cases resolving without the need to proceed to formal hearing. The transition has been a smooth one.

CASEFLOW

	2011-12	2012-13	2013-14
Initiations	1,494	1,567	1,253
Finalisations	1,512	1,492	1,323
Pending	1,149	1,181	734
Clearance Rate	101%	95%	106%

TIMELINESS OF FINALISED CASES (WEEKS)

	2011-12	2012-13	2013-14
Median	-	29	29
80th Percentile	-	58	61
Target			

INITIATIONS (DETAILS)

	2011-12	2012/13	2013/14
<i>Freedom of Information Act 1982</i>	182	204	117
<i>Transport Accident Act 1986</i>	845	845	668
Other Acts	467	518	468
Total	1,494	1,567	1,253

FINALISATIONS (DETAILS)

	2011-12	2012/13	2013/14
<i>Freedom of Information Act 1982</i>	-	194	133
<i>Transport Accident Act 1986</i>	-	812	745
Other Acts	-	486	445
Total		1,492	1,323

HUMAN RIGHTS DIVISION

The Human Rights Division includes the Guardianship List and the Human Rights List.

In August, the division moved from our 55 King Street building to the William Cooper Justice Centre at 223 William Street, Melbourne. The new premises have a range of different styles of hearing rooms. Complex matters with many parties can be accommodated appropriately and matters with only one or two people attending can be heard in smaller, less formal surroundings. The extra space and attractive new features in the building create an atmosphere of calm for our parties, many of whom are vulnerable and facing difficult circumstances. The customer service counter is specific to the Human Rights Division, enabling us to deliver expert targeted information. The new premises also enabled the streamlining of file management systems, leading to improved efficiency and reduced possibilities for error.

We have a positive and cooperative relationship with several key agencies. The Office of the Public Advocate and State Trustees Limited both provide a valuable duty officer service to assist parties in Guardianship List hearings. Victoria Legal Aid (VLA) offers a specialised duty lawyer service to applicants making claims under the Equal Opportunity Act. VLA lawyers attend our weekly directions hearings, ensuring applicants who wish to seek legal advice have the opportunity to do so. A representative of the Victorian Equal Opportunity and Human Rights Commission also observes directions hearings to identify key cases in which they might intervene, as the law permits, to offer their expertise.

GUARDIANSHIP LIST

The Guardianship List makes protective orders under the *Guardianship and Administration Act 1986* and other legislation. The most common orders – guardianship and administration orders – involve appointing substitute decision-makers for cognitively-impaired adults who are unable to make decisions for themselves. The List also makes orders about enduring powers of attorney (including those for medical treatment) and enduring powers of guardianship.

Consolidating our online processes

We have consolidated the move to online lodgement of annual Accounts by Administrator (ABA) forms, introduced in 2012. About 86 per cent of annual administration fees are now paid electronically, saving time and resources for VCAT and private administrators.

Following feedback from appointed private administrators, we improved the procedure for completion of Accounts by Administrator forms online. Administrators can now:

- Print a copy of the ABA once it is submitted
- Obtain an immediate password reset
- Save and exit the ABA at any stage and return later
- Add further comments and detail
- Submit attachments online after the ABA has been lodged.

We continued to conduct information sessions for newly-appointed guardians and administrators, explaining their powers and duties under the *Guardianship and Administration Act 1986*. We used the questions asked at these sessions to keep our information sheets current to the needs of our users.

Types of applications

We received a similar number of applications this year to last. Reassessments of administration orders again comprised the majority of our workload, due to the requirement for all orders to be reassessed at least every three years. Each reassessment involves deciding what constitutes the least restrictive order possible and what is in the best interests of the represented person. Whilst most administrators do an excellent job of handling the financial and legal interests of a represented person, the existence of a strong supervisory system ensures vulnerable people are protected.

Providing convenient hearing locations

To facilitate participation by represented people in hearings, we try to schedule hearings close to where the person lives, as many represented persons have severely limited mobility. Hearings are conducted at hospitals, nursing homes and community health care centres, as well as in court and tribunal complexes across Victoria. We continue to monitor the venues where we conduct hearings. This year, we commenced hearings in Springvale in a community facility close to the railway station, moving from our previous venue at Dandenong Magistrates' Court. The facility is less busy, and offers a calmer environment for guardianship hearings.

We referred matters to mediation or compulsory conference at an early stage wherever possible, achieving improved satisfaction for parties and reducing hearing times. In this jurisdiction, Tribunal members must make final orders, but in appropriate cases, mediation allows families to resolve their issues by agreement. In a significant number of cases, following ADR, parties have withdrawn their applications without the need for VCAT to make orders about enduring powers of attorney or administrators or guardians.

CASEFLOW

	2011-12	2012-13	2013-14
Initiations	10,898	10,942	10,865
Finalisations	13,069	11,952	11,977
Clearance Rate	120%	109%	110%

APPLICATIONS BY ENABLING ENACTMENT

	2011-12	2012-13	2013-14
<i>Disability Act 2006</i>	73	41	56
<i>Guardianship and Administration Act 1986</i>	10,761	10,830	10,693
<i>Victorian Civil and Administrative Tribunal Act 1998</i>	36	30	29
Other Acts	28	41	87
Total	10,898	10,942	10,865

APPLICATIONS BY CASE TYPE

	2011-12	2012-13	2013-14
Originating applications	2,944	2,748	2,795
Re-assessment applications	7,954	8,194	8,070
Total	10,898	10,942	10,865

APPLICATIONS BY CLAIM TYPE

	2011-12	2012-13	2013-14
Administration order	1,401	1,511	1,237
Guardianship order	2,248	1,831	2,077
Reassessment of administration order	5,951	6,354	6,348
Reassessment of guardianship order	908	934	783
Others	390	312	420
Total	10,898	10,942	10,865

HUMAN RIGHTS LIST

The Human Rights List hears cases under the *Equal Opportunity Act 2010*, *Health Records Act 2001*, *Information Privacy Act 2000* and *Mental Health Act 1986*, as well as other legislation.

Applications under the Equal Opportunity Act include complaints about discrimination. This includes complaints about unfavourable treatment due to personal characteristics or attributes such as age, sex, disability or racial background. The Equal Opportunity Act lists the attributes that it is an offence to discriminate on the basis of, and the areas of public life where this discrimination is prohibited, such as employment, education or clubs. The List also hears exemption applications.

In addition, the Human Rights List hears complaints that have been referred to VCAT by the Health Services Commissioner under the Health Records Act, and by the Privacy Commissioner under the Information Privacy Act. It hears appeals from the Mental Health Review Board under the *Mental Health Act 1986*, and cases under the *Assisted Reproductive Treatment Act 2008*. Under the *Disability Act 2006*, the List makes and reviews orders about people with intellectual disability who are being detained to prevent serious harm.

Explaining about special measures

The number of applications to the List was slightly lower this year, with 301 applications received and 285 applications finalised. This possibly reflected greater understanding of the concept of ‘special measures’. A special measure is when particular action is taken to promote or achieve equality for members of a group with a particular attribute, for example medical services aimed at a racial group with a high rate of diabetes or an education program for people with a particular disability. These circumstances constitute a special measure and are not prohibited discrimination under the Act so there is no need to apply for an exemption. Together with the Victorian Equal Opportunity and Human Rights Commission (VEOHRC), we have promoted understanding about special measures by explaining to applicants, publishing decisions and offering community education.

Exploring the best options for resolution

We aim to be as flexible as possible about the style of hearing for cases in the List. Some hearings, for example where serious allegations have been made, need to be formal and follow a careful period of preparation and exchange of documents. Some can be listed quickly to provide the best opportunity for early resolution. About 36 per cent of cases initiated in 2013-14, (except Disability Act, Mental Health Act and exemption applications), were referred to ADR. About 75 per cent of cases were resolved without the need for a hearing.

Many people who apply to this List or who have applications made in relation to them are vulnerable in some way, such as children or people with intellectual disabilities receiving treatment. Under the *Open Courts Act 2013*, we have developed processes and orders that ensure an appropriate balance between transparency and protecting the privacy of vulnerable people.

Where possible, we list cases at locations convenient to the parties. This year we have organised several hearings and compulsory conferences in suburban and country venues, particularly where parties may be vulnerable in some way or find travelling to the city difficult.

Engaging with our users

Our Human Rights List user group meets regularly. It includes representatives from the Department of Justice, VEOHRC, and lawyers who work in the area of discrimination, privacy and disability law, including Victoria Legal Aid. We also meet regularly with organisations involved with applications under the Disability Act about people with intellectual disabilities who are receiving treatment, including the Office of the Public Advocate, Department of Human Services and community residential services.

CASEFLOW

	2011-12	2012-13	2013-14
Initiations	376	323	301
Finalisations	381	298	285
Pending	98	115	128
Clearance Rate	101%	92%	95%

RULES AND REGULATIONS

VCAT RULES COMMITTEE

The VCAT Rules Committee undertakes a number of important leadership functions, including:

- developing rules of practice and procedure, and practice notes
- directing the education of VCAT members in relation to the above
- establishing the Divisions and Lists
- allocating functions of the Tribunal under enabling enactments to Divisions and Lists.

The Committee is comprised of VCAT's President, all Vice Presidents, a full-time member (who is not a legal practitioner), an Australian legal practitioner (within the meaning of the *Legal Profession Act 2004*) and two people nominated by the Attorney-General. This is in accordance with Part 6 of the *Victorian Civil and Administrative Tribunal Act 1998*.

The Committee has a four-member quorum. A question arising at a meeting is determined by a majority of votes, with the person presiding having a deliberative vote and, in the case of an equality of votes, a second or casting vote.

Rules Committee membership (as at 30 June 2014)

The Hon. Justice Greg Garde, AO RFD BA (Hons), LLB (Hons), LLM

Justice Greg Garde AO was appointed a Justice of the Supreme Court of Victoria on 29 May 2012. Prior to his Honour's appointment to the Supreme Court, he was a practising Queens Counsel, having been appointed a Queens Counsel in 1989. Justice Garde signed the Victorian Bar Roll in 1974. His Honour was also appointed Queens Counsel in New South Wales, Queensland, the Northern Territory and Tasmania. Justice Garde is a former lecturer in Administrative and Constitutional Law and President of the Planning and Local Government Committee of the Commercial Bar Association. Justice Garde is the President of the Victorian Chapter of the Council of Australasian Tribunals. He was appointed President of VCAT on 1 June 2012.

Tribunal Vice Presidents

All 16 Vice Presidents are members of the Rules Committee. The Vice Presidents are full-time Judges of the County Court, and can be called on to sit if required. Typically, two Vice Presidents are allocated to VCAT duties full time. These Judges ordinarily attend the Rules Committee meetings. As at 30 June 2014, Vice President Marilyn Harbison and Vice President Pamela Jenkins were allocated to sit at VCAT.

Her Honour Judge Marilyn Harbison, BA (Hons), LLM

Judge Harbison was appointed a Judge of the County Court on 5 February 1996. Her Honour previously served as a Vice President of the Tribunal from 2007 to 2011 and was reappointed Vice President on 24 September 2013. Prior to her elevation to the Bench, her Honour was a Commercial Litigation Partner at the law firm Wisewould, and had been in private practice as a solicitor for more than 20 years.

Her Honour Judge Pamela Jenkins, B Juris LLB (Hons)

Judge Jenkins was appointed a Judge of the County Court on 20 April 1999 and Vice President of VCAT on 30 June 2010. Prior to her elevation to the Bench, Her Honour was Crown Counsel in the Department of Justice, in which role she made a significant contribution to the policy and legislation of the inaugural Domestic Building Tribunal and then VCAT. Her Honour also previously worked in senior positions in banking – international finance and treasury, corporate, property and tax law.

Mark Dwyer, BEc, LLM SEF Harvard, FVPELA, FAPI

Deputy President Dwyer is the presidential Member in charge of the Tribunal's Administrative Division. He was formerly a partner at law firm Freehills, and was appointed to the Committee on 18 September 2012.

Margaret Baird, BTRP (Hons), Grad Dip Law

Ms Baird is a Senior Member of the Planning and Environment List of VCAT. She was appointed to the Committee on 24 June 2003. Previously, she worked as a consultant strategic planner and sessional member of Planning Panels Victoria.

Bill Sibonis, BPD, BTRP

Mr Sibonis was appointed as a full-time member of the Planning and Environment List of VCAT on 21 July 2009. He formerly worked as a town planner in local government, a sessional member of Planning Panels Victoria, and Associate General Editor of Victorian Planning Reports. He was appointed to the Committee on 24 July 2007.

Rules Committee activities

The Committee is responsible for updating and amending the *Victorian Civil and Administrative Tribunal Rules 2008* (Rules) and practice notes, to implement and incorporate procedural changes as well as additions to VCAT's jurisdiction. The Committee met five times in 2013-14.

Changes to rules

On 13 August 2013, the Rules Committee made the *Victorian Civil and Administrative Tribunal (Amendment No. 7) Rules 2013* (Vic). The changes included:

- A new rule to extend the requirement that applications made under section 120 be in the form of an affidavit or statutory declaration, applicable throughout the Tribunal, except in the Residential Tenancies List.

The Rules Committee also endorsed the:

- Introduction of Rule 4.01 as a consequential amendment arising out of the introduction of Order 7 into the Principal Rules.

On 10 October 2013, the Rules Committee made the *Victorian Civil and Administrative Tribunal (Amendment No. 8) Rules 2013* (Vic) which included:

- a requirement that extracts of company searches and association incorporation searches in relation to parties be filed with applications in the Civil Division (exception of Residential Tenancies).

On 12 December 2013, the Rules Committee made the *Victorian Civil and Administrative Tribunal (Amendment No. 9) Rules 2013* (Vic), allocating jurisdiction under a number of enabling enactments.

On 11 March 2014, the Rules Committee endorsed changes to the Rules that included:

- Formation of a new Building and Property List by merging the Retail Tenancies, Real Property and Domestic Building Lists
- New Rule 6.10, which will no longer require filing of accompanying documents with applications in the Civil Claims List
- A proposal to revoke certain prescribed forms to allow for more flexibility in the format and layout of Tribunal application forms.

On 13 May 2014, the *Victorian Civil and Administrative Tribunal (Amendment No. 10) Rules 2014* (Vic) were made, which included amendments:

- To provide for the new Building and Property List in the Civil Division
- Updated procedures in relation to application forms and referrals.

Practice Notes approved

On 13 August 2013, the Rules Committee approved:

- PNRT1 – Retail Tenancies List General Procedure
 - Outlines general procedure in the Retail Tenancies List and contains specific information relating to particular types of applications.
 - Amends terminology of ‘remote witnesses’.

On 12 December 2013, the Rules Committee approved an update to an existing and a new practice note:

- PNPE8 – Major Cases List
 - Updated practice note incorporates changes necessary due to the *Victorian Civil and Administrative Tribunal (Fees) Amendment Regulation 2013* (Vic).
 - These Regulations expanded the Major Cases List to include developments of any value that are within the Residential Growth Zone.
- PNRR2 – Racing Review Proceedings
 - This is the result of a report into racing integrity matters by the Racing Integrity Commissioner.
 - The report showed a need for expeditious determination of these matters for economic reasons.
 - This reflects the practice that has been recently adopted in these matters, which has reduced the time taken from commencement to determination.
 - The Racing Integrity Commissioner and controlling bodies were consulted and approved the practice note.

On 11 March 2014, the Rules Committee endorsed a new practice note and made an amendment to another:

- PNCCL1 – Civil Claims List General Procedures:
 - Establishment of a new process for filing and serving documents.
 - Supporting documentation will no longer be filed with the Tribunal, but will be served by the parties, with copies brought to the hearing.
 - The applicant will be required to bring a Declaration of Service to the hearing to be placed on the file.
- PNRR1 – Transport Accident Commission Proceedings:
 - Amendments deal with the implementation of a new process for Traffic Accident Commission proceedings that are subject to negotiation under the Protocols.
 - Matters will be stayed until the parties withdraw the proceeding or inform the Tribunal that the matter will be going to hearing as the Protocol process has failed to resolve the dispute.

Allocation of jurisdictions

On 13 August 2013, the following enabling enactments were allocated:

- *Education and Training Reform Act 2006* (Vic) section 5.7A.12 to the Planning and Environment List
- *Education and Care Services National Law Act 2010* (Vic) to the Review and Regulation List
- *Company Titles (Home Units) Act 2013* (Vic) to the Owners Corporations List.

On 10 October 2013, the Tribunal’s functions under the following enabling enactments were allocated to the Planning and Environment List:

- *Petroleum Act 1998* (Vic)
- *Pipelines Act 2005* (Vic)
- *Road Management (General) Regulations 2005* (Vic)
- *Traditional Owner Settlement Act 2010* (Vic)
- *Urban Renewal Authority Victoria Act 2003* (Vic)

On 11 March 2014, the Tribunal’s functions under various enabling enactments were allocated:

- *Road Safety Act 1986* (Vic) to the Review and Regulation List
- Transitional provisions under the *Travel Agents Repeal Act 2014* (Vic) to the Review and Regulation List
- *Workplace Injury Rehabilitation and Compensation Act 2013* (Vic) to the Review and Regulation List

On 13 May 2014, Rules were made reallocating enabling enactments to the Building and Property List, effective 1 July 2014:

- *Australian Consumer Law and Fair Trading Act 2012* (Vic)
- *Building Act 1993* (Vic)
- *Domestic Building Contracts Act 1998* (Vic)
- *Estate Agents Act 1980* (Vic)
- *House Contracts Guarantee Act 1987* (Vic)
- *Owners Corporations Act 2006* (Vic)
- *Property Law Act 1958* (Vic)
- *Retail Lease Act 2003* (Vic)
- *Sale of Land Act 1962* (Vic)
- *Water Act 1989* (Vic)

REGULATORY CHANGES

In 2013-14, a number of Acts came into operation which affected the jurisdiction and operation of the Tribunal. Most notable was the *Victorian Civil and Administrative Tribunal Amendment Act 2014*.

Acts in effect this year

Victorian Civil and Administrative Tribunal Amendment Act 2014 (Vic)

The *Victorian Civil and Administrative Tribunal Amendment Act 2014* (Vic) came into operation on 2 June 2014, implementing a number of significant reforms.

Section 51A empowers VCAT to invite an original decision-maker to reconsider their decision. This power is intended to facilitate the early resolution of disputes and the narrowing of issues in dispute. VCAT can issue this invitation at any time. The decision-maker may affirm or vary the decision under review, or substitute a new decision. As far as possible, VCAT must ensure that an invitation to reconsider does not delay a proceeding, unless the parties consent.

The new section 157A allows the Rules Committee to delegate member functions to the Principal Registrar. Functions delegated can include orders striking out a proceeding with a right of reinstatement, but not orders finally disposing of a proceeding. Decisions made by the Principal Registrar under delegated power are reviewable by any VCAT member. Rules delegating functions to the Principal Registrar must specify whether they can be delegated by the Principal Registrar. The Principal Registrar must be satisfied that the delegate is 'appropriately qualified' in that the delegate has the qualifications, experience or standing appropriate to perform the function.

A new Division 3A inserted into Part 4 of the Principal Act enables VCAT to order reimbursement of fees. At any time, VCAT can order that a party:

- reimburse another party for fees paid in the proceeding, and
- pay or reimburse fees that will become payable in the future.

The Tribunal must take into account the nature of and issues in the proceeding, the conduct of the parties (either before or during the proceeding), including whether any party caused unreasonable delay, and the result of the proceeding.

A presumption in favour of reimbursement applies to small claims, domestic building matters, owners corporations matters, residential tenancies and proceedings prescribed by Regulations. Parties who substantially succeed in these matters are entitled to an award of fees. VCAT can order otherwise, having regard to discretionary factors such as the nature of and issues in the proceeding, and the conduct of parties.

The VCAT Amendment Act also includes the following additional amendments:

- power to order that a person no longer be a party to the proceedings where their interests are no longer affected by the proceeding or they are no longer a necessary or proper party to the proceedings
- power to assess the quantum of damages after breach of an undertaking
- reconstitution applications to go directly to a presidential member of VCAT with no right of review to the President
- power to refer part of a proceeding to ADR
- enforcement of non-monetary orders appropriate for filing in the Supreme Court to be certified by the Principal Registrar, and
- a new Schedule 3 to the VCAT Act which implements a new regime for handling expert witnesses and expert reports.

Building and Planning Legislation Amendment (Governance and Other Matters) Act 2013 (Vic)

This Act has transferred to VCAT what was originally the review jurisdiction of the Building Appeals Board under the *Building Act 1993*. The *Building and Planning Legislation Amendment (Governance and Other Matters) Act 2013* inserted new sections 25J and 182A into the *Building Act 1993*, giving VCAT jurisdiction to review decisions of the Building Practitioners Board, or failures of the Board to make a decision within a reasonable time. VCAT now also has transitional jurisdiction under clause 10(3) and (4) of Part 2 of Schedule 7 to the Act. The amendments to the *Building Act 1993* relevant to the Tribunal came into operation on 1 July 2013.

Planning and Environment Amendment (General) Act 2012 (Vic)

The parts of this Act affecting VCAT came into operation on 22 July 2013. They made a number of important amendments to our jurisdiction under the *Planning and Environment Act 1987*, as outlined below:

- Responsible authorities have the power to amend planning permits that were issued at the direction of the Tribunal. Previously, only VCAT had jurisdiction to entertain amendment applications in relation to these permits.
- VCAT can no longer entertain applications for permit extensions after expiry of the period within which a party is required to apply for such an extension. The Tribunal's jurisdiction in relation to extension of expired permits is now the same as that of responsible authorities.
- The Tribunal has the power to confine the issues in dispute in a particular proceeding, where all parties to the proceeding consent to this course of action.
- The legislative regime in relation to section 173 agreements has been substantially updated and amended.

Open Courts Act 2013 (Vic)

This Act replaces the existing powers of VCAT to make suppression, non-publication or closed court orders with powers to make proceeding suppression orders and closed court orders.

Under this Act, VCAT is able to order that only specified persons may be present during a proceeding. The provisions amending the VCAT Act commenced on 1 December 2013.

Company Titles (Home Units) Act 2013 (Vic)

This Act confers jurisdiction on VCAT to hear and determine neighbourhood disputes, specifically in relation to disputes involving company title corporations or service companies. The jurisdiction is similar to that conferred on VCAT in relation to disputes with owners corporations under the *Owners Corporations Act 2006*. These provisions came into effect on 1 December 2013.

Courts Legislation Amendment (Judicial officers) Act 2013 (Vic)

This Act inserted new section 17AA into the VCAT Act to appropriate the Consolidated Fund for payment of any VCAT member's salary and non-salary benefits and other employment-related expenses. This provision came into effect on 1 December 2013.

Transport Legislation Amendment (Foundation Taxi and Hire Car Reforms) Act 2013 (Vic)

The amendments implemented through this Act gave VCAT jurisdiction to hear and determine disputes between a taxi driver and the operator of the taxi cab, when these disputes relate to a condition of the driver agreement. The provisions came into effect on 30 June 2014.

Future regulatory changes**Mental Health Act 2014 (Vic)**

This Act sets up a legislative framework for assessment of people who appear to have mental illness and for the treatment of people with mental illness. It will establish the Mental Health Tribunal and will confer jurisdiction on VCAT to review any determination made by it. The Act will take effect on 1 July 2014.

Workplace Injury Rehabilitation and Compensation Act 2013 (Vic)

This Act confers jurisdiction on VCAT to review a decision to affirm, vary or cancel a return to work improvement notice under clause 138 or a decision on review made under clause 150. Provisions affecting VCAT come into operation on 1 July 2014.

Travel Agents Repeal Act 2014 (Vic)

This Act provides for transitional provisions to continue rights in relation to the compensation scheme under the *Travel Agents Act 1986* (Vic), despite its repeal. This Act comes into operation on 1 December 2014, if not proclaimed before then.

CORPORATE SUPPORT AND DEVELOPMENT

REGISTRY

Our Registry staff perform an important function coordinating the exchange of information between VCAT and parties, including hearing notices, orders and the forms required to lodge a claim. They support VCAT members to carry out their duties more efficiently, and they handle our phone, email and counter enquiries.

In 2013-14, the most common types of counter enquiries at 55 King Street were about the enforcement of monetary orders, landlord enquiries about compliance with notice to vacate provisions and applications for possession orders, tenant enquiries about bond applications and repairs, and requests for advice on completing forms. Our most common types of phone enquiries related to procedural advice, notices of decision and hearing dates.

Registry staff are also present in key suburban and regional locations, to assist VCAT users and members and improve our service to local communities.

New initiatives

Many new initiatives this year focused on how we could better integrate our work across the organisation, and identify and address any issues early on.

The Administrative Division introduced a number of initiatives to develop skills and knowledge and improve efficiencies. In June, the division started a jurisdictional training program where members of the Planning and Environment List delivered information sessions to counter services and member support staff. The aim was to give Registry an improved understanding of the judicial process and how Registry processes fitted within this context.

The division also commenced a hearing observation program where a staff member observes a hearing, followed by a debriefing session with the member. This well-received program is designed to provide staff with more meaningful and comprehensive knowledge of their List, particularly as it provides context to the work they process as part of their normal duties. It also helps build better working relationships between members and staff.

In the Civil Division, we undertook a series of workshops with our Civil Claims List team to review processes, starting with how we received,

processed and referred applications to Listings. This activity aimed to identify any inefficient and superfluous processes and provide staff with an opportunity to be involved in developing a revised process. We also reviewed the current structure of work teams to consider how we could improve and support the efficient processing of all tasks, including applications.

The Human Rights Division successfully relocated all services to the William Cooper Justice Centre in August and introduced specialised counter services. This was a significant integration of services that prompted a complete review of operations. We introduced numerous innovations to enhance performance and listing practices, including case management, and support for members.

We also extensively mapped our Registry processes to inform staff development, retain corporate knowledge and ensure services to the community remained consistent and effective. We continued to review and improve the Account by Administrator process for the 8,500+ private administrators appointed by VCAT, including enhancing the online 2014 Account by Administrator (ABA) form, developing educational materials and conducting public ABA workshops, which were held in September.

COMMITTEES

VCAT's corporate governance structure comprises the President's Advisory Committee and a number of purpose-specific committees that meet regularly to oversee key functions and projects within VCAT. These committees oversee critical business functions, provide a clear decision-making process and ensure compliance with VCAT's obligations. Committees are governed by business rules that include terms of reference, membership, meeting frequency, and decision-making and reporting requirements.

Standing committees include the:

- Finance Committee
- Risk Management, Audit and Compliance Committee
- Facilities and Planning Committee
- Occupational Health, Safety and Wellbeing Committee
- Information Technology Steering Committee

Oversight committees include the:

- Alternative Dispute Resolution Program Committee (see p. 15)
- Member Professional Development Group (see p. 48)
- Staff Development Group (see p. 46)

Project-based committees are convened as necessary to address particular needs. The President's Advisory Committee sits above these groups in a more general overseeing role.

President's Advisory Committee

The President's Advisory Committee (PAC) meets fortnightly to discuss key issues affecting the organisation. It provides strategic advice to the President to assist in decision-making and the efficient management and continuous improvement of VCAT operations.

PAC comprises the senior leadership group, including the President, two Vice Presidents, Chief Executive Officer, three Deputy Presidents (who are Heads of Division), Principal Registrar, Director of Corporate Services, Director of Operations, and Manager of Finance and Reporting.

Originally known as the VCAT Executive Committee, the group's title and role was revised in December after a workshop involving committee members. The new title President's Advisory Committee more accurately reflects the committee's role.

Standing Committees

Finance Committee

The Finance Committee directs and monitors financial compliance across the organisation. In 2013-14 the Committee:

- strengthened oversight of financial accountability and compliance across the organisation through improved integration of budget management and procurement
- led all financial management aspects of relationships with key stakeholders including Court Services Victoria, Department of Justice, Victorian Building Authority and Legal Services Board
- approved the implementation of a robust Trust Management framework which will strengthen VCAT's trust governance arrangements, following the implementation of Court Services Victoria
- implemented a tailored monthly financial reporting framework that improves alignment with jurisdictional reporting and the transparency of VCAT's financial performance, strengthens and accelerates VCAT's decision making, and makes our key financial risks and opportunities more transparent
- in consultation with VCAT's funding partners, strengthened VCAT's financial sustainability by leading the establishment of Memoranda of Understanding with our funding partners.

Risk Management, Audit and Compliance Committee

The Risk Management, Audit and Compliance Committee provides a forum to discuss and monitor key risks for the organisation, compliance obligations and audit processes, and recommendations. The committee was established under the mandate of the *Financial Management Act 1997* and the *Occupational Health and Safety Act 2004*.

This year, the committee oversaw the redevelopment of the Business Continuity Plan to ensure we are well-prepared in the event of emergency or loss of facilities. We conducted a desktop exercise in April, observed by other jurisdictions, to test the plan and our emergency management procedures.

Facilities and Planning Committee

The Facilities and Planning Committee examines key issues concerning the Tribunal's facilities, assets and accommodation. It also undertakes planning for metropolitan and regional facilities. This year, the committee met regularly to oversee significant building works occurring at 55 King Street. The refurbishment project consists of two parts: the base building works that will be undertaken by the landlord of 55 King Street and tenant fitout works, which have included structural changes to hearing rooms and administrative areas. The committee also oversaw the securing of additional hearing facilities, including the Council Chambers in Springvale and the Moe Town Hall.

Occupational Health, Safety and Wellbeing Committee

VCAT has an obligation under the *Occupational Health and Safety Act 2004* to protect the health and safety of all employees, volunteers, contractors and Tribunal users. In 2013-14, the committee oversaw the development and implementation of VCAT's Health and Safety Action Plan, appointed health and safety representatives, conducted a survey of members and staff and conducted a risk assessment that led to a higher number of First Aid Officers. It also introduced the Get into Life Program, a series of lunchtime seminars on healthy living, as part of a focus on the health and wellbeing of staff and members.

Information Technology (IT) Steering Committee

The IT Steering Committee promotes and oversees investment in IT priorities, monitors the progress of key projects and helps facilitate our strategic objectives through IT initiatives.

STAFF PROFESSIONAL DEVELOPMENT

At 30 June 2014, VCAT had a total of 229 staff members who fulfil administrative and corporate functions, mostly at our Melbourne CBD offices but also across seven regional centres including Ballarat, Bendigo and Warrnambool. Their ongoing training and development is overseen by the Staff Development Group.

Staff Development Group

The Staff Development Group oversees learning and development opportunities for VCAT staff. It was restructured this year and adopted fresh terms of reference, delivering on a number of initiatives including:

- implementing a staff development plan aligned to the *Building a Better VCAT: Strategic Plan 2014-17*
- developing a program of learning opportunities on themes such as leadership, management and wellbeing
- producing a quarterly learning and development bulletin to promote opportunities
- managing VCAT's participation in the Certificate IV in Government (Court Services) Program
- staff attendance at courses on leadership, customer service, computer and writing skills, information privacy, and project management
- regular lunchtime seminars on topics such as social media, respect in the workplace and stress management.

CLOUD learning

The CLOUD learning management system provides online access to a huge library of specialised courses and resources that would not be cost-effective to offer on a large scale face-to-face. Both staff and members regularly upload presentations and video recordings of seminars, together with written resources, for future online reference. This is invaluable for staff who may have been unable to attend a session due to the location or timing, and allows those who did attend the opportunity to review what they experienced. Some of the more popular CLOUD resources this year included 'workplace business skills', 'turning stress on its head' and 'managing difficult calls'.

E-learning modules

Staff were required to complete eight online learning modules designed to ensure awareness of rights and responsibilities in the workplace. The modules were:

- Introduction to the VPS Code of Conduct
- Emergency Preparedness
- Fraud Awareness
- Health and Safety at Work
- Introduction to Information Security
- Privacy Compliance In Everyday Work
- Recordkeeping In Everyday Work
- Respect in the Workplace.

VCAT Conference

The VCAT Conference was held on 14 March at the Melbourne Park Function Centre, with both staff and members attending at the same venue on the same day. The groups began the day together and then split into two work streams, staff and members, for targeted training and workshops. The theme for the staff stream focused on innovation, and staff worked intensely on this topic throughout the day. The members stream focused on the challenges of delivering a fair hearing, including maintaining control, dealing with confronting behaviour and effective communication. Results from the post-conference survey indicated more than 88 per cent of staff and members found the conference content appropriate and informative.

Staff awards

Staff awards were presented at the 2014 VCAT Conference recognising outstanding performance, significant contributions and years of valuable service to the Victorian Public Service. This year we made awards in the following categories:

- Author Award
- Innovation Award
- Leadership Award
- Service Excellence Award
- Outstanding Team Award
- Certificate of Appreciation for Years of Service (10 years+).



Work experience and traineeships

VCAT continued to nurture its relationships with a range of tertiary education providers, accepting 48 tertiary students for 10-50 day practical work experience placements relevant to their field of study. The universities who placed students with us this year included RMIT University, Deakin University, University of Canberra, Victoria University, Leo Cussen Centre for Law and the University of Melbourne.

VCAT also hosted 13 secondary students, who over the course of a week experienced a broad range of work including customer service, corporate services, registry work and hearings. Students recorded their daily experiences in a blog on the VCAT wiki and we presented them with certificates upon completion of their work experience program.

We provided seven young Victorians aged 16-24 with traineeships through the Youth Employment Scheme, a joint venture between the Victorian Government and employers.

Occupational health and safety

VCAT is active in promoting a safe working environment. Our accredited first aid officers and fire wardens received regular training, and we practised fire, bomb and other emergency evacuations throughout the year. Ongoing training was offered, which we encouraged supervisors and managers to attend.

We offered flu vaccinations to all staff and made available the confidential Employee Assistance Program to support staff and members. VCAT continues to manage and monitor all WorkCover claims and adhere to the processes required under the relevant legislation.

This year we established an Occupational Health, Safety and Wellbeing Committee, which meets monthly. The committee's primary focus is to fulfil its obligations under the *Occupational Health and Safety Act 2004* to protect the health and safety of all employees, volunteers, contractors and Tribunal users. It has two work groups, based at our 55 King Street building and William Cooper Justice Centre.

MEMBER PROFESSIONAL DEVELOPMENT

The President of VCAT is responsible for directing the professional development and continuing education and training of VCAT members. To facilitate this responsibility, the President established a Professional Development Group (PDG), chaired by a Vice President of VCAT and including all Deputy Presidents and other members co-opted by the PDG as necessary.

The PDG developed a Charter, endorsed by the President in July, which makes the PDG responsible for evaluating the professional development needs of members and identifying ways to meet those needs in a fair, effective and financially-responsible manner.

In 2013-14, the PDG focused on expanding the over-arching Peer Support Program, to make it more structured, sophisticated and targeted to members' needs.

Peer Support Program

The Peer Support Program has six components: member orientation, induction, ongoing training, mentoring program, feedback framework and professional development program.

New member orientation

New members undergo orientation over one to two days, when they are introduced to key management, tour the VCAT premises and receive information relevant to their appointment. The President (or his nominee) introduces each member to the Tribunal as an organisation, its function and structure and expectations encompassed within the Member Competency Framework and the Member Code of Conduct. The members are given a Professional Development Kit, which includes the Professional Development Charter, an electronic index to the Members Manual and other important resources.

New member induction

New members also undertake an intensive induction program under the guidance of their Head of List, gaining an understanding of the List(s) to which they have been assigned and having the opportunity to engage with experienced members. The induction training is tailored for specific Lists but includes some or all of the following:

- Legal and jurisdictional knowledge training
- Core introductory training as to court craft
- Observation of hearings.

Ongoing training

All new members are expected to attend the judicial orientation program run by the Judicial College of Victoria (JCV). This program focuses on the fundamental skills required of all judicial officers, covering topics such as institutional ethics, decision-making, extempore rulings, self-represented litigants, communication skills and courtroom dynamics. New and existing members are also encouraged to attend JCV training on court craft, judgement writing and oral decision-making. The PDG is developing more VCAT-specific training programs in conjunction with the JCV.

Mentoring Program

There has always been a strong collegiate tradition amongst members and a willingness on the part of those more experienced to give spontaneous support and guidance to other members. The PDG is committed to enhancing this tradition by implementing a more structured mentoring program. We ran a mentoring workshop for our most experienced members this year and more workshops are planned. Mentoring is being made available to all new and recently-appointed members and is being progressively made available to existing members.

Member Feedback Framework

This year, the PDG developed and implemented a Member Feedback Framework, where senior and suitably experienced members were trained to conduct feedback sessions with other members. The feedback focused on the Member Competency Framework and identifying professional development needs and opportunities. It is envisaged that all full-time and part-time members will eventually be invited to take part in the feedback program every two to three years.

Professional development programs

Members completed a satisfaction survey this year, which has helped us develop a profile of members' professional development needs. As a result, the PDG has significantly expanded professional development opportunities, both internally and externally.

In addition to the JCV programs, the PDG has organised a range of twilight seminars providing professional training on legislative changes. Heads of Lists have also organised lunchtime discussion groups that address particular issues in relation to new or proposed legislation and the decisions of higher courts.

List-specific professional development days

The Residential Tenancies List held professional development days in December and June. Both were an outstanding success. The Planning and Environment List also held an annual planning day and the Guardianship List has plans for a professional development day in 2014-15 that will engage some of its key professional stakeholders.

Alternative Dispute Resolution initiative

The PDG, in conjunction with the ADR Program Committee, is developing a comprehensive ADR Advanced Skills Development Program for members in 2014-15, which will encompass twilight seminars, workshops and master classes.

Mindfulness workshops

Maintenance of members' physical and mental wellbeing is essential to achieving effective and sustainable performance at work. Members have been introduced to the concept of mindfulness at two annual conferences. Twilight workshops have also explored the areas of stress management, cognitive therapy and meditation.

INFORMATION TECHNOLOGY

We continued to explore new ways to improve our customer service and streamline operations through the use of technology. Various information technology (IT) projects were completed or started with the oversight of the IT Steering Committee.

Online forms update

During the year, VCAT made some updates to its online application forms, making them more convenient to use. Users no longer need to create an account and log into Business Victoria to access the forms. They can still save a blank, completed or partially-completed form to their computer as a PDF file. People who regularly use the same form with many of the same details (such as name and contact details) can save the partially-completed form to their computer and use it as a template for future applications. The changes coincided with a move to a new online forms hosting arrangement after our agreement with Business Victoria ended. Significant improvements were also made to the Account by Administrator online forms (see p. 36).

New audio CD service

In November, we introduced a new procedure that enables parties to a proceeding to obtain an audio CD of their hearing. Audio CDs are a significantly cheaper option than written transcriptions and their availability will help increase transparency and access to justice. They will also be helpful for parties who are vision-impaired or have difficulty reading. We record all VCAT hearings at our CBD, suburban and regional locations. For a fee, parties to a hearing including applicants, respondents and their legal representatives can obtain an audio CD of their hearing if it occurred within the past five years for 55 King Street hearings, or the past three months for suburban and regional venues.

Strategy for future improvements

In August, we finalised a new IT strategy that outlined our plans and commitments over the next 3-5 years. It includes short-term plans to stabilise our current applications through to a broader review of whether any systems need to change. During the year, we upgraded our IT infrastructure to ensure our case files and data continued to be protected, and to prepare for future software upgrades. We replaced the hardware

for our Caseworks case management system and are in the process of upgrading its software. Our digital recording infrastructure is also being upgraded as part of the 55 King Street building refurbishment, to improve the quality of our recordings. In addition, we completed an audit of PCs and other IT equipment to prepare for a PC refresh planned for 2014-15.

Traffic to VCAT Website

The VCAT website, vcat.vic.gov.au, is our main information tool for users of VCAT services. In 2013-14, the website received more than 3,600,00 page views, a slight increase on last year. Our most popular pages were Daily Hearings, Contact Us, Decisions, Residential Tenancies and Civil Disputes.

COMMUNICATIONS

As articulated in the *Building a Better VCAT: Strategic Plan 2014-17*, VCAT aims to provide easy access to high-quality information about our services, news, and the way we do business. The plan made commitments about improving the way we build knowledge about VCAT, recognising the importance of communicating well with our users and stakeholders, including our workforce. In May, the VCAT Communications Strategy 2014-17 was endorsed by the President's Advisory Committee. It outlined external and internal communications strategies to progress this focus area in 2014-15 and beyond, based on the strategic directions in *Building a Better VCAT*.

Building knowledge about VCAT

VCAT is constantly engaging with the community, media and stakeholders to broaden knowledge about how we work. On 17 May, we took part in Courts Open Day as part of Law Week activities. We held two free information sessions at the William Cooper Justice Centre for people taking a matter to VCAT. Three VCAT members gave presentations on fair hearings and self-represented parties, how to prepare and present a case, alternative dispute resolution and Planning and Environment List matters. Time was allowed for questions. Both presentations were fully booked before the event and we later published the session on our website as a podcast.

VCAT members frequently give presentations and keynote speeches at community and industry events. In February, our President, Principal Registrar and Deputy President were part of an interactive videoconference with rural communities hosted by Deakin University. They outlined how VCAT works, including access to services in regional areas, and answered questions from participants watching the session remotely.

Recognising the importance of the media in helping people understand the breadth of what we do, and to help senior management gain a better understanding of how the media works, we organised media training sessions for the President, CEO, Principal Registrar and all eight Deputy Presidents. Our leaders have since been heard on ABC Radio and 3AW answering talkback callers and spreading knowledge about how we work. A twilight media training session for members is also planned.

Strengthening internal communications

In November, we sent all VCAT members and staff an online survey that explored their preferences and use of internal communications channels, their experience of how well these worked for them, and their experience of VCAT's perception in the community. It also identified areas where more, less or different types of information were required. The results helped inform our communications strategies and prompted several new initiatives.

One of these was the introduction of quarterly informal lunchtime briefings. At the briefings, the President and CEO

meet with staff and members to update them on happenings around VCAT, and courts generally, and to provide opportunities for discussion. The informal briefings have been well-received and various actions have been taken as a result of issues raised in this forum. To include regional staff who cannot attend, we film the briefings and post them the link.

As part of the transition to Court Services Victoria, VCAT had the opportunity to rebuild its intranet (internal website for members and staff). An internal committee reviewed content on the current site, consulted with stakeholders, decided the new site's structure, governance and business rules, and populated the site with refreshed content. The rebuild of our intranet enabled us to incorporate new tools and useful content, develop a more intuitive structure, establish business rules that enable the intranet to grow in an organised way and governance arrangements that ensure content is kept current. A more attractive 'look and feel' and user interface were also incorporated. The new intranet went live on 30 June.



On 17 May, we took part in Courts Open Day as part of Law Week activities. We held two free information sessions at the William Cooper Justice Centre for people taking a matter to VCAT.

APPENDICES

FINANCIAL INFORMATION

FUNDING

	2013-14	2012-13
VCAT FUNDING SOURCES	\$m	\$m
Annual Appropriations	17.04	17.91
Section 29 Revenue Appropriations		
Planning and Environment	3.76	2.93
Civil Claims	1.41	0.81
Other	0.57	0.48
Total Annual Appropriations	22.78	22.13
Guardianship and Administration Fund	1.86	1.10
Health Boards and Racing Authorities	0.89	0.54
Legal Services Board	1.45	1.65
Office of the Small Business Commissioner	0.35	0.35
Residential Tenancies Fund	11.67	11.83
Domestic Building Fund	3.03	2.80
Victorian Property Fund	1.82	1.31
Other	1.16	-
Total Funding Other Sources	22.23	19.58
TOTAL	45.01	41.71

EXPENDITURE

	2013-14	2012-13
VCAT OPERATIONAL EXPENDITURE	\$m	\$m
Salaries to staff	11.48	11.16
Salaries to full-time members	11.74	7.99
Sessional members	6.42	7.35
Salary related on-costs	6.47	6.03
Operating costs	10.20	9.17
TOTAL	46.31	41.70

VCAT EXPENDITURE ALLOCATION BY LIST

	\$m	\$m
Planning and Environment	12.73	10.33
Guardianship	5.83	5.41
Review and Regulation	3.49	2.66
Human Rights	0.86	0.89
Residential Tenancies	11.27	11.83
Retail Tenancies	0.38	0.67
Domestic Building	3.13	2.80
Owners Corporations	2.07	1.83
Civil Claims	4.59	2.66
Legal Practice	1.57	1.44
Real Property	0.38	0.64
TOTAL	46.30	41.70

*Minor anomalies in the various reporting categories reflect rounding of financial data.

FINANCIAL COMMENTARY

Funding

VCAT received Victorian Government appropriation revenue of \$22.78 million in 2013-14, an increase of \$0.65 million or three per cent compared to the previous financial year. This increase mainly reflects increased fee revenue raised under section 29 of the *Financial Management Act 1994* under the fee regulations introduced on 1 June 2013 (which increased on 1 July 2013).

Appropriation revenue provided funding to most of VCAT's Lists, except for Lists wholly funded from other sources including the:

- Residential Tenancies List funded by the Residential Tenancies Trust Fund, established under the *Residential Tenancies Act 1997*
- Domestic Building List funded by the Domestic Building Fund, established under the *Domestic Building Contracts Act 1995*
- Owners Corporations List funded by the Victorian Property Fund, established under the *Owners Corporations Act 2006*
- Legal Practice List funded by the Legal Services Board established under the *Legal Profession Act 2004*.

In addition to appropriation revenue, some Lists recover costs from other sources, including:

- The Guardianship List, which recovers costs from the Guardianship and Administration Fund established under the *Guardianship and Administration Act 1986*
- Review and Regulation List, which recovers cost from the Australian Health Practitioner Regulation Agency and Victoria's Racing Regulation Agencies (Harness Racing, Greyhound Racing and Racing Victoria).

Expenditure

In 2013-14, VCAT's recurrent expenditure rose to \$46.31 million, which is \$4.61 million or 11 per cent higher than the previous financial year. Most of this increase reflects salary costs for full-time members (\$3.75 million or 81 per cent). The increase comprises an actual increase in payroll cost and a notional adjustment.

The actual increase of about \$1.75 million in payroll cost relates to a rise in the number of full-time members during 2013-14 and the Commonwealth Remuneration Tribunal Determination of 2013 that resulted in salary increases for Victorian judicial officers. Previously, VCAT received General Appropriation Funding for member salaries. This funding was changed to Special Appropriation Funding in December 2013 to better manage the cost consequences of the Determination. The change in funding arrangement has reduced VCAT's exposure to member salary increases.

The funding change also resulted in a notional adjustment of \$2 million to reflect accumulated costs for prior-year long service leave and annual leave liabilities, which will be funded from Special Appropriation Funding in future.

VCAT-audited accounts

VCAT's accounts are audited as part of the accounts of the Department of Justice and are published in its annual report. The figures published in the Department of Justice annual report may vary from the information published in this annual report, due to minor adjustments made in the period between their respective publications.

ALLOCATION OF FUNCTIONS

According to the Victorian Civil and Administrative Tribunal Rules 2008 [SR65/2008], as at 30 June 2014 the following functions were allocated to VCAT's Lists as below:

CIVIL DIVISION

Civil Claims List

Australian Consumer Law and Fair Trading Act 2012

Credit Act 1984

Domestic Building Contracts Act 1995

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

Owner Drivers and Forestry Contractors Act 2005

Owners Corporations Act 2006 Part 6 and Part 11, Divisions 1, 2, 3 and 4

Retirement Villages Act 1986

Domestic Building List

Australian Consumer Law and Fair Trading Act 2012

Building Act 1993 except Division 12 of Part 12A and sections 25J and 182A and clause 10(3) and (4) of Part 2 of Schedule 7

Domestic Building Contracts Act 1995

House Contracts Guarantee Act 1987

Owners Corporations Act 2006 Part 6 and Part 11, Divisions 1, 2, 3 and 4

Owners Corporations List

Australian Consumer Law and Fair Trading Act 2012

Company Titles (Home Units) Act 2013

Owners Corporations Act 2006 Part 6 and Part 11

Subdivision Act 1988 Part 5 and sections 36 and 39 (other disputes)

Real Property List

Australian Consumer Law and Fair Trading Act 2012

Estate Agents Act 1980 sections 56A(4) and 56B(1) (disputes about commissions and outgoings)

Owners Corporations Act 2006 Part 6 and Part 11

Property Law Act 1958 Part IV

Sale of Land Act 1962 section 44

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

Residential Tenancies List

Australian Consumer Law and Fair Trading Act 2012

Disability Act 2006 Division 2 of Part 5

Housing Act 1983

Landlord and Tenant Act 1958

Owners Corporations Act 2006 Part 6 and Part 11, Divisions 1, 2, 3 and 4

Residential Tenancies Act 1997

Supported Residential Services (Private Proprietors) Act 2010 sections 105, 121 and 123

Retail Tenancies List

Australian Consumer Law and Fair Trading Act 2012

Retail Leases Act 2003

ADMINISTRATIVE DIVISION

Legal Practice List

Australian Consumer Law and Fair Trading Act 2012 (dispute between a legal practitioner and a client of a legal practitioner)

Legal Profession Act 2004

Planning and Environment List

Aboriginal Heritage Act 2006

Catchment and Land Protection Act 1994 section 48 (land use conditions and land management notices)

Climate Change Act 2010

Conservation, Forests and Lands Act 1987 section 76 (variation and termination of land management co-operative agreements)

Education and Training Reform Act 2006 sections 5.7A.12

Environment Protection Act 1970

Flora and Fauna Guarantee Act 1988 sections 34(3), 41 and 41A (interim conservation orders) and 43(12) (claims for compensation)

Gambling Regulation Act 2003

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

Heritage Act 1995

Land Acquisition and Compensation Act 1986

Local Government Act 1989 sections 183 (differential rating), 185 (imposition of special rate or charge) and 185AA (imposition of special rate or charge)

Major Transport Projects Facilitation Act 2009

Mineral Resources (Sustainable Development) Act 1990

Owners Corporations Act 2006 Part 6

Petroleum Act 1988

Pipelines Act 2005 section 154

Planning and Environment Act 1987

Plant Biosecurity Act 2010 sections 48 (accreditation to issue assurance certificates) and 59 (review of the Minister's determination on costs)

Subdivision Act 1988

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

Water Act 1989 except section 19 (see Real Property List)

Review and Regulation List

Accident Compensation Act 1985

Accident Towing Services Act 2007

Adoption Act 1984 sections 129A(1)(a) (decisions regarding fitness to adopt and approval to adopt) 129A(1)(b) (decisions regarding approval of adoption agencies) and 129A(1)(c) (decisions regarding accreditation of bodies)

Agricultural and Veterinary Chemicals (Control of Use) Act 1992

Architects Act 1991

Associations Incorporation Reform Act 2012

Biological Control Act 1986

Births, Deaths and Marriages Registration Act 1996

Building Act 1993 Division 12 of Part 12A and sections 25J and 182A and clause 10(3) and (4) of Part 2 of Schedule 7

Bus Safety Act 2009

Business Franchise Acts

Cemeteries and Crematoria Act 2003

Children, Youth and Families Act 2005

Children's Services Act 1996

Co-operatives Act 1996

Conveyancers Act 2006 sections 33 (inquiries into the conduct of licensees), 34 (determination on inquiry), 146 and 187

Country Fire Authority Act 1958**Dairy Act 2000****Dangerous Goods Act 1985**

Disability Act 2006 section 45 (registration of a disability service provider)

Domestic Animals Act 1994 sections 98(1) (registration of premises to conduct a domestic animal business) and 98(2) (declaration and registration of dangerous dogs)

Drugs, Poisons and Controlled Substances Act 1981**Education and Care Services National Law Act 2010**

Education and Training Reform Act 2006 Division 14 of Part 2.6 and Part 4.8

Electoral Act 2002**Electricity Safety Act 1998****Emergency Management Act 1986****Emergency Services Superannuation Act 1986****Equipment (Public Safety) Act 1994**

Estate Agents Act 1980 except section 56B(1) (see Real Property List)

Firearms Act 1996 section 182 (decisions of Firearms Appeals Committee)

First Home Owner Grant Act 2000**Fisheries Act 1995****Freedom of Information Act 1982****Fundraising Act 1998****Gas Safety Act 1997**

Health Practitioner Regulation National Law Part 8, Divisions 12 and 13

Health Services Act 1988 section 110 (decisions of Minister or Chief General Manager under Part 4)

Liquor Control Reform Act 1998**Livestock Disease Control Act 1994**

Local Government Act 1989 sections 30, 38(2A), 48, 81D, 81E, 81J(1)(b), 81K, 81L, 81Q, 81R and 240A and clause 8 of Schedule 12

Major Sporting Events Act 2009

Meat Industry Act 1993 section 24 (licences to operate meat processing facilities, alteration of buildings)

Melbourne and Metropolitan Board of Works Act 1958**Metropolitan Fire Brigades Act 1958**

Motor Car Traders Act 1986 except section 45 (see Civil Claims List)

Occupational Health and Safety Act 2004

Occupational Health and Safety Regulations 2007

Owner Drivers and Forestry Contractors Act 2005 section 41 (dispute between contractor and hirer)

Owners Corporations Act 2006 Part 6 and Part 12

Parliamentary Salaries and Superannuation Act 1968

Pharmacy Regulation Act 2010 section 62

Pipelines Act 2005 sections 64, 83 and 182

Prevention of Cruelty to Animals Act 1986 section 33 (licensing of scientific establishments and breeding establishments)

Private Security Act 2004 Part 7

Professional Boxing and Combat Sports Act 1985 (licences, permits and registration)

Public Health and Wellbeing Act 2008 sections 204 and 207

Racing Act 1958

Rail Safety Act 2006 Part 7

Relationships Act 2008 Part 2.4 of Chapter 2

Road Management Act 2004**Road Safety Act 1986**

Road Safety (Vehicles) Regulations 2009 regulations 128 (external review of decisions relating to registration of vehicles) and 215

Seafood Safety Act 2003 section 60

Second-Hand Dealers and Pawnbrokers Act 1989 sections 9B and 14 (correction of register)

Sex Work Act 1994

State Employees Retirement Benefits Act 1979

State Superannuation Act 1988

Superannuation (Portability) Act 1989

Supported Residential Services (Private Proprietors) Act 2010 section 206

Surveying Act 2004 section 33 (review of decision, finding or determination)

Taxation Administration Act 1997

Therapeutic Goods (Victoria) Act 2010 section 30

Transport Accident Act 1986

Transport (Compliance and Miscellaneous) Act 1983

Transport Superannuation Act 1988

Travel Agents Act 1986

Unclaimed Money Act 2008 sections 59, 61 and 63

Veterinary Practice Act 1997 section 55 (registration and discipline)

Victims of Crime Assistance Act 1996**Victoria State Emergency Service Act 2005**

Victoria State Emergency Service Regulations 2006

Victorian Plantations Corporation Act 1993**Wildlife Act 1975****Working with Children Act 2005****HUMAN RIGHTS DIVISION****Guardianship List**

Guardianship and Administration Act 1986

Instruments Act 1958 Division 6 of Part XIA

Medical Treatment Act 1988 section 5C (enduring powers of attorney)

Trustee Companies Act 1984

Human Rights List

Assisted Reproductive Treatment Act 2008

Disability Act 2006 section 50 (decision as to disability), Part 5 Division 3, Part 7, Part 8, Divisions 1, 3 and 5

Equal Opportunity Act 2010

Health Records Act 2001

Information Privacy Act 2000

Mental Health Act 1986 section 79 (decisions of Secretary), section 120 (decisions of Mental Health Review Board)

Public Health and Wellbeing Act 2008 section 122

Racial and Religious Tolerance Act 2001

VCAT MEMBER DIRECTORY

President

The Hon. Justice Garde AO RFD, Greg

Vice Presidents

His Honour Judge Bowman, John

Her Honour Judge Davis, Sandra

His Honour Judge Dean, Mark

Her Honour Judge Hampel, Felicity

Her Honour Judge Hannan, Lisa

Her Honour Judge Harbison, Marilyn

His Honour Judge Hicks, Graeme

His Honour Judge Howard, Anthony

Her Honour Judge Jenkins, Pamela

Her Honour Judge Kings, Kathryn

His Honour Judge Lacava, Paul

His Honour Judge Macnamara, Michael

His Honour Judge Misso, Philip

Her Honour Judge Morrish, Jeanette

His Honour Judge O'Neill, Christopher

Her Honour Judge Pullen, Susan

Deputy Presidents

Ms Aird, Catherine

Ms Barker, Heather

Mr Dwyer, Mark

Ms Gibson, Helen

Ms Lambrick, Heather

Mr Lulham, Ian

Ms Nihill, Genevieve

Senior Members (full-time)

Ms Baird, Margaret

Mr Butcher RFD, Gerard

Mr Davis, Robert

Mr Hewet, Laurie

Ms Moraitis, Stella

Ms Preuss, Jacqueline

Mr Proctor, Ian

Mr Riegler, Eric

Ms Rickards, Jeanette

Mr Smithers, Jonathan

Mr Vassie, Alan

Mr Walker, Rohan

Senior Members (part-time)

Ms Steele, Bernadette

Mr Wright QC, Michael

Senior Members (sessional)

Mr Byard, Russell

Ms Coghlan, Anne

His Honour Dyett, Francis

Magistrate Fanning, David

Mr Levine, Michael

Mr Liston, Anthony

Ms Lothian, Margaret

Ms Megay, Noreen

His Honour Nixon, John

Mr Scott, Robert

His Honour Williams, Roland

Full-time Members

Mr Bennett, John

Ms Benz, Elizabeth

Ms Burdon-Smith, Susan

Ms Campana, Kylea

Mr Cimino, Sam

Mr Code, Geoffrey

Mr Deidun, Michael

Mr Farrelly, Mark

Dr French, Rebecca

Ms Grainger, Julie

Mr Kincaid, Andrew

Ms Liden, Susanne

Mr Martin, Philip

Ms Naylor, Rachel

Mr Potts, Ian

Ms Price, Charlene

Mr Rundell, Geoffrey

Mr Sibonis, Bill

Ms Tilley, Anne-Marie

Ms Wentworth, Elisabeth

Ms Wilson, Silvana

Part-time Members

Ms Barrand, Pamela

Ms Carew, Megan

Ms Cook, Dalia

Ms Dea, Anna

Ms Good, June

Ms Jacono, Justine

Mr Nelthorpe, Michael

Ms Rowland, Linda

Dr Treble, Andrea

Mr Tyler, Peter

Sessional Members

Dr Alexander, George

Mr Alsop, David

Ms Anderson, Diane

Ms Archibald PSM, Mary

Mr Au-Yeung, Dominic

Mr Barber, David

Ms Barry, Pamela

Mr Batrouney, Roger

Dr Baxter, James

Ms Bilston-McGillen, Tracey

Ms Boyd-Squires, Siobhan

Ms Bridge, Emma

Mr Buchanan, Robert

Dr Burge, Dorothy

Ms Bylhouwer, Marietta

Mr Calabro, Domenico

Mr Cali, Louis

Dr Cameron, Melanie

Ms Cameron, Rebecca

Ms Campbell, Heather

Ms Carruthers, Maureen

Mr Chase, Gregory

Mr Chuck, Alan

Mr Clampett, John

Ms Coe, Elizabeth

Ms Cogley, Vicki

Dr Collopy, Brian

Ms Cooke, Jenny

Ms Crawford, Gwenneth

Ms Cremean, Bernadette

Mr David, Graeme

Mr Davies, Hugh

Ms Davies, Vicki

Dr Davis, Bruce

Dr Davis, Julian	Mr Josephs, Barry	Mr Sharpley, Gregory
Mr Dawson, Frank	Ms Keddie, Ann	Ms Shpigel, Karina
Ms Delany, Clare	Ms Kefford, Jacquelyn	Mr Slattery, Alison
Dr Dickinson, Anthony	Dr King AM, Ross	Ms Slee, Felicity
Ms Doherty, Kathleen	Ms Kirmos, Kay	Dr Story AM RFD, Rowan
Mr Draper, Barry	Ms Klingender, Jessica	Mr Sweeney, Michael
Mr Drinkwater, John	Ms Kominos, Angela	Dr Tan, Eng-Seong
Ms Duggan, Anne	Ms Leshinsky, Judith	Ms Taranto, Mary-Ann
Mr Eggleston, Peter	Mr Lightfoot, Brian	Dr Triglia, Maria
Mr El Moussalli, Michael	Ms Lipe, Shelley	Mr Wiseman, Jack
Dr Fabris, Elaine	Mr Lipson, Mark	Ms Walsh, Jill
Dr Farhall, John	Mr Malbon, Alan	Mr Warren, Lindsay
Dr Farrelly, Peter	Ms Manning, Carolyn	Dr Waterhouse, John
Mr Fler, Frank	Ms Marks, Felicity	Ms Watson, Tracy
Ms Fleming, Natalie	Ms Marshall, Simone	Ms West, Lynda
Ms Fong, Christina	Mr McCabe, Edmund	Prof Williams, Charles
Mr Fry, Sydney	Ms McClintock, Kathleen	Ms Wilson, Catherine
Ms Galvin, Danielle	Ms McKeown, Patricia	Ms Wilson, Cynthia (Cindy)
Dr Gerber, Paula	Prof McMeeken, Joan	Mr Zheng, Samuel
Mr Gilbert, Jayce	Mr McNamara, Kenneth	
Dr Gleeson, John	Ms Metcalf, Katherine	
Dr Glover, John	Dr Molloy, Patricia	Judicial Members 17
Ms Glynn, Alison	Mr Moloney, Peter	Deputy Presidents 7
Ms Goulding, Megan	Ms Moon, Anne	Senior Members 12
Mr Graves, Phillip	Mr Myers, Paul	Senior Part-Time Members 2
Mr Gray, Peter	Ms Nagle, Kathleen	Senior Sessional Members 11
Mr Gu, Xu	Ms Neill, Diane	Full-time Members 21
Mr Gymer, Raymond	Ms Norman, Kathryn	Part-time Members 10
Mr Gysslink, Paul	Dr O'Brien, Elissa	Sessional Members 139
Mr Hadjigeorgiou, Nicholas	Mr Page, Rodney	TOTAL 219
Ms Hally, Mary	Ms Paterson, Katherine	
Ms Hancock, Elizabeth	Ms Pearson, Rosslyn	
Ms Harrison, Fiona	Mr Perera, Christopher	
Ms Harper, Patricia	Mr Phillips, Robert	
Dr Hart, Christopher	Ms Porter, Susan	
Mr Harty, Christopher	Ms Power, Marian	
Ms Hartsias, Joanna	Mr Prince, Mark	
Ms Harvey, Margaret	Dr Reddy, Aruna	
Mr Horan, Anthony	Dr Reggars, John	
Ms Hughes, Elizabeth	Ms Ridgwell, Barbara	
Ms Hynes, Jennifer	Dr Riley, Colin	
Mr Jones, Leslie	Dr Shanahan, Elizabeth	
Dr Johnston, Alan	Mr Sharkie, John	

CONTACT DETAILS

MAIN OFFICE

55 King Street
Melbourne VIC 3000
Email: vcat@vcat.vic.gov.au
Website: vcat.vic.gov.au

Civil Claims List

Tel: 9628 9830
1800 133 055 (within Victoria)
Email: vcat-civil@justice.vic.gov.au

Domestic Building List

Tel: 9628 9999
Email: vcat-civil@justice.vic.gov.au

Guardianship List

Tel: 9628 9911
1800 133 055 (within Victoria)
Email: vcat-hrd@justice.vic.gov.au

Human Rights List

Tel: 9628 9900
Email: vcat-hrd@justice.vic.gov.au

Legal Practice List

Tel: 9628 9081
Email: vcat-admin@justice.vic.gov.au

Owners Corporations List

Tel: 9628 1499
Email: vcat-civil@justice.vic.gov.au

Planning and Environment List

Tel: 9628 9777
Email: vcat-admin@justice.vic.gov.au

Real Property List

Tel: 9628 9960
Email: vcat-civil@justice.vic.gov.au

Residential Tenancies List

Tel: 9628 9800
1800 133 055 (within Victoria)
Registered users can access VCAT online through our website
Email: vcat-rt@justice.vic.gov.au

Retail Tenancies List

Tel: 9628 9960
Email: vcat-civil@justice.vic.gov.au

Review and Regulation List

Tel: 9628 9755
Email: vcat-admin@justice.vic.gov.au

HEARING LOCATIONS

MELBOURNE CBD

55 King Street
William Cooper Justice Centre
Level 5/223 William Street

SUBURBAN

BROADMEADOWS

Hume Global Learning Centre
1093 Pascoe Vale Road

COLLINGWOOD

Neighbourhood Justice Centre
Wellington Street

DANDENONG*

Cnr Foster and Pultney Streets

FRANKSTON*

Fletcher Road

HEIDELBERG*

Jika Street

MOORABBIN*

Moorabbin Justice Centre
Nepean Highway, Highett

RINGWOOD*

Ringwood Street

SPRINGVALE

Greater Dandenong
City Council Chambers
Springvale Rd

SUNSHINE*

10 Foundry Road
(Entry via Harvester Road)

WERRIBEE*

Salisbury Street

REGIONAL

ARARAT*

Cnr Barkly and Ingor Streets

BAIRNSDALE*

Nicholson Street

BALLARAT*

100 Grenville Street South

BENALLA*

Bridge Street

BENDIGO*

71 Pall Mall

CASTLEMAINE*

Lyttleton Street

COBRAM*

Cnr Punt Road and High Street

COLAC*

Queen Street

DROMANA*

Codrington Street

ECHUCA*

Heygarth Street

GEE LONG*

Railway Terrace

HAMILTON*

Martin Street

HORSHAM*

Roberts Avenue

KERANG*

Victoria Street

KORUMBURRA*

Bridge Street

MILDURA*

Deakin Avenue

MOE*

Lloyd Street

MORWELL*

134 Commercial Road

PORTLAND*

67 Cliff Street

SALE*

Foster Street
(Princes Highway)

SEYMOUR*

Tallarook Street

SHEPPARTON*

High Street

SWAN HILL*

Curlewis Street

WANGARATTA*

Faithfull Street

WARRNAMBOOL*

218 Koroit Street

WODONGA*

5 Elgin Boulevard

WONTHAGGI*

Watt Street

HOSPITALS (Guardianship List)

CAULFIELD

Caulfield Hospital
260-294 Kooyong Road
Caulfield VIC 3162
Tel: 9076 6000

CHELTENHAM

Kingston Centre
400 Warrigal Road
Cheltenham VIC 3192
Tel: 9265 1000

PARKVILLE

Royal Melbourne Hospital

Royal Park Campus
34-54 Poplar Road
Parkville VIC 3052
Tel: 8387 2000

BUNDOORA

Bundoora Extended

Care Centre
1231 Plenty Road
Bundoora VIC 3083
Tel: 9495 3100

WANTIRNA

Wantirna Health

251 Mountain Highway
Wantirna VIC 3152
Tel: 9955 1200

* Magistrates' Court locations

