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September 2013

The Honourable Robert Clark MP
Attorney-General for the State of Victoria
Level 26, 121 Exhibition Street
Melbourne VIC 3000

Dear Attorney-General

We are pleased to present our Annual Report on the performance and operations of the Victorian Civil and Administrative Tribunal (VCAT) from 1 July 2012 to 30 June 2013.

In accordance with the requirements of section 37 of the *Victorian Civil and Administrative Tribunal Act 1998*, the report includes:

- A review of the operation of the Tribunal and of the Rules Committee during the 12 months ending on the preceding 30 June; and
- Proposals for improving the operation of, and forecasts of the workload of, the Tribunal in the following 12 month period.

The image shows two handwritten signatures in black ink. The signature on the left is 'Greg Garde' and the signature on the right is 'Keryn Negri'. Both are written in a cursive, flowing style.

Justice Greg Garde AO RFD
President
Victorian Civil and Administrative Tribunal

Keryn Negri
Chief Executive Officer
Victorian Civil and Administrative Tribunal

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ABOUT VCAT

WHO WE ARE

The Victorian Civil and Administrative Tribunal (VCAT) is established under the *Victorian Civil and Administrative Tribunal Act 1998* (VCAT Act) and began operations on 1 July 1998, amalgamating 15 boards and tribunals to offer a 'one-stop shop' dealing with a range of disputes.

VCAT's vision is to be '*an innovative, flexible and accountable organisation which is accessible and delivers a fair and efficient dispute resolution service*'.

Hearings are conducted at 55 King Street, Melbourne, as well as at a range of venues in suburban and regional Victoria.

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 (may be appointed on a full time, part-time or sessional basis). 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

Since its inception, VCAT's purpose has been to provide Victorians with a low cost, accessible, efficient and independent tribunal delivering high quality dispute resolution.

Over the years, VCAT has evolved to accommodate new jurisdictions and functions under various Acts, regulations and rules. VCAT is comprised of 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 real 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:

- Local council land valuations and planning permits
- Transport Accident Commission findings
- State taxation
- Legal services
- Business licences and professional registrations
- Freedom of Information applications
- WorkSafe assessments
- Disciplinary proceedings across a range of professions and industries

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

OUR OBJECTIVES

1. To achieve service excellence by being:

- Cost-effective
- Accessible and informal
- Timely
- Fair and impartial
- Consistent
- Quality decision-makers

2. To effectively anticipate and meet demand for dispute resolution by being:

- Independent
- Responsible
- Responsive

3. To invest in the development of flexible, satisfied and skilled Members and staff by providing:

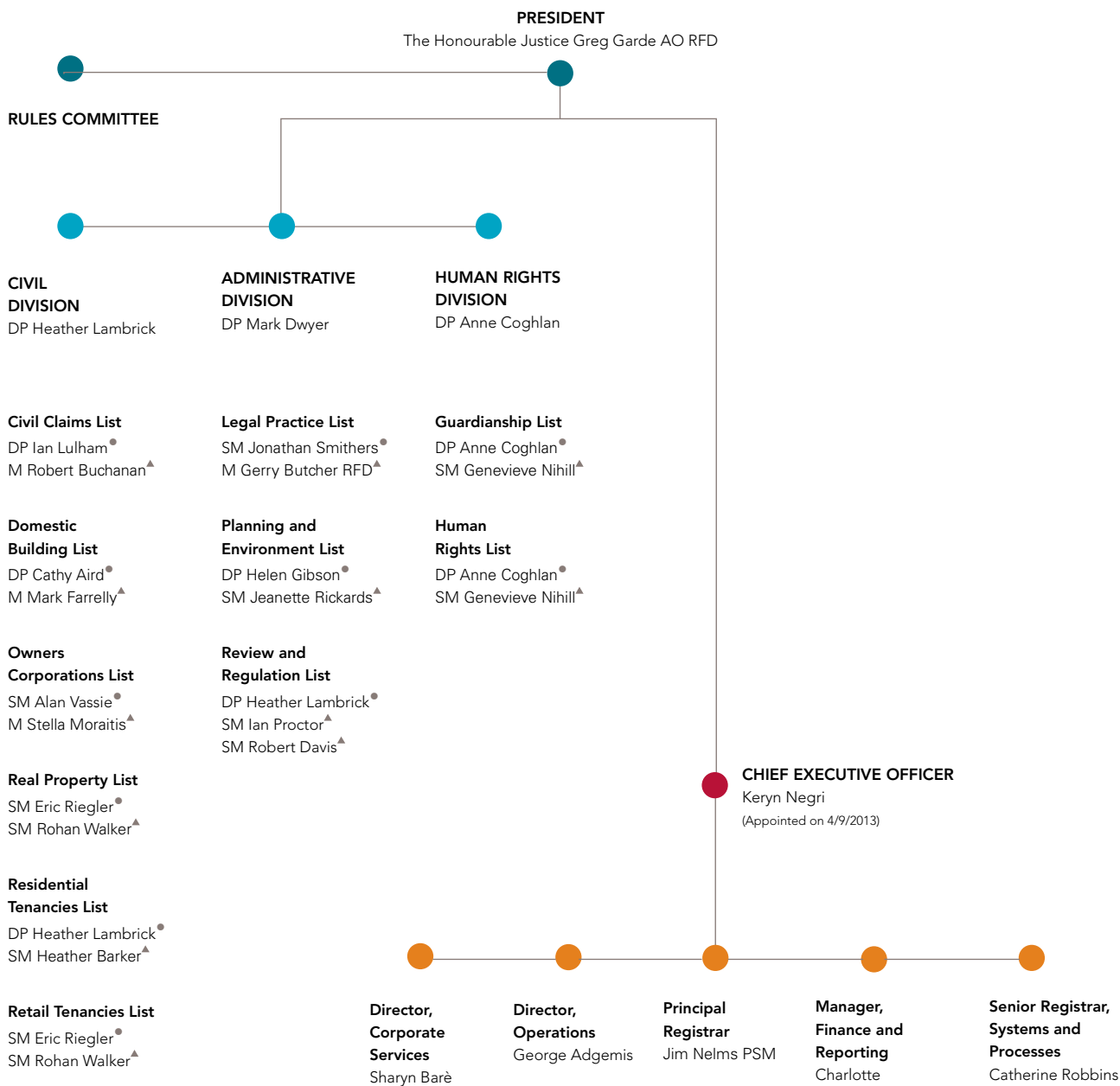
- A safe, challenging and team-oriented work environment
- Learning and development
- Appropriate use of specialised expertise

4. To continue to raise awareness of our services and improve service delivery through:

- User feedback
- Community engagement
- Education



VCAT ORGANISATIONAL STRUCTURE



Abbreviations
 DP Deputy President
 SM Senior Member
 M Member

Symbols
 ● Head of List
 ▲ Deputy Head of List

YEAR AT A GLANCE

OVERVIEW			
	2012-13	2011-12	% change
Cases lodged	90,626	89,470	1%
Cases finalised	88,421	89,683	-1%
Cases pending	11,700	11,066	6%
Clearance rate	98%	100%	-2%
Hearing venues used	63	71	-11%

VCAT CASELOAD

● 2012/13 ● 2011/12



LISTS

	Cases received per List			Timeliness per List		
	2012-13	2011-12	%change	Median [■]	80th Ptle [■]	Target [■]
CIVIL DIVISION						
Civil Claims	9,205	8,928	3%	18	38	19
Domestic Building	1,497	1,229	22%	13	28	35
Legal Practice	230	175	31%	12	25	40
Owners Corporations	3,246	3,084	5%	6	11	10
Real Property	206	192	7%	17	42	35
Residential Tenancies	59,455	58,755	1%	2	4	6
Retail Tenancies	333	328	2%	10	27	18
ADMINISTRATIVE DIVISION						
Planning and Environment*	3,622	4,011	-10%	27	42	
Review and Regulation*	1,567	1,494	5%	29	58	
HUMAN RIGHTS DIVISION						
Guardianship	10,942	10,898	0%	4	9	13
Human Rights*	323	376	-14%	11	22	

* These Lists form part of the List restructure (page 21).
 ■ Please refer to the Glossary (page 66) for data definitions.

OUR PEOPLE

	2012-13	2011-12	% change
VCAT staff [●]	217	219	-1%
Judicial Members	16	17	-6%
Deputy Presidents	6	6	0%
Senior Members	13	12	8%
Senior Part Time Members	2	1	100%
Senior Sessional Members	14	16	-13%
Full Time Members	24	21	14%
Part Time Members	6	2	200%
Sessional Members	144	179	-20%

TWO YEAR FINANCIAL SUMMARY

FUNDING	2012-13	2011-12	% change
VCAT FUNDING SOURCES			
	\$m	\$m	
Annual Appropriations	21.38	20.06	7%
Domestic Building Fund	2.80	2.69	4%
Guardianship and Administration Trust Fund	1.10	1.50	-27%
Health Boards [○]	0.54	0.26	108%
Legal Practice List	1.65	1.41	17%
Planning and Environment Delays Initiative	0.74	-	-
Residential Tenancies Fund	11.83	12.13	-2%
Retail Tenancies List	0.35	0.35	0%
Victorian Property Fund	1.31	1.00	31%
TOTAL	41.70	39.40	6%

EXPENDITURE	2012-13	2011-12	% change
VCAT OPERATIONAL EXPENDITURE			
	\$m	\$m	
Salaries to staff	11.16	11.01	1%
Salaries to full-time Members	7.99	7.52	6%
Sessional Members	7.35	7.04	4%
Salary related on-costs	6.03	4.73	27%
Operating costs	9.17	9.10	1%
TOTAL	41.70	39.40	6%

● Head count
 ○ Sub list of the Review and Regulation List

PRESIDENT'S MESSAGE



VCAT is a values based organisation. The Tribunal's key values are fairness, professionalism, integrity, impartiality, independence, efficiency and approachability. The knowledge and skills of VCAT's professional members and staff and their skill in dealing with the public are great strengths of VCAT.

The Victorian Civil and Administrative Tribunal is Australia's first and largest civil and administrative tribunal and was founded in 1998.

During the year, VCAT's Member Professional Development Group led by her Honour Judge Jenkins was very active with a comprehensive range of professional development activities. On 22 March 2013, VCAT conducted a VCAT Members' professional development day at the Melbourne Cricket Ground. The Honourable Robert Clark MP, the Attorney-General for the State of Victoria opened the professional development program. The Professional Development Group and Heads of Lists remain very active with popular twilight seminars, induction and orientation programs. The Judicial College of Victoria plays a vital role in Member education.

VCAT staff learning and development are equally important. The Staff Development Group encouraged staff training initiatives including the Certificate IV in Government (Court Services) program, and promoted jurisdictional learning opportunities and vocational training. It has a pivotal role within VCAT.

In 2012-13, the number of applications lodged with VCAT exceeded 90,000 for the first time in VCAT's history. Over the same period, VCAT finalised 88,421 cases. The Residential Tenancies List remains the busiest List with almost 60,000 commencements, followed by the Guardianship List with almost 11,000 commencements, and the Civil Claims List with over 9,200 commencements.

During 2012-13, strong demand was experienced in the Legal Practice List (up 31%), in the Domestic Building List (up 22%), whilst commencement volumes reduced in the Planning and Environment List (down 10%) and in the Human Rights List (down 14%). A List restructure was undertaken to obtain efficiencies, simplify List structure, and strengthen List governance.

VCAT is a leader in Alternative Dispute Resolution using a number of different techniques. These include compulsory conferences, mediations, and short mediations followed by an immediate hearing, if the mediation is unsuccessful. The success of these techniques is a great tribute to VCAT's outstanding mediator panel.

As a recognised mediator training and accreditation body, VCAT delivers training and professional development so that mediators and staff maintain accreditation and undertake training.

VCAT has an on-going culture of professional and process improvement at all levels. Sound financial management and resource planning are closely linked to listing targets and listing procedures. It is important to maintain pending cases as low a level as possible to reduce Registry workloads and delays, and support customer needs. The introduction of online forms and portals for payment of fees are success stories in customer service, and will be expanded and enhanced in the future.

During the year, key VCAT successes included:

- Resolution of almost 90,000 disputes
- Implementation of new jurisdictions and services as a result of legislative change with seven statutes and two major sets of regulations effecting significant change
- Introduction of new fee regulations and new arrangements as to funding
- Improving governance arrangements
- Great success in the Major Cases List in the Planning and Environment List, which was expanded again on 1 June 2013
- Ongoing community and government support
- Enhanced professional development and training support arrangements

During 2012-13, VCAT introduced new governance bodies with a Facilities and Planning Committee to plan the way ahead for VCAT assets and accommodation, the IT Steering Group to lead and direct continuing information technology investment and development within VCAT, and the Risk Management, Audit and Compliance Committee to oversee VCAT's risk management plan and register, internal auditing, and compliance framework. Each of these committees has important roles within VCAT's governance.

VCAT is best known for its building at 55 King Street, Melbourne. As part of its lease re-negotiation, VCAT has secured funding for the refurbishment of the hearing rooms and Member facilities at 55 King Street. At the end of 2012-13, planning was well advanced for the implementation of these works in 2013-14.

VCAT also sits in many other locations in metropolitan and regional Victoria. Hearings are regularly conducted at nine metropolitan locations, and 27 regional locations. Importantly, in the Guardianship List, hearings are frequently conducted at hospital bedsides, or in homes to avoid the need to transport elderly or ill persons to hearing rooms.

VCAT staff are located at key regional centres including Ballarat, Bendigo, Geelong, Mildura, Wangaratta and Warrnambool, whilst Magistrates' Court staff support VCAT at many other locations.

VCAT's website performs a pivotal role, and provides helpful information about VCAT practices, procedures, hearings and locations. Each List of VCAT publishes frequently asked questions and answers including details of any delays. VCAT forms are available on line. VCAT is continually enhancing the information available on its website, and will continue to develop web based services in the future.

The Tribunal is an active member of the Council of Australasian Tribunals and periodically conducts meetings with other Heads of Tribunals. At these meetings, common issues are discussed, and systems developed in other jurisdictions considered for adoption where appropriate at VCAT. Professional development of Members is a key common focus at these meetings.

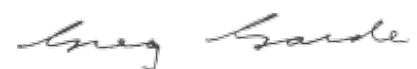
Congratulations to Judge Graeme Hicks on his Honour's appointment as a Vice President. Congratulations to Heather Barker who was promoted to the position of Senior Member, and also to Bernadette Steele, Silvana Wilson, Kylea Campana, Charlene Price, Elizabeth Wentworth, Megan Carew, Justine Jacono, Michael Nelthorpe and Peter Tyler, who were appointed as full-time or part-time Members during 2012-13.

Congratulations also to the sessional Members who were appointed to the Tribunal in 2012-13.

Sessional Members are typically practising professionals with established reputations and knowledge who put aside their professional and personal commitments to assist VCAT and conduct hearings. VCAT is most fortunate to have their support. I express my personal thanks to the sessional Members who retired during the year. I also thank administrative staff whose time at VCAT ended over the last year. I express my personal thanks to all of the Members and the staff of VCAT for the outstanding work that they do. They make VCAT the highly effective tribunal that it is. VCAT is a dynamic and very busy institution. Member and staff achievements highlight their dedication, support and enthusiasm in serving the whole Victorian community.

Increasingly, the VCAT model is being replicated in Australia with the Queensland Civil and Administrative Tribunal (QCAT), the State Administrative Tribunal in Western Australia (SAT), and the ACT Civil and Administrative Tribunal. The Governments of New South Wales and South Australia have announced their intentions to set up civil and administrative tribunals.

I look forward to an exciting and fulfilling 2013-14 reporting period by continuing our commitment to delivering fair and efficient justice to all Victorians.



**Justice Greg Garde AO RFD
President**

September 2013

CHIEF EXECUTIVE OFFICER'S MESSAGE



VCAT's dedicated workforce, Members and administrative staff alike, are the heart and soul of VCAT and are instrumental in delivering these outstanding results.

VCAT continues to change and evolve as we maintain focus on our core mission of resolving disputes in a timely, cost effective and efficient way. 2012-13 has been an eventful year for VCAT with a major review of the List structure, the introduction of new fee regulations, and the ongoing integration of new jurisdictions conferred on the Tribunal by Government.

VCAT's continuous drive to innovate and improve led to a review of the List structure by VCAT's Rules Committee. The Rules Committee recommended the merger of the Tribunal's smaller Lists, together with a number of enabling enactments being re-allocated to more appropriate Lists.

The review resulted in a simplified and more efficient administrative structure for the three dedicated Divisions within VCAT – the Civil Division, Administrative Division and the Human Rights Division. The new List structure came into effect on 15 February 2013 and is reflected in this annual report.

2012-13 also saw the introduction of new fee regulations. The *Victorian Civil and Administrative Tribunal (Fees) Regulations 2001* sunsetted in December 2012. At that time, interim regulations were made which substantially reproduced the 2001 Regulations. Prior to making the interim regulations and while they were in effect, the Department of Justice conducted an extensive review of the fees, and prepared a Regulatory Impact Statement which recommended a change to the structure and types of fees. The Regulatory Impact Statement was published in December 2012 to allow consultation with the Victorian community. The consultation process resulted in the Victorian Government making the *Victorian Civil and Administrative Tribunal (Fees) Regulations 2013*, which came into effect on 1 June 2013.

Adapting VCAT's systems and processes to reflect the new fee regulations was an enormous administrative undertaking that involved a great deal of hard work and collaboration on behalf of staff and Members. As part of this process to enhance customer service, the Tribunal reviewed and improved its Fees Waiver Policy and developed simplified online application forms and payment options. VCAT will continue to monitor the impact of the new fee regulations into the future.

The Government continues to confer new jurisdictions on VCAT and I am proud of the flexibility and responsiveness whereby new jurisdictions are seamlessly integrated into the Tribunal. Following recent amendments to the *Building Act 1983*, VCAT was given jurisdiction with respect to the review of decisions of the Building Practitioners Board. Within 6-8 weeks of the Government's legislative changes being enacted, the Tribunal had put in place the necessary systems and processes to hear these matters, effective from 1 July 2013.

VCAT continues to work in partnership with Government agencies to improve the performance of the Lists and the timeliness of outcomes. In 2012, the Minister for Planning provided \$1 million supplementary funding to tackle the backlog in the Planning and Environment List. Working in collaboration with the former Department of Planning and Community Development, this funding was fully expended in 2012-13 and delivered a total of 709 finalised cases, unlocking \$696.4 million of investment back into the State economy within 30 weeks of the application being lodged with the Tribunal.

Over the last 12 months, the Tribunal has put significant effort into improving governance arrangements. VCAT has an Executive Committee that meets weekly. A number of sub-committees support the Executive and report back on key initiatives. These sub-committees include the Finance Committee, the Risk Management, Audit and Compliance Committee, the IT Steering Group, and the Facilities and Planning Committee. Over the course of the year, VCAT has placed particular emphasis on improving financial management systems and processes. It has made significant progress in this area.

Improving governance arrangements at VCAT remains a strategic priority for the forthcoming financial year. VCAT will continue to identify improved business processes to maximise our resources. This means encouraging innovation, and streamlining processes, and working in close partnership with our funding bodies to identify opportunities for efficiencies and improved outcomes.

This year also saw VCAT's long-serving Principal Registrar, Mr Jim Nelms, awarded the prestigious Public Service Medal (PSM) in the 2013 Queen's Birthday Honours List. The citation read "For outstanding public service to the Victorian Civil and Administrative Tribunal". VCAT is very proud that this award has recognised Jim Nelms' years of public service and achievements.

I would like to thank the previous CEO, Mr Andrew Tenni, who presided over VCAT's achievements for the majority of the year. Andrew continues his dedication to Victoria's Courts and Tribunal in his new role as CEO of the Magistrates' Court.

I would also like to thank VCAT's dedicated workforce, administrative staff and Members alike, who are the heart and soul of VCAT and are instrumental in delivering these outstanding results, which I am delighted to present in this annual report.



Keryn Negri
Chief Executive Officer

September 2013

TRANSFORMING VCAT

TRANSFORMING VCAT 2010-2013

Transforming VCAT 2010-2013 has guided VCAT's strategic vision for the past three years. Its vision for VCAT as "an innovative, flexible and accountable organisation, which is accessible and delivers a fair and efficient dispute resolution service" remains our core focus.

Transforming VCAT 2010-2013 outlined seven priorities:

- Fair and efficient decision making
- Improving access to justice
- Increasing accountability
- Engaging with the community
- Encouraging innovation and increasing flexibility
- An ADR Centre of Excellence
- Governance and funding

Underpinning these priorities were a number of initiatives that have been rolled out over the past three-year period. These include a number of system improvements in the Registry, the introduction of online forms, a range of regular community engagement activities, learning and development programs, as well as participation in the Council of Australasian Tribunals (COAT) Tribunals Excellence Framework.

More than 70 initiatives, many of which are ongoing, have been progressed under *Transforming VCAT 2010-2013*.

TRANSFORMING VCAT: PROMOTING EXCELLENCE

Promoting Excellence was the second stage of VCAT's three year strategic plan. In 2011-12 over 40 initiatives directed at promoting excellence and improving service delivery were implemented. *Transforming VCAT: Promoting Excellence* focused on the following four strategic priorities:

- Access to justice and promoting fairness
- An ADR Centre of Excellence
- Efficiency and Innovation
- Accountability, engagement and professionalism

This work has continued in 2012-13 with additional initiatives implemented.

Access to justice and promoting fairness

In the past year, we have implemented the following initiatives to increase access to justice and promote fairness:

- Sought alternative venues in metropolitan and regional locations to improve community access to the Tribunal
- Reviewed and implemented VCAT guidelines, practice notes and forms to ensure that they were accessible
- Appointed a Registrar, Complaints to manage the prompt response to issues raised by the community

An ADR Centre of Excellence

Alternative Dispute Resolution (ADR) continues to be a key feature of VCAT's process. ADR has been used at VCAT since it was established in 1998. ADR can provide a quicker, more flexible and cost-effective alternative to litigation. In the past year, the focus for the ADR program has been the implementation of the ADR strategy with its focus on improving access, measuring success and improving outcomes. The strategy has:

- Expanded the application of the Short Mediation and Hearing (SMAH) program. SMAH listings are a shortened form of mediation at which parties can explore options to resolve their dispute
- Provided mediator training and accreditation. VCAT is a Recognised Mediation Accreditation Body (RMAB) under the National Mediator Accreditation Scheme
- Implemented processes to measure party satisfaction and the outcome of formal ADR processes
- Employed an ADR Program Manager
- Continued to use the 'cooling off' period for mediations
- Updated VCAT's ADR information, guides and online fact sheets

Efficiency and Innovation

We have implemented the following initiatives to improve efficiency and drive innovation over the past year:

- Implemented the restructure of Lists and the re-allocation of some enabling enactments to make it easier for the community to navigate the jurisdictions of the Tribunal and simplify Registry procedures
- Introduced online application forms and online payment portal
- Undertook a review of Listings practices and procedures
- Implemented VCAT's new fee regulations
- Reviewed and improved VCAT's Fee Waiver Policy and processes

Accountability, engagement and professionalism

We have improved our accountability, engagement and professionalism in the past year through the following initiatives:

- Continued to regularly report the Tribunal's performance on our website
- The Professional Development Group continued to promote opportunities for learning and development and has developed a peer support program as well as a new induction program for new Members
- VCAT continued to encourage staff to undertake the Certificate IV in Government (Court Services) program
- Participated in Law Week activities

THE NEXT PHASE

VCAT is Australia's largest tribunal and continues to evolve with increased jurisdictional growth and responsibility. Into the future, VCAT will need to continue to modernise and innovate to deliver an efficient service that meets the community's expectations.

To this end, VCAT is in the process of reviewing the achievements of *Transforming VCAT* with a view to refresh VCAT's vision and strategic priorities for the next period.

In the next reporting period, VCAT will develop a new strategic plan in consultation with key stakeholders and the community that will seek to modernise our processes, ensure an efficient use of resources, better access, ongoing community involvement and greater investment in the development of our people.

SERVING OUR CUSTOMERS AND THE COMMUNITY

VCAT's customer service charter and support services ensure that customers get the right assistance to more easily access VCAT.

CUSTOMER SUPPORT SERVICES

MELBOURNE OFFICE

Hours of operation are Monday to Friday, 9.00am to 4.30pm (closed public holidays).

VCAT's main office at 55 King Street, Melbourne has three distinct service areas:

Counter Services (Ground Floor)

The ground floor counter services team provides information to customers about VCAT's operations and hearing procedures. Staff assist customers to lodge their applications, process payments, respond to general queries and assist them when they arrive for a hearing. A wheelchair is available on the ground floor for people who require assistance from their car to a hearing room.

Our modern customer service environment provides user-friendly facilities, including a file inspection room for parties to use. Our SmartQueue ticketing system helps us serve customers in an efficient and systematic way. Multimedia LCD screens display our information DVDs in this area, which assists users to understand some of the disputes that are heard at VCAT.

The counter services team provides a concierge service on the ground floor, to meet and greet customers and provide direction when necessary. The concierge service is available weekdays, from 9.15am to 10.15am and from 1.45pm to 2.15pm.

Mediation Centre (Second Floor)

The mediation centre provides parties with comfortable amenities conducive to achieving settlements at mediation. It comprises dedicated hearing rooms, meeting areas and a suite of mediation breakout rooms.

Fifth Floor

The fifth floor counter staff welcome parties arriving for hearings. Staff record party arrivals and direct them to hearing rooms. Screens display our information DVDs to assist parties to understand the hearing process.

Other services include:

Victoria Legal Aid duty lawyer

Located on the ground floor, the duty lawyer provides unrepresented parties with free and confidential legal advice. In addition, the duty lawyer provides a valuable legal resource for VCAT staff in day-to-day dealings with customers, particularly in relation to complex matters.

Family Violence Support Worker

A Support Worker is available to assist applicants to the Residential Tenancies List who are affected by family violence or other difficult circumstances. The Support Worker can provide these applicants with information, support and referral to other services.

Court Network

Located on the fifth floor and in attendance most days, the volunteer Court Network service offers friendly support, information and referral for people attending VCAT for mediations and hearings.

Video and Telephone Links

If parties are unable to physically attend a hearing, they may link in via video or telephone (VCAT can arrange video links to locations around Australia and overseas). In addition to providing added convenience for parties, this technology assists Members to manage hearing times more efficiently, especially when dealing with urgent matters in rural areas.

Smartboards

Interactive whiteboards provide a touch-sensitive surface onto which information on a computer screen can be displayed, via a projector. The whiteboards can display websites, software, spreadsheets, Word documents and presentations. Changes made to information projected onto the whiteboard can be transferred to a computer, printed out, emailed and saved for future reference.

Fixed smartboards are located in selected hearing rooms on the ground, first and sixth floors. A portable smartboard is available for use on the second floor.

Access for the hearing impaired

VCAT offers hearing loop access in all hearing rooms located at 55 King Street, Melbourne. In addition, a DVD player is available for use by parties upon request, allowing them to present their cases in a format designed to assist them and Members. Ten hearing rooms at VCAT have permanent audiovisual equipment.

Interpreter service

The Tribunal provides a free interpreter service for parties as part of its obligation to provide a fair hearing. Requests by a party for the provision of an interpreter can be made either in writing or by contacting the Tribunal. Such requests should be made when lodging an application with the Tribunal or as soon as practicable after being notified of the hearing date.

Suburban and Regional Centres

VCAT conducts hearings at suburban and regional locations listed on the back inside cover of this report. VCAT employs staff at a number of these locations to coordinate appearances and assist parties with general VCAT enquiries.

CUSTOMER SERVICE CHARTER

VCAT's purpose is to provide Victorians with a low cost, accessible, efficient and independent Tribunal delivering high quality dispute resolution including the use of Alternative Dispute Resolution (ADR) processes. We aim for service excellence by being cost-effective, accessible, informal, timely, fair, impartial and consistent. The Charter is available on VCAT's website (About VCAT).

1. When you contact VCAT, you can expect

- Answers to your queries about our jurisdictions and processes
- Appropriate forms, brochures and information
- Assistance with VCAT application forms
- Appropriate contacts for other agencies about your enquiry
- Compliance with VCAT's privacy policy

2. We aim to help, but there are certain things we cannot do for you. We cannot:

- Provide advice about what to say in your VCAT hearing
- Give you legal advice
- Complete a VCAT application on your behalf
- Speak to VCAT Members on your behalf

3. We exist to serve the community and aim to:

- Serve 95 per cent of people within 5 mins of them attending a VCAT enquiry counter
- Respond to 95 per cent of callers within five minutes of them contacting VCAT
- Greet you in a polite and courteous way
- Deal with your enquiry professionally
- Provide you with clear and accurate information and assistance

4. We respect your right to:

- Fair and helpful assistance, including appropriate arrangements for people with disabilities, special access needs or cultural requirements
- An interpreter, if necessary
- Respectful and equitable treatment in accordance with the Victorian Charter of Human Rights and Responsibilities
- A fair and just mediation and/or hearing in a safe environment
- Timely decisions

5. To deliver you a high quality service, we expect you to:

- Provide us with complete information and accurate information
- Comply with any VCAT directions or orders
- Behave courteously and peaceably with staff, parties and Members at all times

HOW CASES ARE RESOLVED

VCAT hears and determines a wide variety of matters for a range of different parties, all with differing requirements.

The process of resolving cases begins when a person or party refers a matter to VCAT or lodges an application with Registry and pays the prescribed fee. Some disputes are settled using Alternate Dispute Resolution (ADR) processes such as mediation and compulsory conferences. Many cases, however, proceed directly to a full hearing.

In certain disputes, the parties involved may agree at any time to resolve their differences without mediation, a directions hearing, a compulsory conference or a hearing. If the case does proceed to a hearing, there is still an opportunity to settle prior to the hearing and determination of the case.

A full hearing may take from 15 minutes to an hour in small civil disputes, owners corporations and residential tenancies matters. In other jurisdictions, hearings can take up to a day or longer. In more complex cases, a hearing may be held over a period of several days due to the nature of the issues involved.

Hearings give parties the opportunity to call for or provide evidence, ask questions of witnesses, and make submissions. At the end of a hearing, the Member can either deliver a verbal decision and provide the order immediately, or reserve the decision and provide written reasons.

There is no general provision in the VCAT Act for a matter to be reconsidered or re-opened by the Tribunal once an order has been made. Where a party to a proceeding believes they have not been afforded procedural fairness or is otherwise dissatisfied with the decision of the Tribunal, the VCAT Act provides appeal rights, on a question of law only, to the Supreme Court of Victoria.

FAIR HEARING OBLIGATION

From 1 October 2010, a new Fair Hearing Obligation practice note was introduced and now applies across all of VCAT's jurisdictions.

The practice note sets out the obligations of Tribunal Members regarding the conduct of hearings. It also requires parties and their representatives to participate in the Tribunal's processes in a responsible way in order to assist the Tribunal to provide a fair hearing.

The Tribunal has a general duty to ensure a fair hearing, pursuant to section 24 of the *Charter of Human Rights and Responsibilities Act 2006* and various provisions of the VCAT Act. A fair hearing involves the provision of a reasonable opportunity to put your case – the right to be heard – and to have your case determined according to law by a competent, independent and impartial tribunal.

The provision of a fair hearing is at the very heart of the Tribunal's obligations to the parties who appear before it. Sections 97, 98, 100, 101 and 102 of the VCAT Act also set out some of the Tribunal's obligations regarding the conduct of hearings.

HOW TO APPLY

Parties can obtain VCAT application forms by:

- Contacting VCAT (details on inside back cover)
- Logging on to www.vcat.vic.gov.au

HEARING LOCATIONS

Hearings are conducted at various suburban locations, such as Berwick, Broadmeadows, Collingwood, Dandenong, Frankston, Heidelberg, Moorabbin, Ringwood, Sunshine and Werribee and also at a number of hospitals listed on the inside back cover of this report. Hearings at Berwick will cease on 16 August 2013.

In addition, VCAT conducts hearings at various regional locations, which are also listed on the inside back cover. Details concerning regional sittings are contained in the law calendar, which is produced by the court services section of the Department of Justice website www.justice.vic.gov.au.

VCAT IN THE COMMUNITY

VCAT contributes to the community it serves in many different ways. In 2012–13 we strengthened our public profile, with Members and staff delivering information sessions at 55 King Street, Melbourne and across the State.

To provide Victorians with the best possible independent legal service, we must understand and meet community expectations.

There are three general ways in which VCAT seeks community feedback and participation.

USER GROUPS

User groups play a vital role in the ongoing development of our processes. The groups are comprised of a broad spectrum of representatives from community and industry groups and the legal profession. Members of most Lists conduct regular user group meetings, where representatives have the opportunity to offer valuable feedback.

INFORMATION SESSIONS

Information sessions provide essential community engagement, helping to raise awareness about the many services VCAT provides. Members, judicial Members, and key staff regularly conduct information sessions covering topics important to users.

VISITORS TO VCAT

Legal groups, international groups and tertiary and high school students frequently visit VCAT to observe our operations. These visits include a presentation by Members or staff on the range of disputes VCAT handles, followed by a question and answer session. Visitors then have an opportunity to observe hearings in progress.

During the reporting period we engaged with our user groups and stakeholders on a regular basis, providing up-to-date information about the Tribunal and receiving valuable feedback on our processes and initiatives. Examples of user engagement can be found under each List of this report.

We also engaged directly with the public, often in partnership with our stakeholders. The following are just some examples of the ways in which we engaged with the community in 2012–13:

- Members of the Guardianship List conducted regular local and regional information sessions for newly appointed guardians and administrators
- Our Guardianship Members partnered with the Office of the Public Advocate and State Trustees Limited to deliver guardianship information sessions to Health Professionals at hospitals across the State

- As part of Law Week 2013, we participated in the Courts Open Day. Members and staff conducted a mock Civil Claims hearing for the general public. The mock hearing addressed a civil claims dispute between Cinderella and the Fairy Godmother! Staff also participated in a series of interactive community events held in regional Victoria as part of Law Week
- VCAT hosted international delegates from China, Indonesia and Vietnam
- We welcomed secondary school, TAFE and other adult education program students to VCAT's Melbourne headquarters throughout the year. Our program for visiting students aims to educate students on VCAT's processes

FUTURE

We look forward to delivering future initiatives aimed at deepening our links with the community. The Tribunal will continue to look at new and innovative ways to engage and interact with the community to further improve access to justice at VCAT.

THE TRIBUNAL AT WORK

The Tribunal's Lists dealt with more than 90,000 applications across a wide range of jurisdictions. The Lists are divided into three Divisions: **Civil, Administrative** and **Human Rights**. The number of applications continued to grow in the 2012-13 financial year.

VCAT'S ALTERNATIVE DISPUTE RESOLUTION SERVICES

Alternative or appropriate dispute resolution (ADR) is an umbrella term for processes, other than judicial determination, in which an impartial person assists parties to resolve the issues between them. ADR encompasses processes such as mediation, compulsory conferences, conciliation and facilitation.

ADR can provide a quicker, more flexible and cost-effective alternative to traditional litigation. It can allow parties to choose the process that best suits their needs. By working together parties can resolve their dispute and agree to a settlement that makes sense to them.

VCAT has used ADR since the Tribunal was established in 1998. We have a purpose-built mediation centre, comprising hearing rooms, meeting areas and mediation breakout rooms. We provide technology so that parties can utilise VCAT's template, prepare, print and sign their own terms of settlement.

ADR STRATEGY

VCAT's ADR Strategy has three key components:

- Improving access
- Measuring success
- Improving outcomes

ADR Member Genevieve Nihill is responsible for driving VCAT's ADR Strategy. Principal Mediator Ian De Lacy supports the ADR Member in this task, and is also responsible for the professional development and support of VCAT's mediators.

IMPROVING ACCESS

Through piloting ADR processes for disputes not traditionally subject to ADR, we have increased opportunities for parties to benefit from ADR. Improving access to ADR is also dependent on our ability to increase the number of Members, mediators and staff able to deliver high-quality ADR services.

Short Mediation and Hearing (SMAH)

During this reporting period we continued the Short Mediation and Hearing (SMAH) program.

SMAH listings are a shortened form of mediation, at which the parties can explore options to resolve their dispute. If the parties are unable to resolve their dispute, the matter proceeds to hearing on the same day. SMAHs are generally conducted by accredited VCAT staff mediators. The mediator assists both parties to try and reach an agreement that both find acceptable. SMAH is currently only available to proceedings in the Civil Claims List.

SMAH allows the parties to settle their dispute before the hearing and achieve a tailored solution. Parties can avoid the potential risks and stress of taking their case to a public hearing if they settle at SMAH.

Feedback obtained from parties who have tried SMAH suggests that they feel more in control of their case and have the opportunity to develop a solution to their dispute that is acceptable to both parties. In comparison, at a VCAT hearing, a Tribunal Member could impose a solution that may not be desirable to either party. Approximately 60 per cent of SMAH listings resolved without a hearing in this reporting period.

Mediator training and accreditation

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 on-going accreditation requirements.

We now have access to 102 accredited mediators, 85 of whom were accredited through VCAT. These comprise VCAT Members and staff, and a panel of mediators.

We continue to offer our in-house mediation training program, the 2012 course ran in October. Twelve VCAT Members and staff became accredited mediators via the program. We are committed to providing ADR training and enabling more staff and Members to become accredited mediators.

MEASURING SUCCESS

We measure our ADR outcomes to evaluate their quality. Apart from recording settlement rates, we identify where ADR has assisted parties to resolve some of their issues, reducing hearing times and costs, giving them control of the outcome.

Measuring Party Satisfaction

To measure party satisfaction, we have designed a simple qualitative survey to give parties after they participate in mediations.

Measuring Formal ADR Outcomes

All Members and mediators undertaking ADR in any List are required to complete a standard form recording the process and outcome. This enabled us to record settlement rates in every List and across a range of ADR methods, including mediations and compulsory conferences.

IMPROVING OUTCOMES

By improving access to ADR, and measuring our success, we improve outcomes for parties.

ADR Program Manager

During the reporting period we employed an ADR Program Manager responsible for managing key programs designed to improve access and outcomes for parties, and to ensure high standards of mediator training and performance.

Our ADR listings co-ordinator continued to oversee the intake of ADR matters, together with providing authoritative, clear and accurate information to people attending VCAT for ADR processes.

The formal intake process involves the party themselves, or their legal representative, being contacted by telephone two business days prior to the scheduled mediation. This timing allows parties to file documents such as adjournment requests, but is close enough to the listing date that parties can give an accurate account of the status of their case.

The intake process has improved access to ADR at VCAT. The parties' understanding of the mediation process, and the role of the mediator has increased, enabling them to attend the mediation prepared and with more confidence. Parties receive the coordinator's direct number and are encouraged to call for further information and support.

In addition to providing a best practice level of service to VCAT users, the intake process has also worked to ensure that VCAT resources are utilised effectively. The formal intake process has reduced the number of cancelled mediations, where a mediator has been booked, due to the parties failing to attend. This has resulted in cost savings.

Another benefit to VCAT of a formal intake process is the ability to ascertain which cases may adjourn or settle at late notice. A formal intake process has been established in the following Lists:

- Domestic Building
- Owners Corporations
- Human Rights
- Retail Tenancies
- Real Property
- Legal Practice
- Civil Claims
- Review and Regulation

Cooling Off

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

ADR information and website upgrades

During the reporting period, a package of updated guides, fact sheets and revised practice notes were released.

Practice note PNVCAT4 – Alternative Dispute Resolution (ADR) was revised to reflect current practices and procedures. New guides and fact sheets on Mediation, Compulsory Conferences and SMAH were published.

The VCAT website was updated with an ADR page and now provides a range of information and guidelines for users about the different types of ADR processes.

COMMUNITY ENGAGEMENT

ADR features frequently in VCAT's community and education activities. Senior Member Nihill spoke about VCAT's ADR program at a number of forums.

Members of the VCAT ADR strategy team participated in a roundtable hosted by La Trobe University on Systemic Disadvantage. Member Lothian participated as a panel member at the Victorian 2013 Legal Symposium (ADR stream). Senior Member Nihill is a member of the Steering Committee for the 2014 National Mediation Conference and on the advisory panel for a research project conducted by La Trobe University – *Improving the Justice in Mediation: A practical guide for mediators*. ADR Members maintained ongoing membership of LEADR (Association of Dispute Resolvers) and participated in LEADR activities throughout the reporting period.

THE FUTURE

We will continue to build VCAT as an ADR centre of excellence. Our aim is to improve customer satisfaction by reducing costs and time spent resolving disputes, and by assisting parties to have control over their outcomes.

ADR STATISTICS

MATTERS DEALT WITH AT COMPULSORY CONFERENCE (COMP CONF)

New List Name	HRL								RRL			PEL		Totals
	AD	HP	CC	DB	LP	OC	Real P	Ret T	GEN	OBR	Tax	LV	P	
Matters resolved through Comp Conf	28	14	149	114	19	43	17	18	196	12	0	66	2	678
Matters still in Comp Conf	2	0	7	22	3	6	4	1	38	4	0	11	0	98
Post Comp Conf matters resolved before final hearing	4	0	25	23	2	3	3	5	42	4	0	4	2	117
Post Comp Conf matters awaiting final hearing	4	0	41	52	6	6	3	4	41	1	0	8	0	166
Post Comp Conf matters that proceeded to final hearing	2	1	24	16	6	14	2	6	42	21	0	3	0	137
TOTAL	40	15	246	227	36	72	29	34	359	42	0	92	4	1,196

MATTERS DEALT WITH AT MEDIATION

New List Name	HRL								RRL			PEL		Totals
	AD	HP	CC	DB	LP	OC	Real P	Ret T	GEN	OBR	Tax	LV	P	
Matters resolved through mediation	31	5	97	267	1	49	63	26	0	0	1	0	164	704
Matters still in mediation	0	0	0	18	0	5	4	1	0	0	0	0	16	44
Post mediation matters resolved before final hearing	10	0	0	42	0	6	10	6	0	0	0	0	19	93
Post mediation matters awaiting final hearing	12	1	2	81	0	9	16	11	0	0	0	0	21	153
Post mediation matters proceeded to final hearing	3	0	69	39	0	11	16	7	0	0	0	0	122	267
TOTAL	56	6	168	447	1	80	109	51	0	0	1	0	342	1,261

List of abbreviations: AD Anti-Discrimination, CC Civil Claims, DB Domestic Building, GEN General, HP Health and Privacy, HRL Human Rights List, LV Land Valuation, LP Legal Practice, OBR Occupational and Business Regulation, OC Owners Corporations, PEL Planning and Environment List, Real P Real Property, Ret T Retail Tenancies, RRL Review and Regulation List, Tax Taxation

VCAT LIST RESTRUCTURE

VCAT has three divisions: the Civil, Administrative and Human Rights Divisions. Each Division has a number of “Lists” (sections) which specialise in particular types of cases.

As part of our on-going need to improve the way VCAT does business and to enhance our mission of giving fair, efficient justice for all Victorians, the Tribunal restructured its Lists and re-allocated some enabling enactments. The restructure reduced the number of Lists within the Tribunal from 16 to 11, making it easier for the community to navigate the jurisdictions of the Tribunal and simplifying Registry procedures.

The List restructure occurred on 15 February 2013, and involved the following:

- The creation of the **Review and Regulation List** which merged the General, Occupational and Business Regulation and Taxation Lists
- The creation of the **Human Rights List** which merged the Anti-Discrimination, Health and Privacy and Mental Health Lists
- The inclusion of the Land Valuation List in the Planning and Environment List
- The inclusion of Credit List applications in the Civil Claims List

As a result of the List restructure, there was a re-allocation of the following enabling enactments:

- The *Gambling Regulation Act 2003* was re-allocated to the Planning and Environment List
- Sections 36 and 39 of the *Subdivision Act 1988* was re-allocated to the Planning and Environment List
- Section 50 of the *Disability Act 2006* was re-allocated to the Human Rights List
- the *Credit Act 1984* was re-allocated to the Civil Claims List

The List restructure has enabled the Tribunal to create efficiencies in the way it manages its Lists. There were no changes to the procedures or conduct of matters brought in these Lists.

CIVIL DIVISION		ADMINISTRATIVE DIVISION		HUMAN RIGHTS DIVISION	
Pre 15/2/2013	New List structure	Pre 15/2/2013	New List structure	Pre 15/2/2013	New List structure
Civil Claims List	Civil Claims List*	Legal Practice List	No change	Guardianship List	No change
Domestic Building List	No change	Land Valuation List	Planning and Environment List	Anti Discrimination List	Human Rights List
Owners Corporations List	No change	Planning and Environment List		Health and Privacy List	
Real Property List	No change	General List	Review and Regulation List	Mental Health List	
Residential Tenancies List	No change	Occupational and Business Regulation List			
Retail Tenancies List	No change	Taxation List			

* Including Credit List applications

CIVIL DIVISION

CIVIL CLAIMS LIST

The List deals with disputes between buyers and sellers of goods and services. This year has been the first full year in which the Australian Consumer Law has applied. This Federal legislation applies in Victoria under the *Australian Consumer Law and Fair Trading Act 2012*. It has expanded the Tribunal's jurisdiction, by allowing it to hear claims under any contract for or in relation to the lending of money, even where the lender is not in that line of business. It creates "consumer guarantees" as to the quality of goods and services, without tying them to the contract between the buyer and seller.

YEAR IN REVIEW

Cases

There was an increase in applications initiated of three per cent, during the reporting period.

The number of cases involving claim amounts between \$10,000 and \$100,000 increased by 15 per cent, and those involving sums over \$100,000 increased by 11 per cent during the reporting period. These statistics reflect the increasing breadth of the subject matter of disputes, and an increase in the number of applications for interim injunctions such as under commercial tenancies.

Flexibility

We continued to explore ways to reduce the number of occasions on which parties must attend the Tribunal.

In small claims (less than \$10,000), we continued the Short Mediation and Hearing (SMAH) program, under which parties are required to attend a brief mediation on Thursday morning, conducted by a VCAT accredited staff mediator, prior to their scheduled hearing. If the matter does not settle, the parties are then scheduled a hearing on the same day.

In complex cases and those involving sums over \$10,000, we continued making orders in chambers soon after initiation, directing the pre-hearing steps to be taken.

Parties who consider that other directions are required can request a directions hearing or submit proposed consent orders for consideration. We found that most parties complied with the directions unchanged. Where by its failure to comply with these orders a respondent indicates that it will not defend the case, the orders allow the Tribunal to list the case for a shorter hearing at an earlier date.

We have simplified the procedure for parties who seek to enforce an agreement reached at mediation. Ideally, a settlement agreement sets out what is to take place if a party does not comply with the agreement. However, not all parties agree to such provisions. This can lead to a situation in which the consequences of breaching the settlement agreement are unstated. The breach might entitle the innocent party to proceed with the case as if the settlement had never been agreed, or that party could be confined to seeking payment of the agreed settlement sum. The Tribunal makes orders in chambers which require the parties to explain their positions, and uses that information to allocate sufficient hearing time.

Efficiency

To alleviate waiting times for complex cases and those involving sums over \$10,000, these pending files were reviewed in order to ascertain the reason for their delay.

Because the Tribunal deals with a number of self-represented litigants, there is a greater potential for parties to fail to meet important procedural requirements. We are examining alternative approaches to files which have not proceeded because the applicant has not supplied sufficient information or paid the correct filing fee.

Access to Justice

VCAT has long conducted civil claims proceedings at many court venues across the State. During the reporting period, VCAT continued to list civil claims hearings at new and non-traditional venues. We conducted weekly hearings at the Berwick Justice Service Centre, and at the Hume Global Learning Centre in Broadmeadows. Berwick is due to close on 16 August 2013. These changes improve accessibility by locating services close to where people live.

We continued to widely distribute our popular information guide *'Taking it to VCAT'* (which can be accessed from our website) at information sessions and among our stakeholders.

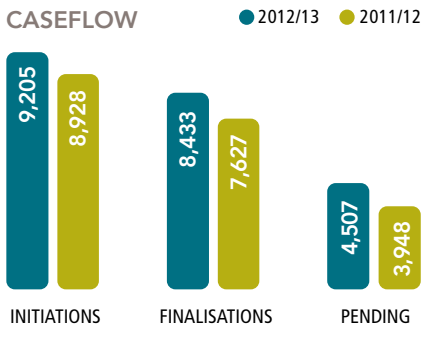
User Engagement

The civil claims user group met during the reporting period. It comprises representatives of Consumer Affairs Victoria, Consumer Action Law Centre, and the Victorian Small Business Commissioner, among others.

At the Courts Open Day during Law Week 2013, Tribunal Members and staff conducted a mock civil claims hearing.

THE FUTURE

We will continue to review and refine our case management processes to save parties time and money while delivering fair and consistent outcomes.



TIMELINESS OF FINALISED CASES (WEEKS)

	2012/13	2011/12	Target
Median	18	14	
80th Per centile	38	24	
Target			19

APPLICATIONS BY CLAIM AMOUNT

	2012/13	2011/12	Variance
< \$10,000	7,660	7,460	3%
\$10,000 – \$100,000	1,103	959	15%
\$100,000+	92	83	11%
No value	350	426	-18%
TOTAL	9,205	8,928	3%

APPLICATIONS BY ENABLING ENACTMENT

	2012/13	2011/12	Variance
<i>Australian Consumer Law and Fair Trading Act 2012</i>	6,975	-	0%
<i>Domestic Building Contracts Act 1995</i>	1,876	867	116%
<i>Fair Trading Act 1999</i>	218	8,029	-97%
Others	136	32	325%
TOTAL	9,205	8,928	3%

CASE STUDY: DRAFTING THE SALE OF BUSINESS CONTRACTS

During the year the Tribunal has determined several disputes between the vendors and purchasers of businesses, some arising from the parties “cutting corners” when drafting the sale of business contract.

In one such case the contract identified the equipment sold with the business by referring to serial numbers.

A few months after the applicant bought the business an important machine broke down. The Applicant found that it could not be repaired, because of its age and obsolescence. It had to be replaced, at a much higher cost than if a repair was possible.

On reviewing the contract, the applicant saw that the serial number in the contract did not match that of the machine. The serial number stated in the contract would apply to a newer model, which would not have been obsolete, and could have been repaired.

The applicant claimed substantial damages. It alleged that the respondent had failed to deliver the machine that it had contracted to sell, and that it had engaged in misleading conduct.

In the hearing the Tribunal had to interpret the sale of business contract, which entailed considering related documents and the oral evidence of several individuals. The Tribunal found that the applicant had purchased the obsolete machine, and ordered that the contract be amended to record the correct serial number of the machine.

RESIDENTIAL TENANCIES LIST

The List determines disputes under the *Residential Tenancies Act 1997*. These include disputes between residential landlords and tenants, and disputes between rooming house and caravan park owners and residents. The List also hears some applications under the *Disability Act 2006* and the *Supported Residential Services (Private Proprietors) Act 2010*.

Each year we receive around 60,000 applications, representing approximately 10 per cent of Victoria's residential tenancies. Applications typically relate to non-payment of rent, the state of repair or cleanliness of the premises, bond refunds, and the obligations of landlords or owners to provide and maintain premises fit for occupation.

The *Supported Residential Services (Private Proprietors) Act 2010* came into effect on 1 July 2012 and relates to disputes which arise between proprietors and residents in relation to occupancy rights and payments made by residents to proprietors.

YEAR IN REVIEW

Cases

There was a slight increase in applications initiated during the reporting period and we continued to resolve most cases within four weeks, well within our timeliness target.

Our ability to maintain timeliness was largely due to the efficient management of the List's resources across the State. There was no notable change to the types of applications received.

Flexibility

We are conscious that landlords and tenants need easy access to the Tribunal so that their issue can be expeditiously heard and resolved. We hear applications at 35 venues across Victoria.

Our Registry staff are multi-skilled and are able to assist with counter and telephone enquiries and address the multitude of queries which arise.

Our Members continue to adopt flexible hearing practices and various informal ADR techniques where appropriate to assist parties to reach a settlement on the hearing day. Feedback has shown that parties in residential tenancies disputes usually prefer this approach over referral to a separate mediation, as it saves time and money and expedites decision-making about the future of the tenancy.

We will continue to monitor and refine our hearing approaches to help parties achieve prompt, sustainable outcomes.

Efficiency

Delay can lead to tenancies failing that might otherwise have continued. We therefore have strong systems in place to ensure timeliness. Adjournments are granted only when necessary and Members provide decisions in most cases on the hearing day. Our SMS hearing reminders help minimise adjournments and re-hearing applications. File management and customer support issues are constantly revised and refined.

Access to Justice

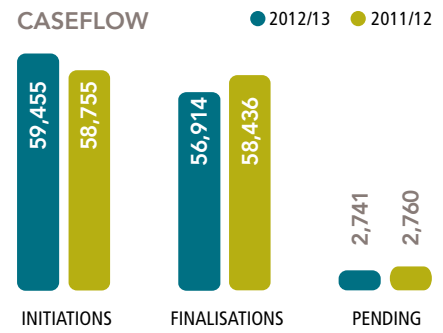
We continued to send SMS hearing reminders, resulting in more tenants attending hearings. SMSs are now sent five days before a hearing, rather than two, to provide a fairer notice period.

Our applicant support worker continued to assist applicants who are affected by family violence or other difficult circumstances by providing them with information, support and referral to other services.

We continued to widely distribute the 'Taking it to VCAT' DVD, updated guide and information forms. These resources assist people in tenancy disputes to better understand how we conduct hearings. We distribute the guide to various organisations who are able to assist vulnerable self-represented litigants.

A VCAT staff member is employed at a number of metropolitan and regional venues throughout Victoria to assist users of the Tribunal in all VCAT matters. The VCAT Metropolitan and Regional administrative officers provide support to Members of the Tribunal, engage with the community, coordinate VCAT hearings and undertake various administrative duties.

CASEFLOW



User Engagement

Our user group continued to meet during the reporting period. It comprises representatives from the Office of Housing, Real Estate Institute of Victoria, Tenants Union of Victoria, Community Housing Federation and Victoria Legal Aid. The user group provides valuable feedback on our hearing processes.

We held seven of our popular, open-to-the-public user forums; four in Melbourne and one each in Ballarat, Bendigo and Morwell. The forums are for all users of the Tribunal to enable them to better understand the processes and procedures in the Residential Tenancies List at VCAT outside of hearings and with the opportunity to ask questions. They are an opportunity for different users to discuss matters of common interest amongst themselves and for the Tribunal to explain issues of general concern.

The forums have been very well attended and the feedback has been extremely positive.

THE FUTURE

Access to justice is always an important focus for the Residential Tenancies List. Parties need swift dispute resolution but it is not always easy or convenient for parties to attend the Tribunal in person. During 2013-14 the Tribunal proposes to pilot a range of technological initiatives aimed at increasing accessibility of the Tribunal.

TIMELINESS OF FINALISED CASES (WEEKS)

	2012/13	2011/12	Target
Median	2	2	
80th Per centile	4	3	
Target			6

APPLICATIONS BY APPLICANT TYPE

	2012/13	2011/12	Variance
Director of Housing	12,161	12,373	-2%
Landlords represented by estate agents or property managers	39,654	38,099	4%
Private landlords	2,705	3,008	-10%
Tenants or residents	4,098	4,350	-6%
Others	837	925	-10%
TOTAL	59,455	58,755	1%

APPLICATIONS BY CASE TYPE

	2012/13	2011/12	Variance
Bond – unpaid rent and loss or damage or both – Landlord	9,761	9,483	3%
Bond and compensation - Landlord	6,656	6,264	6%
Possession and rent	14,165	12,421	14%
Possession, rent and bond	6,263	5,913	6%
Others	22,610	24,674	-8%
TOTAL	59,455	58,755	1%

APPLICATIONS BY ENABLING ENACTMENT

	2012/13	2011/12	Variance
<i>Residential Tenancies Act 1997</i>	56,498	55,935	1%
<i>Victorian Civil and Administrative Tribunal Act 1998</i>	2,912	2,820	3%
Others	45	-	0%
TOTAL	59,455	58,755	1%

CASE STUDY: TENANT AND LANDLORD IN DISPUTE OVER REPAIRS TO PROPERTY

The tenant, an elderly and frail but very mentally able woman, lived alone at the rented premises. She had done so for 16 years. The tenant sought repair orders from the Tribunal in relation to her hot water service.

The tenant described how three years previously she had reported that the hot water service had broken down and the landlord replaced it with a second-hand system. Since then, however, the water had been scalding and had only lasted half way through a shower. She said that a family of four in a neighbouring, identical, apartment, with a different landlord, had no issues with their hot water.

The tenant produced the specifications of the hot water service and a photo of it. In support of her contentions, the tenant produced a supportive report prepared by Consumer Affairs Victoria and an electrician's report. The electrician stated that the hot water service was a 15-year-old unit of very small capacity. It was overheating and parts were not available and a new unit was required.

The tenant was assisted at the hearing by a tenant legal service advocate and a member of an aged person support group.

The landlord, who was represented by a real estate agent, said that he had found nothing wrong with the hot water service when he looked at it and that, in any event, the landlord could not afford to fix or replace it. He said the tenant lived on her own and there was enough hot water for her.

The Tribunal emphasised that a landlord has a duty under the *Residential Tenancies Act 1997* to maintain the rented premises and ordered the unit be replaced with an adequate unit, and the work be done by a qualified tradesman. The tenant could renew the proceedings to seek compensation if the work was not done.

The Tribunal also allowed the tenant to amend her application to seek compensation for the work not having been done since October 2012.

During the hearing, other ancillary issues also arose because it became clear that the tenant was paying substantially more rent than the other tenants in the building.

The Tribunal was able to prevent a further dispute arising in relation to this issue by informing the parties of their mutual rights, duties and obligations under the Act.

DOMESTIC BUILDING LIST

The List has unlimited jurisdiction to hear and determine 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.

YEAR IN REVIEW

Cases

In the reporting period there was a 22 per cent increase in applications, much of it seemingly impacted by the changing economic times. There were a number of applications made during the course of the contract, particularly from builders seeking payment of progress claims and an increasing number of claims by sub-contractors seeking payment from builders. Matters before the List are technically and legally complex.

The number of pending cases increased by four per cent.

We intensively case managed all multi-party matters, and those pending over 35 weeks since the application was lodged. Some delays occurred during the year as a result of delays in the finalisation of expert reports. This inevitably caused the adjournment of some ADR processes and hearings. However, we remain able to list matters for final hearings when the parties are ready to proceed.

Flexibility

We continued to tailor proceedings to suit each case. Applications are dealt with according to the monetary value of the claim: those less than \$20,000 are, as a general rule, listed directly for hearing which, depending on the nature of the claim, may be for one hour to one day. Applications where the amount claimed is between \$20,000 – \$100,000 are referred directly to mediation. Where the amount claimed exceeds \$100,000 the file is initially reviewed by the Head of List (or a Senior Member) to assess whether they should be referred to mediation or to a directions hearing.

Where the first listing is a directions hearing, orders will be made setting a timetable leading up to a compulsory conference.

We continued to achieve high settlement rates using ADR (compulsory conference and mediation) which encourages the parties to find a workable solution. A large proportion of matters were resolved with the use of ADR processes, without parties incurring significant costs, even where they were legally represented.

We adopt flexible processes, fitting the process to the case rather than the case to the process. Often, parties were offered more than one compulsory conference, usually conducted by the same Member so that they are given the best opportunity to negotiate an outcome. In many cases, and particularly those involving complex technical and/or legal issues or where the estimated hearing time is 10 days or more, it is not unusual for the parties to be offered, or to request, a further compulsory conference, sometimes after the hearing has commenced. Consequently, only a small per centage of matters proceeded to final hearing.

We continued to order joint expert reports for more complex matters. In matters involving complex technical issues, a conclave of experts chaired by a Member or a building consultant mediator will often be ordered, followed by a compulsory conference.

Efficiency

Despite the increase in claims, our timeliness improved and we are now meeting our targets. We finalised 1,463 matters in 2012-13, a 21 per cent increase from the previous year. The list had a clearance rate of 98 per cent.

Many proceedings involved multiple parties due to the impact of Part IVAA of the *Wrongs Act 1958*, which provides that responsibility can only be apportioned between persons who are parties to a proceeding. Although parties are encouraged to make early applications to join others, for the purposes of Part IVAA, this does not always happen and has impacted on our timeliness targets.

Initiatives that improved efficiency included:

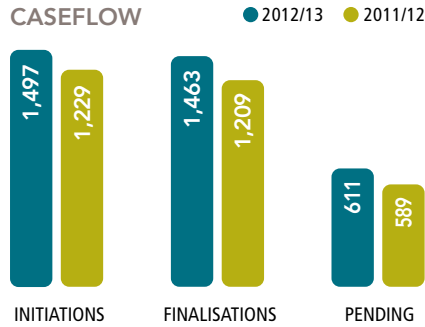
- Undertaking a review of older cases. Many remained open either because they could not progress any further, or they had settled but required some final step for closure. We actively managed these cases to ensure they are finalised in an efficient and timely manner
- Using ADR processes, such as mediations, expert conclaves and compulsory conference, to either settle disputes or narrow issues, saving time and promoting better outcomes through interaction and collaboration
- We continued to hold twice weekly 'directions days' to which we allocated the majority of directions hearings. In appropriate cases where all parties were present (and a suitable mediator or Member was available), parties were offered immediate mediations or compulsory conferences
- To minimise costs and unnecessary appearances at directions hearings, we encouraged legally represented parties to prepare Minutes of Consent Timetables. Self-represented parties were, however, required to attend directions hearings so we could explain the process, clarify what outcome they wanted, and ensure they understood what was required of them
- Files were actively managed to ensure compliance with directions, thus minimising late adjournment requests. Compliance warnings were sent to parties and, if necessary, we held compliance directions hearings

- Increasing the number of expert conclaves 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 that 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
- Regular meetings with the listings coordinator ensured matters were allocated in a way that assisted timely, efficient resolutions

Access to Justice

When it suited parties and we were able to secure appropriate venues, we heard smaller matters and conducted mediations in regional areas. Leave was usually granted for parties and their representatives who are in the outer suburban or regional locations to appear at a directions hearing by telephone, rather than travelling a long distance for a relatively short hearing.

CASEFLOW



User Engagement

The user group comprises representatives from the Building Disputes Practitioners Society (BDPS), building consultants, barristers and solicitors. The group met once and provided valuable feedback.

THE FUTURE

We will continue to proactively and flexibly manage cases, and improve information for self-represented parties, to assist them in preparing and running cases in the Domestic Building List.

TIMELINESS OF FINALISED CASES (WEEKS)

	2012/13	2011/12	Target
Median	13	16	
80th Per centile	28	36	
Target			35

APPLICATIONS BY CLAIM AMOUNT

	2012/13	2011/12	Variance
< \$10,000	638	433	47%
\$10,000 – \$100,000	604	466	30%
\$100,000 +	207	121	71%
No Value	48	209	-77%
TOTAL	1,497	1,229	22%

APPLICATIONS BY ENABLING ENACTMENT

	2012/13	2011/12	Variance
<i>Building Act 1993</i>	10	4	150%
<i>Domestic Building Contracts Act 1995</i>	1,455	1,201	21%
<i>Fair Trading Act 1999</i>	31	24	29%
Others	1	-	0%
TOTAL	1,497	1,229	22%

CASE STUDY: LIST FLEXIBILITY ASSISTS PARTIES TO REACH SETTLEMENT

Both parties to a dispute live in Shepparton. As the details of the applicant homeowner’s claim was unclear from the application, the matter was listed for a directions hearing to clarify the claim and consider whether the matter should be listed for mediation or proceed directly to hearing.

The parties were advised they could attend the directions hearing by telephone. However, both parties travelled to Melbourne so they could appear personally. The particulars of the homeowner’s claim were clarified, and directions were made for the filing and exchange of all material each party relied on. The matter was listed for a two-day hearing in Shepparton on a date to be fixed and advised to the parties, when appropriate hearing space could be arranged.

As both parties were in Melbourne, and an experienced mediator was available, the parties accepted the opportunity to participate in an immediate mediation. After a couple of hours, they were able to negotiate a settlement giving them both closure without spending any further time, cost and anxiety preparing for the hearing.

OWNERS CORPORATIONS LIST

The List deals with disputes under the *Owners Corporations Act 2006*. An owners corporation, formerly called a 'body corporate', manages the common property in apartment and unit complexes, such as foyers, car parks, lifts, utilities, gardens, and pathways between units. Owners corporations also have rules relating to occupants' behaviour on common property and in their own properties.

YEAR IN REVIEW

Cases

There was a five per cent increase in applications initiated. Most related to non-payment of owners corporation fees. Cases are becoming more complex as a result of larger-scale, upmarket unit developments, including luxury high-rise apartment blocks.

Flexibility

Many disputes involve people who must live together or maintain relationships, so we tailor our processes accordingly. We refer non-fee disputes to mediation (unless assessed as unsuitable, or if parties choose not to participate). Mediation helps parties resolve all their concerns and reach solutions everyone can live with.

Fee disputes are usually straightforward, so are set down for immediate hearing.

Efficiency

Despite the increase in cases in 2012-13, the List continued to meet its targets for the timely finalisation of cases.

We finalised 3,105 matters in 2012-13, an eight per cent increase from the previous year. The List had a clearance rate of 96 per cent.

Access to Justice

We ensure our procedures are not overly formal, if possible. We commonly conduct directions hearings by telephone, and hearings in rural and regional areas when it suits parties. In directions hearings, we help parties refine their issues and understand VCAT's processes.

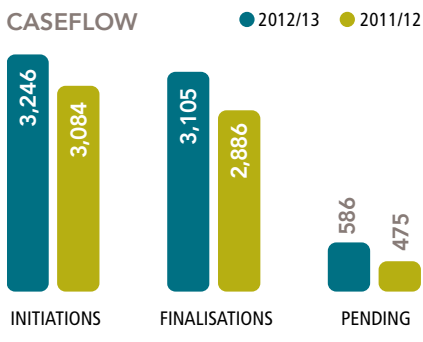
VCAT's website has resources to help unrepresented parties. The *'Taking it to VCAT'* information booklet covers owners corporations disputes and is widely distributed.

User Engagement

The user group comprises representatives from the Law Institute of Victoria, Owners Corporations Victoria and Consumer Affairs Victoria and owners corporation managers and lawyers. User group meetings were held in July and December 2012.

THE FUTURE

The *Company Titles (Home Units) Act 2013* will come into effect on 1 December 2013, unless the provisions of the Act relating to VCAT are proclaimed to commence on an earlier date. It will give VCAT jurisdiction to hear and determine 'neighbourhood disputes' that arise in two types of multi-unit development which differ from an owners corporation: a 'service company' (or 'stratum title') type, and a 'company title corporation' (or 'share ownership') type. They will be heard in the Owners Corporations List. We expect an initial influx of applications concerning 'neighbourhood disputes' once the Act comes into operation, but that the number of applications will stabilise to a relatively small number.



TIMELINESS OF FINALISED CASES (WEEKS)

	2012/13	2011/12	Target
Median	6	5	
80th Per centile	11	7	
Target			10

APPLICATIONS BY CLAIM AMOUNT

	2012/13	2011/12	Variance
<\$10,000	2,677	2,550	5%
\$10,000 – \$100,000	112	138	-19%
\$100,000 +	6	5	20%
No value	451	391	15%
TOTAL	3,246	3,084	5%

CASE STUDY: DISPUTE ABOUT POSTAL BALLOT

An owners corporation manager arranged a postal ballot of the members (the lot owners) upon a motion proposing a special resolution. The manager sent to each lot owner a ballot paper and a notice that the ballot would close on 30 June. But on 16 June the manager wrote to the lot owners and purported to announce the result of the ballot. Quickly realising the mistake, on 17 June the manager wrote again to the lot owners asking them to disregard the previous day’s letter and stating the ballot would close on 30 June. One lot owner asked the manager to cancel the ballot and hold a fresh one, claiming the integrity of the ballot had been compromised and that members had been misled into thinking there was no point in voting. The ballot was not cancelled. After 30 June the manager announced the passing of the resolution. The same lot owner applied to the Tribunal for a declaration that the resolution was invalid.

In its decision the Tribunal, by analogy, applied the law relating to parliamentary elections when an electoral official, acting in good faith, had made an error. The applicant had the burden of proving that the manager’s error had prevented any lot owner from voting against the motion or that there were reasonable grounds for a belief that the error may have prevented a lot owner from casting a negative vote. There was no evidence tending to prove either of those things. It was not enough for the applicant to point to the potential of the error to influence the outcome of the ballot. The application was dismissed.

RETAIL TENANCIES LIST

The List deals with disputes of varying complexity between landlords and tenants of retail premises. All retail tenancy disputes, apart from applications for injunctions, must first be referred to the Small Business Commissioner for mediation before VCAT is vested with jurisdiction to hear the dispute. As such, a large proportion of proceedings in the List come to VCAT following an unsuccessful attempt to resolve the dispute through the Small Business Commissioner.

YEAR IN REVIEW

Cases

There was an increase in applications initiated of two per cent, during the reporting period.

Flexibility

ADR still dominated case management procedures, with many disputes being referred to mediation or compulsory conferences, even though the parties may have already participated in mediation through the office of the Small Business Commissioner. As with previous years, the use of ADR proved to be successful in resolving many retail tenancy disputes at an early stage in the hearing process and on terms which may not otherwise have been achievable had the matter been determined by a hearing.

Efficiency

The List improved its performance over the previous year. We finalised 339 matters in 2012-13, an increase of four per cent. Pending matters were reduced by 12 per cent and the List has a clearance rate of 102 per cent.

Intensive case management processes have been implemented to ensure that matters are finalised expeditiously.

Access to Justice

We launched three new templates to assist self-represented parties to articulate their respective claims and defences, where orders have been made to file points of claim or defence. The templates were successfully trialled in the List for six months and are now available from our website.

Wherever possible, we continued to refer self-represented parties to mediation or a compulsory conference. Numerous matters are settled this way, saving parties time and money. Our website contains comprehensive information for retail tenants seeking assistance, and our forms and guides help parties understand our processes.

When it suits parties and appropriate facilities are available, we conduct mediations and hearings regionally or utilise audio-visual facilities to allow witnesses to give their evidence remotely. In some matters, we conduct urgent injunction hearings by telephone if parties are unable to personally attend.

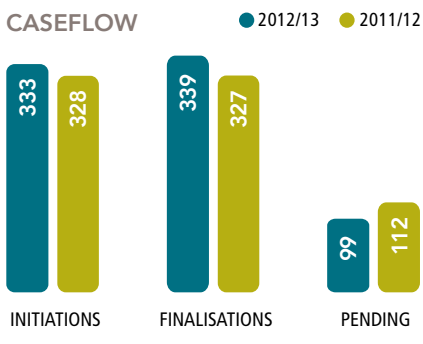
User Engagement

We have ongoing dialogue with stakeholder groups, such as the Victorian Small Business Commissioner (VSBC), the Law Institute of Victoria, and the Victorian Bar Council.

The List assisted the VSBC in conducting a research project on the costs incurred by businesses involved in disputes heard by VCAT. The research project was held between April and June 2013, and included an online survey of 600 businesses, as well as a telephone interview with businesses to explore issues around disputes in greater detail.

THE FUTURE

We will continue to refine the application process and increase our use of ADR.



TIMELINESS OF FINALISED CASES (WEEKS)

	2012/13	2011/12	Target
Median	10	12	
80th Per centile	27	32	
Target			18

APPLICATIONS BY CLAIM AMOUNT

	2012/13	2011/12	Variance
< \$10,000	35	38	-8%
\$10,000 – \$100,000	66	63	5%
\$100,000 +	14	22	-36%
No Value	218	205	6%
TOTAL	333	328	2%

APPLICATIONS BY ENABLING ENACTMENT

	2012/13	2011/12	Variance
<i>Fair Trading Act 1999</i>	15	16	-6%
<i>Retail Leases Act 2003</i>	318	312	2%
TOTAL	333	328	2%

CASE STUDY: DISPUTE OVER CLAUSE IN A FIXED TERM LEASE

A tenant of retail premises issued proceedings in the Tribunal seeking an order that the rent payable under its lease be reviewed to market by a specialist retail valuer appointed by the Small Business Commissioner, as required under s 35(7) of the *Retail Leases Act 2003*. The landlord opposed the orders sought by the tenant. It argued that the *Retail Leases Act 2003* did not apply because the lease fell within one of the exemptions set out in s 4(2) of that Act. In particular, the Act provides that a lease for a term of 15 years or longer is not a retail tenancies lease if the lease also imposes an obligation on a tenant to carry out any substantial work on the leased premises, involving the building, installation, repair or maintenance of structures, fittings, plant or equipment. The Landlord contended that the lease fell within these criteria because it was for a fixed period of 15 years. However, the terms of the lease also contained a clause that allowed the landlord to end the lease without cause at any time after the first 5 years had elapsed. The Tribunal decided that a clause which gave a landlord a right to end a lease without cause after 5 years could not, in any real sense, amount to a fixed tenure of 15 years. Accordingly, the Tribunal determined that the lease was not, in reality, a lease for a fixed term of 15 years. As such, the *Retail Leases Act 2003* applied and the lease was subject to a market review.

REAL PROPERTY LIST

The List hears a range of disputes relating to real estate, including: liability for damages caused by the taking, use or flow of water between properties; estate agent commissions; and property co-ownership disputes.

YEAR IN REVIEW

Cases

There was an increase in applications initiated of seven per cent, during the reporting period.

Flexibility

We tailor our processes to fit the claim. We refer most co-ownership disputes to mediation or compulsory conference as the first step in the proceeding to help preserve relationships and allow parties to explore alternative outcomes. ADR processes proved to be particularly successful in resolving these co-ownership disputes.

Similarly, claims under the *Water Act 1989* were also referred to mediation or compulsory conferences as an early step in the proceeding. In some cases, building consultant mediators or engineer Members convened the mediation or compulsory conference, as their expertise could be utilised in exploring possible solutions to arrest the unwanted flow of water.

In technically complex cases, we encourage experts to meet and prepare joint reports before hearing their evidence concurrently. This helps identify areas of agreement and disagreement, narrowing the disputed issues and often leading to settlement.

Efficiency

We finalised 210 proceedings this year, which is an 11 per cent increase from the previous year. The List had a clearance rate of 102 per cent.

Although our timeliness is over our target, we reduced the median timeliness of finalisations from 21 weeks to 17 weeks. The time taken to finalise co-ownership matters following VCAT orders for the sale of property impacted on timeliness, and can be attributed to sales in real estate slowing.

Intensive case management and adoption of a flexible approach to dispute resolution has proven successful in progressing large and complex matters expeditiously, with the ultimate aim to resolve the dispute without the need for a hearing. Using expert conclaves and hearing evidence concurrently shortens the hearing time for complex matters.

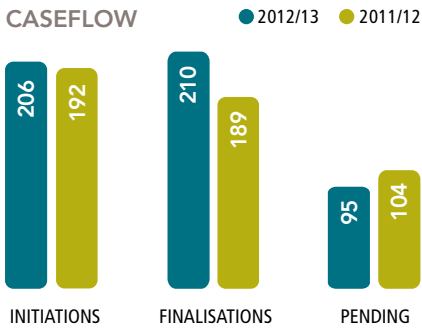
Access to Justice

Information on our website helps self-represented parties understand the various kinds of disputes heard in the List. Applications for co-ownership disputes are simplified, with no formal requirements for filing statements of claim.

We have adopted a flexible approach in hearing matters and have conducted many hearings where witnesses or parties appear remotely, either through a Tribunal audio-visual facility or by an internet connection, such as Skype. This approach has been of great assistance to parties who are located in regional areas.

THE FUTURE

The List will continue to refine the application process and increase the use of ADR. Forms will be reviewed and developed to assist parties in the process.



TIMELINESS OF FINALISED CASES (WEEKS)

	2012/13	2011/12	Target
Median	17	21	
80th Per centile	42	36	
Target			35

APPLICATIONS BY CLAIM AMOUNT

	2012/13	2011/12	Variance
< \$10,000	9	7	29%
\$10,000 – \$100,000	9	17	-47%
\$100,000 +	7	3	133%
No Value	181	165	10%
TOTAL	206	192	7%

APPLICATIONS BY ENABLING ENACTMENT

	2012/13	2011/12	Variance
<i>Property Law Act 1958</i>	119	116	3%
<i>Water Act 1989</i>	80	59	36%
Others	7	17	-59%
TOTAL CASES INITIATED	206	192	7%

CASE STUDY: TENANTS IN COMMON DISPUTE

Two unrelated parties, A and B, purchased a house as tenants in common in equal shares using money provided by A and a loan they obtained from a bank. It was agreed that most of the loan repayments would be made by B to make up for the lack of an initial contribution by her to the purchase. The property was to be occupied by A, B and C until certain limited repairs were effected and it was then to be leased out and the rentals shared between A and B in agreed proportions. The limited repair work was to be carried out at the expense of A and under the direction of C, who was the de facto partner of B and a close relative of A. The parties took possession of the property but C never completed the agreed repairs and instead embarked upon a much wider scope of work that was never finished, using money provided by A.

Following domestic violence A moved out. Thereafter the house was occupied by C and various other persons. Rental paid by these persons was paid by C to the bank, purportedly on account of A and B but the rest of the mortgage installments, which were well above her agreed proportion, continued to be paid by A.

The work done to the property by C was unfinished and poorly executed and the value of the property was not increased by it.

Upon an application by A the Tribunal ordered B to transfer her interest in the property to A since it was satisfied that B had not complied with the agreement and had made no financial contribution apart from the rental that was notionally paid on her behalf.

ADMINISTRATIVE DIVISION

LEGAL PRACTICE LIST

The List hears disciplinary charges brought against lawyers by the Legal Services Commissioner, and appeals by lawyers against Legal Services Board decisions that affect their professional status. The List also deals with some disputes between lawyers and clients about legal costs or unprofessional services.

YEAR IN REVIEW

Cases

There was an increase in applications initiated of 31 per cent, during the reporting period.

Flexibility

Each application is reviewed to determine the best approach to take. We look for opportunities to resolve non-disciplinary matters at the earliest stage possible (including at the initial directions hearing) especially claims for smaller amounts. We refer matters to compulsory conference in cases where it is considered more efficient.

Efficiency

Our timeliness improved during the reporting period and matters were finalised well within targets. We finalised 192 matters this year, an eight per cent increase from last year. The List had a clearance rate of 83 per cent.

Access to Justice

To assist regionally based parties, we commonly conducted directions hearings by telephone. We heard applications in regional centres when it suited parties and appropriate venues were available.

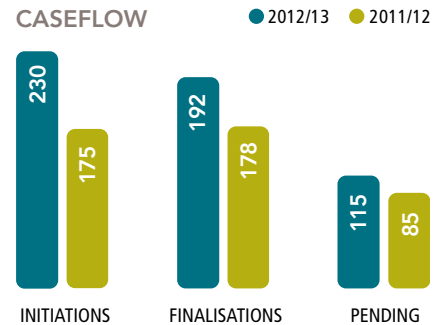
User Engagement

User Engagement Forums were held with the Office of the Legal Services Commissioner.

THE FUTURE

We will continue to refine our processes and hearing practices to ensure the most efficient use of the resources available to the List.

CASEFLOW



TIMELINESS OF FINALISED CASES (WEEKS)

	2012/13	2011/12	Target
Median	12	17	
80th Per centile	25	46	
Target			40

APPLICATIONS BY ENABLING ENACTMENT

	2012/13	2011/12	Variance
<i>Fair Trading Act 1999</i>	60	38	58%
<i>Legal Practice Act 2004</i>	166	135	23%
Others	4	2	100%
TOTAL	230	175	31%

CASE STUDY: OVER-RELIANCE ON PARTNER AND PRACTICE MANAGER

After four years as an employee solicitor, a practitioner agreed to a proposal from a more senior colleague that they establish a new firm together. The solicitor left all aspects of practice management to his more experienced partner, while he focussed exclusively on providing services to clients. The firm's financial position deteriorated without the less experienced practitioner realising. Trust deficiencies arose. The firm went into liquidation.

The practitioner also relied on the practice manager to take steps for the renewal of his practising certificate and the firm's indemnity insurance. Due to oversight, these steps were not taken. The result was that the firm operated for two and a half months while neither partner held a practising certificate. Nor did the firm hold professional indemnity insurance for a period after 1 July in the relevant year. During this time trust monies were received and paid out, as part of the conduct of the practice, when neither partner had authority to do this.

The solicitor sought permission to practise as a sole practitioner. The Law Institute of Victoria refused to grant him approval to practice as a principal on the ground that he was not a fit and proper person.

On review, the Tribunal found there was no dishonesty or misappropriation of funds. But it found the practitioner's conduct was reckless, and that he should not be allowed to practise as a principal for nine months. Additionally, any future application was dependent on him first carrying out extensive further professional development activities.

PLANNING AND ENVIRONMENT LIST

In February 2013, VCAT restructured its Lists. As a result, the Land Valuation List was merged into the Planning and Environment List. The List now reviews decisions made about planning permits, including decisions whether to grant, refuse or amend them, or to impose conditions. Planning permits are issued for land use and development proposals such as subdivisions, dwellings, commercial or retail use, advertising signage, childcare centres and aged care facilities. The List also makes enforcement orders – for example, to stop a development from proceeding – and hears and determines applications to cancel or amend permits the Tribunal has previously granted. For the purposes of this report, these types of matters are described as planning and environment applications.

As a result of the VCAT List restructure, landowners can lodge applications in the List seeking to review the valuation or classification of their land for rating or taxation purposes. The List also hears and determines disputed claims arising from the compulsory acquisition of land for public purposes, or damage to land caused by mining, under a number of different Acts. In this report these types of applications are referred to as land valuation applications.

Most of its decisions are made under the *Planning and Environment Act 1987*, but it also has jurisdiction under a range of other Acts such as the *Land Acquisition and Compensation Act 1986*, *Valuation of Land Act 1960*, *Local Government Act 1989*, *Environment Protection Act 1970* and the *Water Act 1989*.

YEAR IN REVIEW

Cases

There was an increase in land valuation applications of 30 per cent during the reporting period. Valuation matters still comprise the majority of those types of applications received.

There was a decrease in planning and environment applications of 11 per cent during the reporting period.

Residential development proposals continued to be the subject of the majority of planning and environment applications dealt with by the List, ranging in size from one or two dwellings to many hundreds of units. However, cases covered a wide variety of other matters, including retail, commercial and industrial use, development and subdivision.

Planning and environment cases are increasing in complexity due to the more complex and detailed policy framework, for example, planning strategies encourage high-density development close to activity centres which have resulted in more applications for large residential buildings in areas new to high-density living.

Flexibility

Our case management committee reviews planning and environment cases before they are listed to assess the likely issues, the most appropriate form of proceeding, the required Member expertise, the amount of time needed, and whether the case is suitable for hearing in the Short Cases List.

We continued to refer all Major Cases to mediation. Of those that did not settle, we found that the disputed issues were greatly narrowed, reducing hearing time and expense.

We refer every land valuation matter to a compulsory conference in the first instance, achieving high settlement rates. Parties can request prior directions hearings, and often find these useful for obtaining orders for document exchange.

The vast majority of valuation applications are settled in compulsory conferences. Valuer Members assist parties to resolve their differences through informal discussions based on accepted valuation methodology.

Efficiency

We finalised 4,023 matters in 2012-13, a four per cent increase in finalisations. The List had a clearance rate of 111 per cent.

Planning and environment applications involving development worth approximately \$8.62 billion were initiated in 2012–13.

On 15 February 2012, the Minister for Planning announced that the Victorian Coalition Government would commit \$1 million in funding to tackle the backlog in the List. The additional funding has enabled VCAT to reduce the number of pending cases to 1,650. This represents a decrease of 20 per cent from the previous reporting period.

Major Cases List

The Major Cases List is designed to provide a dedicated and expedited service for major development matters. On 1 June 2013 the threshold for matters to be included in the List changed. An application is now eligible to be included in the Major Cases List if:

- The development does not include a 'dwelling' (as that term is defined in the Victoria Planning Provisions), irrespective of the cost of the development
- In any other case, the estimated cost of the development is \$10 million or more

The List operates on a user-pays basis and applicants wishing to have their case included in the Major Cases List are required to pay higher application and hearing fees. Time lines are strictly applied, with the objective of finalising applications within 20 weeks.

The Major Cases List has expedited the determination of major development proposals.

Short Cases List

To expedite the hearing of shorter, less complex planning matters we continued the operation of the Short Cases List. This was introduced to handle matters that can be resolved within a two-hour hearing. In this sub-list, Members are encouraged to provide oral decisions at the conclusion of the hearing.

Hearing Room Technology

We continued to encourage parties to make use of technology to save time, reduce the need for site inspections and to better illustrate development proposals.

Access to Justice

The VCAT website provides a range of information and guidelines for users and stakeholders about different types of procedures in the List.

Our valuer-Members are particularly skilled in assisting self-represented homeowners seeking residential valuation reviews. Residential reviews are streamed separately from commercial valuation reviews, further improving timeliness for resolution of simple claims.

Parties in rural and regional areas can attend directions hearings by telephone, and we have allowed parties to appear by telephone for compulsory conferences and mediations. We are open to hearing applications in regional centres where there is a demonstrated need and if it suits all parties.

User Engagement

During the reporting period we commenced a series of forums with different sections of the planning and legal professions. The first of these forums was held on 28 May 2013 for planning officers of inner metropolitan councils. A second forum is scheduled for 24 July 2013. Subsequent forums will cater for planning officers for other metropolitan regions, legal practitioners, consultants from legal firms and referral authorities.

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 students programs; and various seminars conducted by organisations such as the Victorian Planning and Environment Law Association (VPELA).

Planning and Environment

Professional Development Committee

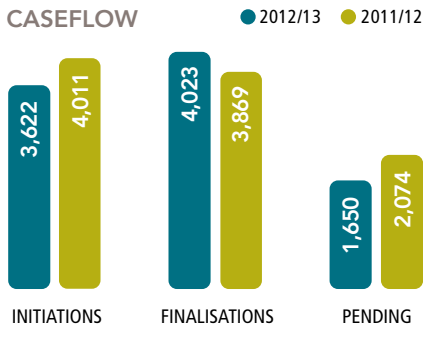
The Committee comprises Members of the Planning and Environment List and is dedicated to the professional development of List Members.

The Committee conducted twilight seminars on a diverse range of topics, including interim decisions and amendment applications; heritage; noise; conduct of hearings; note taking; and running short cases.

THE FUTURE

We will continue to refine our processes and hearing practices to ensure the most efficient use of the resources available to the List and continue to improve the quality and timeliness of our decision making.

PLANNING AND ENVIRONMENT LIST



INITIATIONS

	2012/13	2011/12	Variance
Planning and Environment	3,443	3,873	-11%
Land Valuation	179	138	30%
TOTAL	3,622	4,011	-10%

FINALISATIONS

	2012/13	2011/12	Variance
Planning and Environment	3,906	3,718	5%
Land Valuation	117	151	-23%
TOTAL	4,023	3,869	4%

PENDING

	2012/13	2011/12	Variance
Planning and Environment	1,514	1,997	-24%
Land Valuation	136	77	77%
TOTAL	1,650	2,074	-20%

CASE STUDY: COMPULSORY LAND ACQUISITION

The acquiring authority acquired 7.90 hectares of vacant grazing type land.

The land was affected by a Public Acquisition Overlay gazetted under the local planning scheme.

On 18 January 2007, the acquiring authority offered the landowner \$645,000 compensation. He received an advance on this amount. On 2 May 2007 the acquiring authority sent a second Certificate of Valuation, valuing the land at \$1,460,000 and offered the landowner the sum of \$1,460,000 less the \$645,000 already advanced. The landowner indicated he did not accept the revised offer but requested an advance of the additional \$830,000. On 21 November 2007 the landowner claimed \$2,165,774.85 total compensation. On 21 February 2008 the acquiring authority revoked the \$1,460,000 offer and offered \$657,000.

The Tribunal found it was lawful for acquiring authority to have earlier revoked the \$1,460,000 offer. The higher offer was made redundant when the acquiring authority made its final offer of \$657,000. There is nothing within the *Land Compensation and Acquisition Act 1986* that prevents the acquiring authority from revising its initial offer downwards.

The Tribunal found the 'before' value of the acquired land should be on a 'rural use' basis and preferred the valuation by the acquiring authority's valuer. The Tribunal rejected the landowner's assessment that the highest and best use of the land was as a 'freeway service centre'. The site was limited for the purposes of a 'freeway service centre' in that it was located on a corner and its frontage to the freeway is too short to enable normal entry and exit ramps on and off the freeway. The 'freeway service centre' guidelines within the planning scheme suggest a 50km separation. A permit had already been granted for a 'freeway service centre' 5km away.

The Tribunal concluded the landowner must repay the acquiring authority \$845,000; the acquiring authority must pay the landowner \$25,000 solatium and no loss was found attributable to disturbance.

BREAKDOWN OF CASE FLOW BY PREVIOUS LIST CATEGORIES

PLANNING AND ENVIRONMENT APPLICATIONS

CASEFLOW

	2012/13	2011/12	Variance
Initiations	3,443	3,873	-11%
Finalisations	3,906	3,718	5%
Pending	1,514	1,997	-24%
Clearance Rate	113%	96%	

TIMELINESS OF FINALISED CASES (WEEKS)

	2012/13	2011/12	Target
Median	26	22	
80th Per centile	41	34	
Target			26

APPLICATIONS BY ENABLING ENACTMENT

	2012/13	2011/12	Target
<i>Environment Protection Act 1970</i>	11	13	-15%
<i>Local Government Act 1989</i>	13	15	-13%
<i>Planning and Environment Act 1987</i>	3,406	3,832	-11%
<i>Water Act 1989</i>	4	8	-50%
Others	9	5	80%
TOTAL	3,443	3,873	-11%

LAND VALUATION APPLICATIONS

CASEFLOW

	2012/13	2011/12	Variance
Initiations	179	138	30%
Finalisations	117	151	-23%
Pending	136	77	77%
Clearance Rate	65%	109%	

TIMELINESS OF FINALISED CASES (WEEKS)

	2012/13	2011/12	Target
Median	36	25	
80th Per centile	61	48	
Target			40

APPLICATIONS BY ENABLING ENACTMENT

	2012/13	2011/12	Variance
<i>Land Acquisition and Compensation Act 1986</i>	25	25	0%
<i>Local Government Act 1989</i>	1	8	-88%
<i>Valuation of Land Act 1960</i>	152	104	46%
Others	1	1	0%
TOTAL	179	138	30%

PLANNING AND ENVIRONMENT LIST

APPLICATIONS BY TYPE

	2012/13	2011/12	Variance
Major Cases List	202	97	108%
Standard Claims	2,983	3,260	-8%
Short Case List	258	516	-50%
TOTAL	3,443	3,873	-11%

APPLICATIONS BY CLAIM AMOUNT

	2012/13	2011/12	Variance
<\$10,000	516	453	14%
\$10,000 – \$100,000	105	117	-10%
\$100,000 – \$1m	857	1,122	-24%
\$1m – \$5m	379	414	-8%
\$5m – \$20m	228	240	-5%
\$20m +	88	69	28%
No value	1,270	1,458	-13%
TOTAL	3,443	3,873	-11%
APPROXIMATE TOTAL VALUE (\$billion)	\$8.62	\$6.39	

TOP 20 COUNCILS

Applications by Council area	2012/13	2011/12	Variance
Yarra City Council	229	197	16%
Boroondara City Council	184	198	-7%
Port Phillip City Council	160	197	-19%
Glen Eira City Council	150	166	-10%
Bayside City Council	145	135	7%
Stonnington City Council	137	202	-32%
Moreland City Council	126	143	-12%
Darebin City Council	120	128	-6%
Mornington Peninsula Shire Council	119	173	-31%
Banyule City Council	110	147	-25%
Monash City Council	107	111	-4%
Yarra Ranges Shire Council	101	119	-15%
Casey City Council	96	119	-19%
Melbourne City Council	88	72	22%
Hobsons Bay City Council	85	117	-27%
Greater Geelong City Council	79	83	-5%
Moonee Valley City Council	77	107	-28%
Greater Dandenong City Council	76	81	-6%
Kingston City Council	75	77	-3%
Whitehorse City Council	71	81	-12%

TOP 20 SUBURBS

Applications by Suburb	2012/13	2011/12	Variance
Richmond	67	67	0%
Brighton	45	47	-4%
Williamstown	44	49	-10%
St Kilda	43	30	43%
Fitzroy	37	25	48%
Brunswick	35	45	-22%
South Yarra	34	50	-32%
Hawthorn	33	33	0%
Reservoir	33	18	83%
South Melbourne	32	34	-6%
Elwood	31	33	-6%
Bentleigh East	29	22	32%
Melbourne	29	18	61%
Camberwell	27	35	-23%
Collingwood	26	18	44%
Kew	26	30	-13%
Coburg	25	19	32%
Mount Waverley	25	32	-22%
Port Melbourne	25	39	-36%
Frankston	23	26	-12%

CASE STUDY: BALANCING HERITAGE AND URBAN DESIGN

The Tribunal considered an application for significant extensions and alterations to the John Fawcner Hospital. Part of the hospital is affected by a restrictive covenant. A legally qualified member of the Tribunal determined that the grant of a permit for the hospital extensions would contravene the restrictive covenant, and a permit could not therefore be granted. The Tribunal proceeded to make detailed findings on the substantive merits of the application, and concluded that, had it not been for the interpretation of the covenant, it would have directed that a permit be granted. There are a number of mechanisms available to the permit applicant to remove or amend the covenant. The Tribunal provided detailed reasons because it was thought they maybe useful in any subsequent proceedings about the merits of this proposal.

The Tribunal's findings on the planning merits include an extensive analysis of the policy framework as it applies to the provision of health care facilities and social infrastructure generally. Relevant heritage, urban design, character, and residential amenity policies are also considered. The Tribunal also provides a discussion on the integration and balancing of policies relevant to the issues to be determined in favour of net community benefit and sustainable development.

REVIEW AND REGULATION LIST

The List was created in February 2013 and merged the General, Occupational and Business Regulation and Taxation Lists. It has both original and review jurisdiction. Original jurisdiction involves the conduct of disciplinary proceedings relating to a number of occupational groups. Review jurisdiction involves applications for review of government decisions, including Freedom of Information (FOI) decisions, and decisions made by the Transport Accident Commission (TAC) and the Victims of Crime Assistance Tribunal.

The List also has jurisdiction to carry out merits reviews of the Commissioner of State Revenue's taxation assessments. State levies and taxes are paid under a number of Victorian taxing Acts, for example, the *Land Tax Act 2005*, *Payroll Tax Act 1971* and the *First Home Owner Grant Act 2000*.

YEAR IN REVIEW

Cases

Encompassing the three previous Lists (General, Occupational and Business Regulation and Taxation), there was an increase in applications initiated of five per cent, during the reporting period.

Flexibility

We continued to actively encourage the use of alternative dispute resolution (compulsory conferences) in the List. Compulsory conferences provide an opportunity for parties to fully engage with each other about the issues in dispute to narrow the issues and in many instances reach a resolution to the dispute. This results in hearing times being reduced, parties working together to resolve problems and non-party witnesses are saved the inconvenience of having to attend Tribunal hearings.

Case management strategies were also used with the aim of hearing restricted breed dog applications approximately eight weeks after the application was received.

Efficiency

There were 1,492 matters finalised this year, a slight decrease in finalisations from last year. This resulted in a slight increase in the number of cases pending compared to the previous year. The List had a clearance rate of 95 per cent.

The List continued to use robust case management processes to ensure that cases are finalised as soon as possible with fairness to parties.

To minimise cost and time for parties attending directions hearings, we continued to encourage the use of consent orders and telephone directions hearings. Parties were required to attend directions hearings to address reasons for proposed delays in particular cases.

We streamlined our processes in TAC matters to reduce the number of hearings required and no longer require Tribunal books to be filed unless the matter proceeds to a final hearing.

Access to Justice

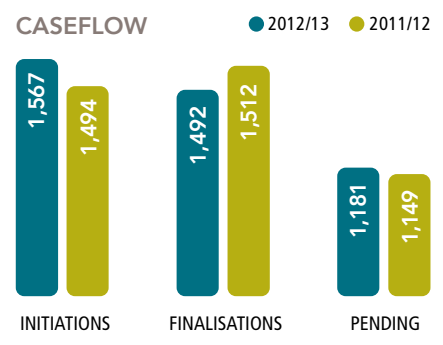
Most applications are heard in Melbourne, where the majority of relevant bodies and practitioners are located. We hear matters in regional Victoria when it suits the parties and appropriate venues are available.

The directions hearing process alerts Tribunal Members to self-represented parties early in the proceeding and provides an opportunity to give them guidance about Tribunal processes.

User Engagement

We continued to liaise with our major stakeholder and users, including the TAC user group.

CASEFLOW



THE FUTURE

The future focus will be on improving internal Registry processes. As a next step VCAT is planning to explore systems concerning applications to review decisions of the Transport Accident Commission and we will consult with stakeholders. The consultation process will also include investigating various document management systems.

We envisage that the system will deliver:

- Internal productivity benefits including electronic case files
- More efficient communication with external parties including receiving requests and notifications via email of the Tribunal's interim and final orders

From 1 July 2013, a small part of the Building Appeals Board's jurisdiction will be transferred to VCAT. These will be applications for review of certain decisions of the Building Practitioners Board (BPB).

BREAKDOWN OF CASE FLOW BY PREVIOUS LIST CATEGORIES

INITIATIONS

	2012/13	2011/12	Variance
General	1,185	1,145	3%
Occupational and Business Regulation	293	267	10%
Taxation	89	82	9%
TOTAL	1,567	1,494	5%

FINALISATIONS

	2012/13	2011/12	Variance
General	1,138	1,148	-1%
Occupational and Business Regulation	281	261	8%
Taxation	73	103	-29%
TOTAL	1,492	1,512	-1%

PENDING

	2012/13	2011/12	Variance
General	997	970	3%
Occupational and Business Regulation	129	130	-1%
Taxation	55	49	12%
TOTAL	1,181	1,149	3%

APPLICATIONS BY ENABLING ENACTMENT (PREVIOUSLY ALLOCATED TO THE GENERAL LIST)

	2012/13	2011/12	Variance
<i>Domestic Animals Act 1994</i>	30	43	-30%
<i>Freedom of Information Act 1982</i>	204	182	12%
<i>Transport Accident Act 1986</i>	845	813	4%
<i>Victims of Crime Assistance Act 1996</i>	35	33	6%
Others	71	74	-4%
TOTAL	1,185	1,145	3%

APPLICATIONS BY ENABLING ENACTMENT (PREVIOUSLY ALLOCATED TO THE OCCUPATIONAL AND BUSINESS REGULATION LIST)

	2012/13	2011/12	Variance
<i>Health Practitioner Regulation National Law (Victoria) Act 2009</i>	41	42	-2%
<i>Health Professions Registration Act 2005</i>	17	4	325%
<i>Liquor Control Reform Act 1998</i>	2	27	-93%
<i>Racing Act 1958</i>	20	24	-17%
<i>Working with Children Act 2005</i>	35	39	-10%
Others	178	131	36%
TOTAL	293	267	10%

APPLICATIONS BY ENABLING ENACTMENT (PREVIOUSLY ALLOCATED TO THE TAXATION LIST)

	2012/13	2011/12	Variance
<i>Duties Act 2000</i>	5	3	67%
<i>First Home Owner Grant Act 2000</i>	13	14	-7%
<i>Land Tax Act 1958</i>	21	31	-32%
<i>Taxation Administration Act 1997</i>	49	30	63%
Others	1	4	-75%
TOTAL	89	82	9%

CASE STUDY: FRAUDULENTLY OBTAINED REGISTRATION

Shortly after immigrating to Australia, X obtained registration as a psychologist in New South Wales. Shortly thereafter, X successfully applied for registration in Victoria. His degrees and references were impressive.

In due course suspicions arose about X and the Board became concerned that the degrees upon which X obtained his registration were forgeries.

The matter came before the Tribunal.

The Tribunal examined evidence obtained from overseas witnesses including the Head of Student Services from the relevant University. It became apparent that X's name did not appear in any of the University records. Multiple anomalies were identified in the purported degrees, which also made them less likely to be University issued documents. His referees were no longer alive.

X denied that his degrees or references were forgeries and argued that his registration should not be cancelled. He gave evidence that he was a member of the police and secret services in his homeland and it was for this reason that his records were not publicly available and that he had received multiple exemptions. He criticised the University witness and alleged she was herself under investigation for corruption. He provided no evidence in support of his contentions.

X was unable, to give the name(s) of his thesis (until looking in the materials); or to say whether handwriting on documents did or did not belong to him. He made sweeping references to the secret services and their impact on his ability to answer questions.

Ultimately, the Tribunal was persuaded that the documentation provided by X was forged. The degrees, when placed under scrutiny, showed significant errors distinguishing them from genuine degrees. It was proven that X had never been an enrolled student at University, let alone in psychology.

The Tribunal found that X's registration was obtained irregularly or fraudulently and cancelled his registration.

HUMAN RIGHTS DIVISION

GUARDIANSHIP LIST

The List makes protective orders under the *Guardianship and Administration Act 1986* and other legislation. The most common – guardianship and administration orders – involve appointing substitute decision-makers where there is a need to do so and when it is in the best interests of cognitively impaired adults.

The List also makes orders about enduring powers of attorney (including those for medical treatment) and enduring powers of guardianship. The List's jurisdiction under the *Disability Act 2006*, including power to make orders for the compulsory treatment of intellectually disabled persons who pose a significant risk of seriously harming others, was reassigned to the Human Rights List during the reporting period.

YEAR IN REVIEW

During the reporting period, we introduced major changes to the way private administrators lodge their annual accounts with VCAT. An online process for administrators to lodge annual Accounts by Administrators (ABAs) was developed. This initiative was highly successful, with 60 per cent of administrators lodging their accounts online. Features of the online form include:

- It can be accessed and completed using a smart phone or tablet
- Fields, such as bank account details, are pre-populated throughout the form, which means users only have to enter some information once
- Many calculations on the form are completed automatically, for example, total expenses and balances of all bank accounts
- The online ABA contains help icons and prompts to alert users if mandatory information is missing, along with tips to explain what needs to be entered into fields
- The online system helps by checking for mistakes and missing information
- Forms can be completed and lodged at anytime – 24 hours a day seven days a week

We also introduced an online lodgement system and BPay/Secure Pay facilities to assist with the payment and collection of annual administrator fees.

Cases

There was no variance in applications during the reporting period. Reassessments of administration orders again comprise the majority of our workload. This is because administration orders must be reassessed every three years.

Flexibility

To facilitate participation by represented persons in hearings, we try to schedule hearings close to where the person resides. This is because in many cases the mobility of represented persons is significantly limited.

We conduct hearings 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 and this year commenced discussion with St. Vincent's Hospital about conducting hearings on site on a regular basis.

We referred matters to mediation or compulsory conference at an early stage, achieving significant success in terms of party satisfaction and reduced hearing times. Although presiding Members must make final orders, in appropriate cases ADR offers families the best opportunity to resolve their issues amicably. In a significant number of cases, following ADR, parties have withdrawn their applications without VCAT needing to make orders appointing administrators or guardians, or orders about enduring powers of attorney.

Efficiency

The List continued to meet its targets for the timely finalisation of cases. The List had a clearance rate of 109 per cent.

We continued the use of 'VCAT in a Box'; an information technology resource that allows Members to access the Order Entry System remotely. Members are able to produce and sign written orders whenever and wherever they are sitting, which can then be handed direct to parties. This benefits parties requiring urgent orders outside business hours or where access to VCAT is difficult.

Access to Justice

To support the introduction of the new online ABA form, we scheduled a number of workshops in September 2012. At the workshops, staff were available to help private administrators through the ABA process, including how to lodge the form, and to answer any questions. An information session was also held in September 2012. At the session, a Tribunal Member provided an overview of the ABA process and what information was required in the ABA form.

During the reporting period, we commenced a review of our online 'Smart' forms and accompanying guides. The use of seven different application forms has proved problematic. We are considering a reduction in the number of forms and making them easier to follow and understand. This project will gain impetus during the next reporting period.

In metropolitan Melbourne, we sit at the Berwick Justice Centre and the Bundoora Extended Care Centre (Northern Health). We conduct regular sittings at the Royal Melbourne Hospital, Wantirna Health, Caulfield Hospital and the Kingston Centre in Cheltenham. We also sit one day a week at the Hume Global Learning Centre in Broadmeadows. This has increased opportunities for represented persons to participate in hearings and decision-making that affects them. To improve accountability, we use portable digital recording kits to record more hearings at these venues.

We continue to conduct regular local and regional information sessions for newly appointed guardians and administrators. We have changed the focus of these sessions, so that rather than simply being a question and answer session, they are more structured, covering a range of matters newly appointed administrators need to be familiar with. From these sessions we have developed a two-page advice sheet for administrators.

User Engagement

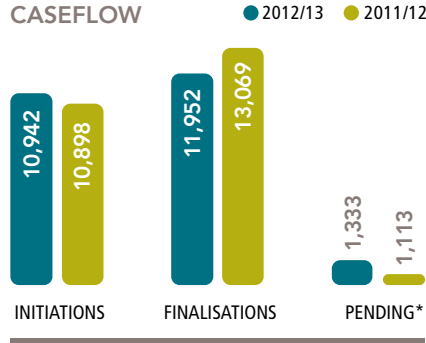
Our user group, comprising of professional administrators (e.g. State Trustees Limited, FTL Judge & Papaleo Pty Ltd, Equity Trustees Limited etc), legal firms, advice organisations, and representatives from the Office of the Public Advocate, met in February 2013.

We partner with the Office of the Public Advocate and State Trustees Limited to conduct regular metropolitan and regional information sessions for health care and other professionals who work with cognitively impaired people. We continue to host medical and social work students who, as part of their training, observe hearings and discuss with Members the procedures and law relating to the determination of guardianship and administration applications.

THE FUTURE

We expect the demands on the List will grow in the future as a natural result of an ageing population and the increasing proportion, within that population, of persons with cognitive impairment. Our aim continues to be to respond to applications regarding persons with a disability in the most timely way and to conduct hearings at the most suitable venue.

CASEFLOW



* Quarterly re-assessments

The online ABA process introduced during the reporting period was evaluated. Through direct feedback and consultation with private administrators, professional agencies and staff, the List will make a number of significant enhancements to the online lodgement to make the 2013-14 process easier. The enhancements include:

- Improved help icons and prompts
- Improved capability to enter free text information to provide further explanation
- Administrators can now save and print a copy of the ABA and supporting attachments once it has been submitted to VCAT
- ABA can be saved at any stage prior to submission and returned to at a later time

Dedicated VCAT ABA staff will again conduct public workshops during September 2013. Administrators are encouraged to attend these sessions for assistance in lodging the ABA.

TIMELINESS OF FINALISED CASES (WEEKS)

	2012/13	2011/12	Target
Median	4	5	
80th Per centile	9	13	
Target			13

APPLICATIONS BY CLAIM TYPE

	2012/13	2011/12	Variance
Administration order	1,511	1,401	8%
Guardianship order	1,831	2,248	-19%
Reassessment of administration order	6,354	5,951	7%
Reassessment of guardianship order	934	908	3%
Others	312	390	-20%
TOTAL	10,942	10,898	0%

APPLICATIONS BY ENABLING ENACTMENT

	2012/13	2011/12	Variance
Disability Act 2006	41	73	-44%
Guardianship and Administration Act 1986	10,830	10,761	1%
Victorian Civil and Administrative Tribunal Act 1998	30	36	-17%
Others	41	28	46%
TOTAL	10,942	10,898	0%

APPLICATIONS BY CASE TYPE

	2012/13	2011/12	Variance
Originating applications	2,748	2,944	-7%
Re-assessment applications	8,194	7,954	3%
TOTAL	10,942	10,898	0%

CASE STUDY: LIMITED ADMINISTRATION ORDER

Ben is a young man with an intellectual disability. He receives a disability support pension. He lives in a community house, is outgoing and generous to his friends. With assistance, he manages his pension and keeps his bills under control. His parents recently died and as an only child, Ben will inherit significant funds.

His case manager was concerned that he may be taken advantage of and made an application to VCAT for the appointment of an administrator for him. Ben did not oppose the application.

VCAT considered the application carefully and appointed an administrator limited to management only of the inheritance. This meant that Ben could still manage his own pension, and that the inherited funds could not be accessed without the oversight of the administrator. In all Ben's circumstances this order was the least restrictive and in his best interests.

HUMAN RIGHTS LIST

The List was created in February 2013 and merged the Anti-Discrimination, Health and Privacy and Mental Health Lists. It has both original and review jurisdiction. The List hears and determines complaints referred to it by the Health Services Commissioner under the *Health Records Act 2001*, and by the Privacy Commissioner under the *Information Privacy Act 2000*. The List also hears and determines appeals against decisions of the Mental Health Review Board, made under the *Mental Health Act 1986*, about applicants' involuntary treatment.

The List also hears applications under the *Equal Opportunity Act 2010*. Under that Act a person can apply direct to VCAT for resolution of their discrimination claim or they can lodge a dispute with the Victorian Equal Opportunity and Human Rights Commission (VEOHRC).

The List also hears applications for exemptions from the *Equal Opportunity Act 2010*, for example, if an applicant needs to discriminate between persons to achieve a just outcome overall.

Occasionally, the List hears applications to strike out frivolous or vexatious complaints, and applications for interim orders to prevent parties from acting prejudicially to complaint outcomes.

Sections of the *Disability Act 2006*, including power to make orders for the compulsory treatment of intellectually disabled persons who pose a significant risk of seriously harming others, previously allocated to the Guardianship were re-allocated to the List during the reporting period.

YEAR IN REVIEW

Cases

Encompassing the three previous Lists (Anti-Discrimination, Health and Privacy and Mental Health), there was a decrease in applications initiated of 14 per cent, during the reporting period.

We received two applications under the *Assisted Reproductive Treatment Act 2008*. These applications were complex, taking longer to resolve than other types of matters in the List.

Flexibility

Given the nature of the applications, we aim to resolve cases quickly and with sensitivity. We assessed privacy matters for their suitability for ADR and wherever possible referred them to mediation, where they commonly settled.

The List continued to build on its success in ADR, achieving a high settlement rate. Instead of routinely listing matters for directions hearings to decide the approach, each application is now carefully reviewed to determine the best first step. This has resulted in some cases being referred straight to mediation or compulsory conference. We have found that the earlier the ADR, the more likely the parties' relationship is preserved, and costs are minimised.

We are more actively matching the type of hearing and the Member to the nature of the dispute so that parties can have their disputes resolved in a manner appropriate to the scale and nature of the dispute.

We are actively case managing applications at an early stage, telephoning parties to identify the most appropriate hearing process, for example, listing the application for a compulsory conference or a directions hearing.

Efficiency

The List continued to meet its targets for the timely finalisation of cases, and indeed improved its performance over the previous year.

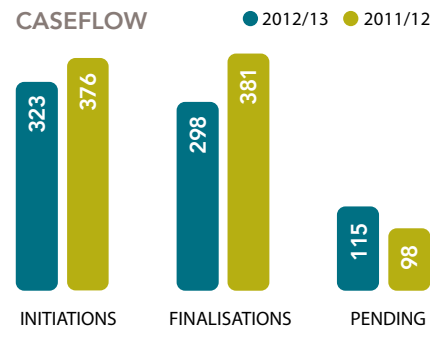
We finalised 298 matters in 2012-13. The List had a clearance rate of 92 per cent.

Access to Justice

Most applications to the List are free of charge. When it suits parties, we conduct mediations and hearings in regional areas. VCAT's website contains information to help unrepresented parties understand the List's applications and hearing processes.

We launched a new guide to assist parties in completing a VCAT Form 2 – Exemption Application (*Equal Opportunity Act 2010*) and it is available for download from our website.

CASEFLOW



In 2012-13 we took greater advantage of our access to the specialist Anti-Discrimination Duty Lawyer Service. Duty lawyers from Victoria Legal Aid attend directions hearings every Monday and provide self-represented applicants with advice.

User Engagement

Our anti-discrimination user group comprises representatives from the Department of Justice, the VEOHRC, and legal practitioners who work in the area of discrimination law, including Victoria Legal Aid. Regular meetings were held throughout the year with our user group and other stakeholders focusing on changes under the *Equal Opportunity Act 2010*.

We have regular meetings with the Mental Health Review Board, focusing on improvements to case management processes, which helps us to operate more efficiently. The Board and Mental Health Legal Centre undertake community education about rights and legal issues relating to mental health.

THE FUTURE

The List will continue to increase the use of ADR and to consider ways to further improve accessibility for self-represented parties.

BREAKDOWN OF CASEFLOW BY PREVIOUS LIST CATEGORIES

INITIATIONS

	2012/13	2011/12	Variance
Anti Discrimination	264	316	-16%
Health and Privacy	40	37	8%
Mental Health	19	23	-17%
TOTAL	323	376	-14%

FINALISATIONS

	2012/13	2011/12	Variance
Anti Discrimination	237	328	-28%
Health and Privacy	39	32	22%
Mental Health	22	21	5%
TOTAL	298	381	-22%

PENDING

	2012/13	2011/12	Variance
Anti Discrimination	94	75	25%
Health and Privacy	17	16	6%
Mental Health	4	7	-43%
TOTAL	115	98	17%

APPLICATIONS BY ENABLING ENACTMENT (PREVIOUSLY ALLOCATED TO THE ANTI-DISCRIMINATION LIST)

	2012/13	2011/12	Variance
<i>Equal Opportunity Act 2010</i>	250	200	25%
<i>Equal Opportunity Act 1995</i>	9	116	-92%
Others	5	-	0%
TOTAL	264	316	-16%

APPLICATIONS BY ENABLING ENACTMENT (PREVIOUSLY ALLOCATED TO THE HEALTH AND PRIVACY LIST)

	2012/13	2011/12	Variance
<i>Assisted Reproductive Treatment Act 2008</i>	2	-	0%
<i>Health Records Act 2001</i>	15	18	-17%
<i>Information Privacy Act 2000</i>	23	18	28%
<i>Public Health and Wellbeing Act 2008</i>	-	1	0%
TOTAL	40	37	8%

APPLICATIONS BY ENABLING ENACTMENT (PREVIOUSLY ALLOCATED TO THE MENTAL HEALTH LIST)

	2012/13	2011/12	Variance
<i>Mental Health Act 1986</i>	19	23	-17%
TOTAL	19	23	-17%

CASE STUDY: DIRECT DISCRIMINATION IN THE AREA OF ACCOMMODATION

Mr A applied to the Tribunal saying that he had been discriminated against on the grounds of his status as a parent. He said that he and his wife had decided to have a holiday, and made enquiries about staying at a particular caravan park. They were told that a site would be available for the period during which they wished to have their holiday. Mr A and wife drove to the caravan park to pay the deposit, and met with the caravan park owner and manager. The conversation ended with no booking being made, and Mr A and his wife driving away upset and angry.

Mr A said that the caravan park owner refused the holiday booking because Mr A explained that he intended to bring his two teenaged sons.

The caravan park owner denied that he had discriminated against Mr A. He said that when Mr A visited the caravan park it became clear that the park was unsuitable for Mr A's family's needs, particularly because he intended to bring a boat and a number of vehicles.

The Tribunal was satisfied the substantial reason for the respondent's refusal to provide accommodation to Mr A was that he intended to bring his teenaged sons on the holiday. The Tribunal found that this was direct discrimination against Mr A on the grounds of parental status in the area of accommodation. The Tribunal ordered that the caravan park owner pay Mr A some compensation.

ORGANISATIONAL SUPPORT AND DEVELOPMENT

By working together throughout the year, VCAT's committees and groups have continued to improve the way VCAT works.

GOVERNANCE

APPOINTING MEMBERS

Consistent with the VCAT Act, the President of VCAT is a Supreme Court Judge, and Vice-Presidents are Judges of the County Court. The Attorney-General recommends these judicial appointments to the Governor-in-Council, after consulting with the Chief Justice and Chief Judge.

Deputy Presidents, Senior Members, full-time, part-time and sessional Members of VCAT are also appointed by the Governor-in-Council.

Both judicial and non-judicial Members hold five-year terms and are eligible for re-appointment. They may resign their office by delivering a signed letter of resignation to the Governor.

MEMBER PROFILE

VCAT's membership consists of judicial and non-judicial Members, with judicial Members including the President and Vice-Presidents.

Our Members include legal practitioners and other professionals with specialised knowledge or expertise, such as town planners, engineers, architects, medical and allied health practitioners, accountants, land valuers and real estate agents. VCAT functions efficiently and effectively, due to the contributions of these diverse Members, many of whom are qualified to sit on a number of our Lists. In turn, Members gain career flexibility, satisfaction and development, from working in a variety of jurisdictions.

DIRECTING VCAT

The President directs the business of the Tribunal and is responsible for management of its administrative affairs.

The Chief Executive Officer exercises responsibilities under the *Public Administration Act 2004* and the *Financial Management Act 1994* (under delegation from the Secretary).

RULES COMMITTEE

In accordance with Part 6 of the VCAT Act, the Rules Committee is comprised of VCAT's judicial Members, 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 persons nominated by the Attorney-General.

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

- Developing rules of practice and procedure, and practice notes
- Directing the education of VCAT Members in relation to those rules of practice and procedure, and practice notes
- Establishing the Divisions and Lists
- Allocating functions of the Tribunal under enabling enactments to Divisions and Lists

RULES COMMITTEE MEMBERSHIP

As at 30 June 2013, members of the Rules Committee were:

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

Justice Garde AO RFD 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 Queen's Counsel, having been appointed in 1989. Justice Garde signed the Victorian Bar roll in 1974. He was also appointed Queen's 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 Victorian Chapter of the Council of Australasian Tribunals. Justice Garde was appointed President of VCAT on 1 June 2012.

Tribunal Vice Presidents

Under section 152(1)(b) of the VCAT Act, each of the Tribunal's fifteen Vice Presidents is a member 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 2013, Vice President Macnamara and Vice President Jenkins were allocated to sit at VCAT.

His Honour Judge Michael Macnamara, BA (Hons) LLB (Hons)

Judge Macnamara was appointed a Judge of the County Court and Vice President of VCAT on 7 February 2012. Prior to his elevation to the bench, his Honour served as a Deputy President of the Tribunal (having been appointed as such on its establishment on 1 July 1998) and as a Rules Committee member appointed on 24 July 2007. Before the establishment of the Tribunal, his Honour served as a Deputy President within the Administrative Appeals Tribunal (Victoria) from his initial appointment in 1994.

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 input 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

Senior Member Baird sits in 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

Member 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 as Associate General Editor of the Victorian Planning Reports. He was appointed to the Committee on 24 July 2007.

RULES COMMITTEE ACTIVITIES AND MEETINGS

The Rules Committee is responsible for updating and amending the *Victorian Civil and Administrative Tribunal Rules 2008* (Rules) and the Tribunal's practice notes, to implement and incorporate procedural changes as well as additions to the Tribunal's jurisdiction. During the 2012-13 financial year, the Committee met on six occasions: 13 November 2012, 13 December 2012, 11 February 2013, 11 April 2013, 14 May 2013 and 19 June 2013.

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. The Committee must ensure that accurate minutes are kept of its meetings, but otherwise it regulates its own proceedings.

VCAT RULES

On 13 November 2012, the Rules Committee approved a general update to the Rules, to reflect changes to the Tribunal's practice and jurisdiction. The changes included:

- Update of Rule 2.03 to move the Legal Practice List to the Administrative Division and to remove the Credit List

- Replacement of the word “must” with the word “may” in Rule 2.07, so as to remove the administrative requirements of having Members allocated to Lists when they are no longer active Members of the Tribunal
- Revocation of Rule 5.03(1), which related solely to the Credit List
- Revocation of Part 3 of Order 6, which related solely to the Credit List
- Creation of a new Order 7 containing what used to be Parts 1 and 5 of Order 6, so that Orders 5, 6 and 7 now each relate to a different one of the Tribunal’s Divisions

The Rules were also generally updated to reflect changes to the names of enabling enactments and to remove from Schedule 1 all repealed enabling enactments, as well as those under which the Tribunal no longer had jurisdiction.

At its meeting on 13 December 2012, the Rules Committee considered and approved the following changes to the Rules:

- Introduction of a new Order 8, which would implement changes required under the *Trans-Tasman Proceedings Act 2010* (Cth)
- Implementation of a new List structure, effecting the following changes:
 - > The Occupational and Business Regulation, General and Taxation Lists would be merged to form a new Review and Regulation List
 - > The Health and Privacy, Anti-Discrimination and Mental Health Lists would be merged to form a new Human Rights List
 - > The Land Valuation List would be incorporated into the existing Planning and Environment List
- Insertion of a new Rule 6.30A, as well as a new Form 10A, in order to implement requirements under section 85B of the Disability Act 2006
- Insertion of a new Rule 4.27, which outlines the procedures relating to time limits within the Tribunal
- Revocation of Rule 5.07, which was no longer considered reflective of the Tribunal’s practice

On 11 April 2013, the Rules Committee met and considered the *Victorian Civil and Administrative Tribunal (Amendment No. 5) Rules 2013*, which made the following changes to the VCAT Rules:

- Inserted a new Rule 2.04A, creating the role of a Deputy Head of List with a similar substantive description to that of a Head of List
- Inserted Rules 2.07(5)-(7) in relation to the revocation and expiry of a Member’s appointment to a particular List
- Inserted Rule 4.17(ab), which allows for the authentication of orders by the affixation of a Member’s electronic signature by or on behalf of the Principal Registrar, with the Member’s permission, and having the Tribunal’s seal affixed electronically

At the 11 April 2013 meeting, the Rules Committee approved and made the Amendment No. 5 Rules, as well as endorsing the following amendments to the VCAT Rules:

- Insertion of a new Rule 1.07 to clarify that, in circumstances where the Tribunal makes an order for costs without specifying the scale on which those costs will be calculated, the applicable scale will be the County Court Scale of Costs
- Insertion of a new Rule 4.28 providing for proceedings to be commenced by or against a firm in circumstances where two or more people carry on business as partners in the firm name within the State of Victoria
- Insertion of a new Rule 4.29 providing for service on firms that are made parties to disputes under Rule 4.28
- Insertion of a new Rule 6.23(2) stating that supporting documents relating to applications that are lodged online in accordance with Rules 6.25 or 6.28 must be served on the respondent(s) to the matter at the time of service of the application

At the meeting of the Rules Committee on 19 June 2013, an amendment to the VCAT Rules was endorsed by the Committee to provide for the expansion of the procedure in relation to applications under section 120 of the VCAT Act. This procedure is currently applicable only in the Civil Claims List, and was approved to apply to all other Lists in the Tribunal other than the Residential Tenancies List.

PRACTICE NOTES

At its meeting on 13 November 2012, the Rules Committee approved updates and amendments to a number of different practice notes, as outlined below:

- PNVCAT1:
 - > Removal of timelines that are inappropriate in relation to particular kinds of matters
 - > Specific provision for representation in planning matters
 - > Amendment of clauses to allow for the possible introduction of Tribunal-wide hearing fees
- PNVCAT3 – General updates to terminology to reflect current practice
- PNVCAT4 – Removal of the requirement that parties to ADR sign a confidentiality undertaking
- PNPE2:
 - > Re-written to streamline the process of providing information to the Tribunal
 - > All information to be provided is now set out in the tables attached to the practice note, which can be updated/amended without Rules Committee approval
 - > Includes processes relating to jurisdiction under legislation that was not previously covered by the practice note
- PNPE8:
 - > Removal of references to the pilot now that the Major Cases List has been established as a sub-List
 - > Expanded definition of ‘estimated cost of development’ to address concerns relating to developments that have no monetary value

- > Timelines for handing down decisions brought into line with Tribunal-wide timelines, while maintaining reduced timelines for all other steps in the proceeding
- > Introduced a requirement for additional information to be provided up front, to encourage parties to consider outcomes at the beginning of proceedings

The practice notes commenced on 1 January 2013.

On 11 February 2013, the Rules Committee approved a number of amendments to practice notes, required as part of the restructure of the Tribunal's Lists, as well as in anticipation of the *Victorian Civil and Administrative Tribunal (Fees) Regulations 2013* (Fee Regulations):

- Practice notes PNLV1, PNOBR1, PNG3, PNG4 and PNG5 were revoked
- PNPE1 was amended to reflect the addition of gaming, land valuation and compensation matters into the Planning and Environment List
- PNPE2 had a definition of 'planning enactment' inserted to distinguish between procedures applying to planning matters as opposed to those that were introduced into the Planning and Environment List as part of the List restructure
- A new practice note PNPE5 was approved, largely reproducing PNLV1 with minor changes to reflect the fact that these matters are now being heard in the Planning and Environment List
- A new practice note PNRR1 was approved to effectively reproduce PNG4, while incorporating updates that were flagged as desirable through consultation as well as those required to reflect the new List structure
- PNVCAT1 was updated to include a reference to the Fee Regulations
- PNPE8 was amended to remove the monetary threshold for non-residential matters in the Major Cases List, as well as to include sections 33, 33A and 33B of the *Environment Protection Act 1970*

Those practice notes that were updated as part of the List restructure commenced on 15 February 2013, to coincide with the commencement of the Rules amendments that implemented the restructure itself. PNVCAT1 and PNPE8 commenced on 1 June 2013, which coincided with the commencement of the Fee Regulations.

At the Rules Committee meeting on 14 May 2013, the Committee endorsed some further amendments to practice notes that were consequential upon the making of the new Fee Regulations:

- A new practice note PNVCAT6 was introduced to outline important procedures relating to the payment of hearing fees across all Lists within the Tribunal
- PNVCAT1 was amended so as to remove the section on hearing fees, given the introduction of PNVCAT6
- PNPE8 was amended to refer to PNVCAT6 in relation to the payment of hearing fees, rather than PNVCAT1

The practice notes commenced on 1 June 2013, which coincided with the commencement of the Fee Regulations.

ALLOCATION OF JURISDICTIONS

At the Rules Committee meeting on 13 November 2012, the Tribunal's functions under various enabling enactments were allocated as follows:

- The *Accident Towing Services Act 2007* was allocated to the Occupational and Business Regulation List within the Administrative Division
- The *Bus Safety Act 2009* was allocated to the Occupational and Business Regulation List within the Administrative Division
- The *Climate Change Act 2010* was allocated to the Planning and Environment List within the Administrative Division
- The *Conveyancers Act 2006* sections 33, 34 and 187 were allocated to the Occupational and Business Regulation List within the Administrative Division
- The *Conveyancers Act 2006* section 146 was allocated to the Civil Claims List within the Civil Division

- The *Major Transport Projects Facilitation Act 2009* was allocated to the Planning and Environment List within the Administrative Division
- The *Road Safety (Vehicles) Regulations 2009* regulation 128 was allocated to the General List within the Administrative Division
- The *Road Safety (Vehicles) Regulations 2009* regulation 215 was allocated to the Occupational and Business Regulation List within the Administrative Division

On 14 May 2013, the Rules Committee held an extraordinary meeting to deal with the new jurisdiction that was to be given to the Tribunal under the *Building and Planning Legislation Amendment (Governance and Other Matters) Act 2013*, which was due to commence on 1 July 2013. The Tribunal's jurisdiction under the new sections 25J and 182A, as well as clause 10(3) and (4) of Part 2 of Schedule 7, of the *Building Act 1993* was allocated to the Review and Regulation List.

On 19 June 2013, the Rules Committee allocated the Tribunal's functions under the following enabling enactments as set out below:

- The *Supported Residential Services (Private Proprietors) Act 2010* section 206 was allocated to the Review and Regulation List
- The *Supported Residential Services (Private Proprietors) Act 2010* sections 105, 121 and 123 were allocated to the Residential Tenancies List
- The *Pharmacy Regulations Act 2010* was allocated to the Review and Regulation List
- The *Seafood Safety Act 2003* was allocated to the Review and Regulation List

Throughout the course of the financial year, the Rules Committee also reviewed the current allocation of jurisdictions and re-allocated enabling enactments where this was considered appropriate. Most re-allocations took place as part of the List restructure.

REGULATORY CHANGES

Reform to Tribunal Legislation and Enabling Enactments

Courts Legislation Amendment (Reserve Judicial Officers) Act 2012

The *Courts Legislation Amendment (Reserve Judicial Officers) Act 2012* had only minor significance for VCAT, in that reserve Judges appointed under the new provisions are able to be appointed as short-term Vice Presidents within the Tribunal. This Act came into operation on 26 February 2013.

Justice Legislation Amendment (Family Violence and Other Matters) Act 2012

Part 6 of this Act amended the VCAT Act so as to increase the term of appointment of all Deputy Presidents, Senior Members, Members and sessional Members of the Tribunal from five years to seven years from the date of appointment. This Act also introduced a mandatory retirement age of 70 for all full-time and part-time Tribunal Members. These provisions came into effect on 15 May 2013.

Victorian Civil and Administrative Tribunal (Oath and Affirmation of Office) Regulations 2013

As a result of the reforms implemented under the *Justice Legislation Amendment (Family Violence and Other Matters) Act 2012*, these Regulations were enacted to prescribe the form and manner of an oath of office and an affirmation of office for non-judicial Members of the Tribunal. These Regulations came into operation on 15 May 2013.

Victorian Civil and Administrative Tribunal (Fees) Regulations 2013

The *Victorian Civil and Administrative Tribunal (Fees) Regulations 2001* prescribed the fees payable in the Tribunal for commencement and management of proceedings. These Regulations sunsetted on 17 December 2012, and were replaced with interim regulations that essentially reproduced their substance.

Prior to 17 December 2012, and while the interim regulations were in place, the Department of Justice conducted an extensive review of the fee structure as well as the basis and justification for charging various fees within the Tribunal. As a result of this process, draft new Regulations were published along with an accompanying Regulatory Impact Statement on 22 December 2012. These were open for public comment until 15 February 2013, during which time approximately 260 submissions were received.

The *Victorian Civil and Administrative Tribunal (Fees) Regulations 2013* (Fee Regulations) were made by the Governor-in-Council on 21 May 2013, for commencement on 1 June 2013. The Fee Regulations reflected a significant shift in government policy in relation to the funding of courts and tribunals. As a result, fees charged within the Tribunal under the Fee Regulations were calculated to ultimately recover 45 per cent of the cost of running proceedings at VCAT.

This increase in fee revenue will be the result of a number of changes to the fee regime at the Tribunal, including:

- Overall increase in the fees for commencement of proceedings at the Tribunal
- Introduction of fees for each day of hearing a proceeding for which a commencement fee is payable, with no hearing fee payable for the first day (except in the Major Cases List)
- Introduction of a complex cases designation attracting higher hearing fees for matters that are required to be heard by more than one Tribunal Member
- Removal of the requirement that certain proceedings brought under the *Planning and Environment Act 1987* have a minimum development value of \$5 million in order for the proceedings to be entered into the Major Cases List within the Planning and Environment List

Under the Fee Regulations, procedures in relation to the waiver of fees in circumstances where the payment of the fee would cause the person responsible for its payment to suffer financial hardship continue to apply. The provisions in relation to the reduction of fees by the Principal Registrar have been expanded and are outlined at regulation 7 of the Fee Regulations. Proceedings that are commenced within the Human Rights Division of the Tribunal continue to be exempt from the payment of either commencement or hearing fees under the Fee Regulations.

FUTURE REGULATORY CHANGES

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

This Act will transfer over 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* inserts new sections 25J and 182A into the *Building Act 1993*, which give the Tribunal jurisdiction to review decisions of the Building Practitioners Board, or failures of the Board to make a decision within a reasonable time. The Tribunal will also have transitional jurisdiction under clause 10(3) and (4) of Part 2 of Schedule 7 to the Act. The amendments to the *Building Act 1993* will come into operation on 1 July 2013.

Planning and Environment Amendment (General) Act 2012

This Act made a number of important amendments to the Tribunal's jurisdiction under the *Planning and Environment Act 1987*, as outlined below:

- Responsible authorities are given 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 will be given 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

The parts of this Act affecting VCAT will come into force on 22 July 2013.

Company Titles (Home Units) Act 2013

This Act will confer jurisdiction on the Tribunal to hear and determine neighbourhood disputes, specifically in relation to disputes with company title corporations or service companies. The jurisdiction is similar to that conferred on the Tribunal in relation to disputes with owners corporations under the *Owners Corporations Act 2006*. Unless the provisions of the Act relating to VCAT are proclaimed to commence on an earlier date, these provisions will come into effect on 1 December 2013.

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

The amendments that are implemented through this Act will give the Tribunal 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 of this Act relevant to VCAT will come into operation on a day or days to be proclaimed. If no date for commencement is proclaimed, the provisions will come into effect on 30 June 2014.

MEMBER PROFESSIONAL DEVELOPMENT GROUP

This reporting year we delivered a number of initiatives directed at improving Members' professional development.

Under section 38A of the VCAT Act, the President is responsible for directing the professional development and continuing education and training of Members.

The Tribunal conducts internal induction and Member professional development training. All Members are encouraged to make the maximum use of professional development opportunities within the Tribunal and externally.

Training at the Tribunal consists of the following components:

- New Member induction training
- New Member judicial orientation program run by the Judicial College of Victoria ('JCV')
- Twilight seminars on topics of relevance to Tribunal Members, particularly within specific Lists and Divisions
- Annual Tribunal-wide Member professional development day

VCAT Professional Development Group

The Tribunal has an established professional development group which is chaired by Vice President Judge Jenkins, and includes all Heads of Division as well as other Members nominated by the group. The group meets monthly to determine upcoming training opportunities and to make recommendations on the conduct of future training. Over the past 12 months, the group has worked on a wide range of professional development issues, including the development of a program of activities to promote the key competencies expected of VCAT Members, along with the development of induction training and the annual professional development day.

New Member Induction Training

When first appointed, new Members attend a Group Orientation Day, the format of which is common to all Lists of VCAT, ensuring that the orientation experience is consistent for all Members. The orientation provides new Members with a comprehensive overview of the Tribunal, including its goals and administrative processes.

Following the initial Group Orientation Day, the induction program takes place over the course of the first 12 months after a new Member's appointment. The aim of the induction program is to assist new Members to familiarise themselves with their new role as quickly and efficiently as possible. During the course of the induction, new Members gain an understanding of the individual List(s) to which they have been assigned.

New Members engage in both general and List-specific training and development. The induction training varies slightly from List to List but includes some or all of the following:

- Legal and jurisdictional knowledge training
- Core introductory training as to court craft
- Observation of hearings
- Mentoring
- Self-managed learning

New Member Judicial Orientation Program

All full-time and sessional Members are expected to complete the JCV judicial orientation program as soon as practicable. This course consists of a three-day training program focusing on the fundamental skills required of all judicial officers. The program covers topics such as:

- Institutional ethics
- Decision-making
- Extempore rulings
- Self-represented litigants
- Mindfulness
- Communication skills
- Courtroom dynamics

Twilight Seminars

Heads of Division and Heads of List are encouraged to conduct twilight seminars providing professional training and subject-matter updates for List Members. These are conducted following the conclusion of hearings, usually at 55 King Street.

Legislative amendments, proposed new legislation and leading decisions of the courts and the Tribunal are usually covered in such seminars.

Member Professional Development Day

A Tribunal-wide professional development day is held once per year for Members. The day involves training relevant to all Lists within the Tribunal, and is aimed at fostering professional relationships between Tribunal Members.

This year's conference was held on 22 March 2013 and was opened by the Attorney-General, the Honourable Robert Clark MP. Guest speakers were invited to present on a number of topics, including:

- Case management challenges
- Plain-speaking
- Working effectively with interpreters
- Member wellbeing and mindfulness

Professional Development Program

VCAT's Member Competency Framework is an essential component in our approach to developing the Tribunal's Professional Development Program.

One of the many priorities of the professional development group has been to plan a program of continuing professional development activities. The group sought Member input in structuring the program. Members expressed their wish to share knowledge and expertise to ensure consistent hearing and decision-making approaches. This has the added benefit of giving experienced Members an opportunity to present professional development sessions.

Members continued to attend external training courses conducted by the JCV and other providers, including training on how to deliver Member appraisals.

Future

The group aims to develop a comprehensive VCAT Peer Support Program of which the mentoring of new and existing Members would form a key part.

VCAT STAFF

VCAT employs 217 staff members across Corporate Services, Registry and Member Support areas.

VCAT has staff located at seven regional centres including Ballarat, Bendigo and Warrnambool. Having VCAT staff members in key regional locations has improved the service we are able to provide to regional communities. Through an increased presence in metropolitan, regional and rural locations, Members and staff have increased public knowledge of our processes and assisted to integrate VCAT into the community.

LEARNING AND DEVELOPMENT

The Staff Development Group (SDG), led by VCAT's Learning and Development Manager is currently being restructured and will adopt similar terms of reference used by the Member Professional Development Group.

During the reporting period, the SDG delivered on a number of initiatives, including:

- Managing VCAT's participation in the Certificate IV in Government (Court Services) Program
- Identifying specific jurisdictional training needs including the implementation of Jurisdictional Learning Opportunities
- Identifying training requirements specific to particular roles, for example, Member support and bench clerks
- Exploring the use of training in general skills such as project management and interpersonal skills

Staff also attended courses provided through the 'One Justice' training curriculum and CLOUD in areas such as management and leadership, customer service, computer and writing skills, information privacy, and project management.

Jurisdictional Learning Opportunities (JLO) and Knowledge Bank (KB) Lunchtime Seminar Series

The Jurisdictional Learning Opportunities (JLO) and Knowledge Bank (KB) Lunchtime Seminar Series commenced in February 2013 and featured a total of thirty-three seminars made available to VCAT Members and staff. Seminar topics ranged from introductions to VCAT jurisdictions to providing staff with customer service information.

Certificate (IV) in Government (Court Services) Program

Four staff members graduated from the Certificate IV in Government (Court Services) during the reporting period. A further six staff members enrolled in the course. Staff undertaking this two-year course gain experience across VCAT and in other jurisdictions.

CLOUD Learning

CLOUD has been a valuable resource for shared learning across VCAT. We can upload video recordings of seminars and presentations, together with written resources, for future online access. This approach preserves some of the benefits of face-to-face learning of staff unable to physically attend due to location or timing, and allows those that did attend to review what they experienced.

Australian Committee for Courts Education (ACCE)

VCAT is continually involved with the activities of ACCE, which provides a forum for learning and development professionals across Australasian courts and tribunals to share knowledge, skills and resources to improve the development of staff.

Online Performance Development System – NEXUS

During the reporting period we increased our 'in-house' Nexus Champions from two to five staff Members. Our Nexus Champions have received training to be able to assist staff with Nexus related queries.

STAFF CONFERENCE

Approximately 155 staff members attended VCAT's annual Staff Conference in September 2012. The conference focused on improving working relationships and team building.

STAFF AWARDS

Our staff are crucial to our ability to continually deliver a high standard of customer service. It is therefore vital that we recognise and reward members of staff who demonstrate outstanding performance, contribute significantly to the success of VCAT or have provided years of valuable service to the Victorian Public Service (VPS). This year we continued our Staff Recognition program. Staff and Members with significant years of service or who authored works during the reporting period received formal acknowledgement of their contributions at the Member Professional Development day held in March 2013.

Mr Jim Nelms, VCAT's long-serving Principal Registrar, was awarded the prestigious Public Service Medal (PSM) in the 2013 Queen's Birthday Honours List. The citation read "For outstanding public service to the Victorian Civil and Administrative Tribunal". VCAT is very proud that this award has recognised Jim Nelms' years of public service and achievements.

WORK EXPERIENCE, UNIVERSITY PLACEMENTS AND TRAINEESHIPS

VCAT continued its work experience program and hosted 11 secondary students in this reporting period. Over the course of a week, students experience all facets of VCAT work, including customer services, corporate services, Registry, and hearings. Students recorded their daily experiences in a blog on the VCAT Wiki and we presented them with certificates upon completion of their program. The VCAT work experience manual was updated and launched during the reporting period.

VCAT continued to work alongside RMIT and Deakin University in accepting university placement students.

Fourteen tertiary students undertook practical placements at VCAT relevant to their legal studies. The 35-day placements occurred over a 10-12 week period, during which participants undertook projects in particular areas while gaining a broad overview of the Tribunal.

We provided professional placements for three Leo Cussen Centre for Law students during the reporting period. As part of their course requirements, students are required to complete a three-week professional placement.

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

OCCUPATIONAL HEALTH AND SAFETY

VCAT aims to provide and maintain a safe working environment, which ensures and nurtures the health and wellbeing of all staff, Members and visitors.

VCAT's accredited first aid officers and fire wardens received regular training, and we practised fire, bomb and other emergency evacuations throughout the year. Ongoing OH&S training was offered, with supervisors and managers who were encouraged to attend.

This year we utilised the Department of Justice's Workplace Health checks and offered flu vaccinations to all staff. VCAT makes available the Employee Assistance Program to all staff.

VCAT continues to manage and monitor all WorkCover claims and adhere to the processes required under the relevant legislation.

WAGES AND SUPERANNUATION

Staff are employed under the terms and conditions of the Victorian Public Service Workplace Determination 2012, which incorporates performance management and progression plans for all staff. The Determination recognises and rewards eligible staff who demonstrate sustained improvement against agreed progression criteria, with an average two per cent annual salary increase.

Staff received superannuation benefits through a choice of superannuation funds, including the State Superannuation Funds (new and revised), VicSuper or privately nominated funds.

VCAT COMMITTEES AND GROUPS

There are a number of committees and groups who meet regularly throughout the year. The membership, frequency of meetings and issues of these committees and groups are listed below.

ADR Program Committee

The ADR Program Committee is jointly chaired by the ADR Member, as delegate of the President, and the Director of Operations, as delegate of the CEO. The Committee is also comprised of the ADR Program Manager, Members, panel mediators and staff across all Divisions.

The ADR Program Committee meets monthly to review and advise upon the annual ADR Program Plan, and to contribute to and report back on projects and working groups operating in accordance with the ADR Program Plan.

Environment Management Group

The Environment Management Group comprises of interested Members and staff.

The group meets bi-monthly to discuss and implement initiatives in order to utilise our resources sustainably in our day-to-day operations, as well as to promote and implement green initiatives and waste minimisation.

Executive Committee

The Executive Committee comprises of the President, two Vice Presidents, three Deputy Presidents who are Divisional Heads, the CEO, the Principal Registrar, the Director of Corporate Services, the Director of Operations and the Manager for Finance and Reporting.

The Executive Committee meets weekly to oversee the Tribunal's operations, finances and future planning. It also discusses the strategic development of the Tribunal. Members of the Executive routinely report on the current state of their working groups.

Facilities and Planning Committee

The Facilities and Planning Committee comprises of the President, the CEO, and a number of other senior managers and Members.

It meets monthly to discuss and examine key issues concerning the Tribunal's facilities, assets and accommodation. It also undertakes planning for metropolitan and regional facilities and receives requests from the Tribunal's Environment Management Group.

Finance Committee

The Finance Committee comprises of the President, the Manager for Finance and Reporting, the Administrative Executive and other finance officers.

It meets monthly to consider the financial performance of the Tribunal and to provide detailed oversight of the Tribunal's financial procedures and accounting.

Management and finance reports are produced on a monthly basis.

Heads of Lists Committee

The Heads of Lists Committee comprises of all members of the Executive Committee, all Heads of Lists and all Deputy Heads of Lists.

The Heads of Lists Committee meets bi-monthly to discuss and determine significant issues affecting the Tribunal's Divisions and Lists. It provides Heads of Lists with the opportunity to brief and update other Heads of Lists on current issues affecting each List.

IT Steering Group

The IT Steering Group comprises of the President, the CEO, the Senior Registrar for Systems and Processes and a number of other senior managers and Members.

The IT Steering Group (ITSG) is a governance committee intended to promote and oversight the achievement of VCAT strategic objectives through the use and delivery of IT.

It meets monthly to oversee information technology investment priorities for VCAT and monitor the progress of key IT projects.

Legislative Reform Project Committee

The Legislative Reform Project Committee comprises of the President and a number of Tribunal Members and members of the Executive Committee.

It meets on a periodic basis to consider submissions from Tribunal Members and key external stakeholders as to any specific changes that should be made to the VCAT Act, enabling enactments or regulations.

Professional Development Group

Under section 38A(1) of the VCAT Act, the President is responsible for directing the professional development and continuing education and training of Members.

The Professional Development Group is headed by a Vice President (as the President's representative), and includes all Heads of Division as well as any other members nominated by the group. The officer supporting the group is the Learning and Development Manager.

The Professional Development Group meets monthly to determine upcoming training opportunities and to make recommendations on the conduct of future training. It oversees key areas including Member induction training, Member judicial orientation, professional development, external training programs and mentoring.

Risk Management, Audit and Compliance Committee

The Risk Management, Audit and Compliance Committee (RMACC) meets bi-monthly to oversee the general management of risks, audit and compliance obligations at VCAT, ensuring that there is a forum to discuss and monitor key risks for the organisation, compliance obligations and audit processes and recommendations.

The RMACC has a crucial role in implementation, monitoring and reporting of risks, auditing and compliance obligations at VCAT.

VCAT Rules Committee

The function of the Rules Committee is set out in Part 6 of the VCAT Act.

The functions of the Rules Committee are:

- To develop rules of practice and procedure and practice notes for the Tribunal
- To direct the education of members of the Tribunal in relation to those rules of practice and procedure and practice notes
- Any other functions conferred on it by the President

VCAT REGISTRY

VCAT's Registry coordinates the exchange of information between VCAT and parties, including hearing notices, orders, and the forms required to lodge a claim. Registry also supports VCAT Members to more efficiently carry out their duties.

STAFF AND STRUCTURE

Registry employs 172 staff members.

Registry comprises:

- The Civil Division, which supports the Civil Claims, Domestic Building, Owners Corporations, Real Property, Residential Tenancies and Retail Tenancies Lists
- The Administrative Division, which supports the Legal Practice, Planning and Environment and Review and Regulation Lists
- The Human Rights Division, which supports the Guardianship and Human Rights Lists
- The Listings Directorate, which supports all Lists, allocating cases to Members for hearing, and managing hearing venues

REGISTRY SERVICES

Over the past year we have improved service delivery by extending Registry resources beyond VCAT's Melbourne headquarters to key suburban and regional locations.

We have located staff in seven key regional centres:

- Ballarat also servicing Maryborough and Horsham
- Bendigo also servicing Echuca, Castlemaine and Kerang
- Geelong also servicing Colac
- Mildura also servicing Swan Hill and Robinvale
- Morwell also servicing Bairnsdale, Korumburra, Moe, Sale and Wonthaggi
- Wangaratta also servicing Benalla, Cobram, Shepparton and Wodonga
- Warrnambool also servicing Hamilton and Portland

Locating staff in these regional locations has improved the service we are able to provide to regional communities.

Registry staff also provided support for hearings at the Hume Global Learning Centre in Broadmeadows, twilight hearings at the Neighbourhood Justice Centre in Collingwood and hearings at the William Cooper Justice Centre in Melbourne. VCAT Registry staff in these locations provide on-going support and advice to VCAT users and Members, as well as providing a VCAT presence in regional locations.

The Magistrates' Court Registry staff were supported by VCAT administrative support staff.

CUSTOMER SERVICE

Our Registry aims to provide an efficient and streamlined service by:

- Providing advice to our users by email, telephone and/or in person about how VCAT operates
- Helping users to lodge applications with VCAT
- Sending correspondence to users such as letters about cases, hearing notices and VCAT orders
- Allocating Members to deal with the daily case load
- Arranging and servicing hearing venues across Victoria
- Working to improve administrative processes

LISTINGS PROJECT

The Listings Project Report was endorsed by the President and Executive. A number of recommendations have been implemented and the balance will be prioritised for implementation in the next reporting period. One key recommendation is the implementation of a case scheduler.

STAFF MEDIATORS

Accredited Registry staff mediators continued to participate in Short Mediation and Hearings (SMAH) covered elsewhere in this report (see ADR and Civil Claims List). Staff mediators offer parties a shortened form of mediation just before their scheduled hearings, with the aim of assisting them to reach settlement.

We have developed an internal mediation training program and during the reporting period 12 VCAT Members and staff became accredited mediators through the program. We are planning to undertake another intake of Registry staff to undertake mediation training and become accredited mediators in October 2013.

INFORMATION TECHNOLOGY

We continue to explore ways to improve our customer service through the use of technology. This allows us to make VCAT more accessible, facilitates quick decision-making, and assists in the efficient sourcing and provision of information.

VCAT IN A BOX

'VCAT in a Box' is a wireless remote access kit, primarily used by Members hearing guardianship and administration matters in non-traditional venues such as aged care facilities. Using 'VCAT in a Box', Members can access VCAT's case management and order entry systems remotely, allowing them to produce and deliver orders directly after hearings. The kits also allow greater hearing venue flexibility, assisting Members to quickly adapt if venues are changed.

DIGITAL RECORDING

Complementing 'VCAT in a Box', we developed portable digital recording kits to record hearings in venues such as the Hume Global Learning Centre in Broadmeadows where VCAT now sits three days a week. Members hearing guardianship and administration matters also use the kits in locations such as hospitals and community centres.

Recordings form the basis of transcripts, which are an important source of information in the event of an appeal. Recordings also protect the interests of parties and Members participating in hearings, with the added benefit of monitoring and improving standards of conduct and accountability.

On 26 November 2012, due to privacy concerns, the Tribunal ceased supplying audio recordings to parties. All Tribunal hearings are still recorded and parties can continue to apply for transcripts of their hearing.

We received 1,094 requests for transcripts in 2012-13.

CASE MANAGEMENT

Members and staff continued to use VCAT's computerised case management systems – Caseworks and the Tribunal Management System (TMS) – to record applications and case outcomes, create correspondence, and schedule statewide hearings. Members of the high-volume Residential Tenancies and Guardianship Lists used the Order Entry System to produce and print orders that can be signed and given to parties immediately after hearings.

During the reporting period we enhanced Caseworks to establish process improvements.

VCAT ONLINE

Regular users of the Residential Tenancies List can register to use VCAT online, our web-based interface. This enables users to quickly and easily:

- Complete and lodge applications forms, or withdraw applications
- Request warrants of possession
- Generate and print notices of dispute under the *Residential Tenancies Act 1997*
- Receive advice of a hearing date, time and location
- View VCAT orders

In the reporting period, 49,878 applications were lodged through VCAT online. This represents 84 per cent of all cases for the Residential Tenancies list.

ONLINE ENHANCEMENTS

In June 2013 we introduced online payment facilities for Tribunal users to pay their daily hearing fees. Payments can be made by Mastercard or VISA and can be made from desktops/laptops and mobile devices.

We made significant improvements to the online Account by Administrator (ABA) form (see Guardianship List). The improvements are a significant step to assist administrators to complete the annual form.

As a result of the positive feedback of the online ABA form, we are transitioning our other online forms to the same platform. We believe this will provide our users with a better experience when interacting with the Tribunal.

AUDIO VISUAL UPGRADES

We have a mobile Skype terminal which has allowed us to conduct hearings between Victoria, other States and overseas. It has been used successfully to hear evidence from witnesses located in countries such as Thailand and Monaco.

We continued to encourage the use of interactive Smartboards, which have been installed in some hearing rooms to assist parties in the presentation of their cases. The Smartboards are used to display plans, permits and other relevant information on overhead screens. They also have internet connection, enabling online research and access to tools such as email and Google Maps. Parties can use Smartboards to make real-time changes to documents electronically during the course of a hearing or mediation, saving them time and promoting better outcomes through interaction and collaboration.

An additional mobile Smartboard complements our range of hearing room facilities, which also includes video conferencing facilities in three hearing rooms, and advanced audio-visual and telecommunications systems in six hearing rooms and the VCAT Learning Centre.

VCAT WEBSITE

VCAT's website aims to provide comprehensive, up-to-date information about the Tribunal, its processes and alternative dispute resolution options.

The site also features an innovative look and feel based on VCAT's colour and style guidelines. The overall image is consistent with the need for the website to be user-friendly rather than legalistic. The simplified design includes:

- Top navigation bar with drop down menus to make it easier for users to find what they are looking for
- A separate search function to help new users navigate their way around the site
- A 'first-time user' section that provides a brief overview of the types of disputes heard at VCAT and what Lists hear them
- Quick links module so that users can navigate directly to popular pages

The VCAT website www.vcat.vic.gov.au contains useful information such as:

- Information about each List, including application forms and guides
- Access to online applications for most Lists
- Legislation, practice notes and VCAT Rules
- The daily law list
- Information about community and stakeholder meetings
- Video guides and helpful links for parties representing themselves at VCAT
- Links to VCAT decisions, and to various government and legal websites
- How to access VCAT files, publications and information

We now use Google Analytics for our reporting. This reporting is based on visits and page views. For the reporting period, the VCAT website had 876,088 unique visits and 3,535,336 page views. Comparisons for the same period (2011-12) are not available due to the current website being moved to a new platform on 1 June 2012.

The most popular pages on our website during the reporting period were:

- Daily Law List
- VCAT Online (Residential Tenancies online applications)
- Contact Us
- Fees

Throughout the reporting period we regularly posted updates on the latest Tribunal changes. To increase VCAT's accountability, we updated information on making complaints and provided electronic copies of the following new publications:

- Updated forms and accompanying guides
- Practice notes
- ADR information, including fact sheets
- FAQ's for all Lists
- Information bulletins
- Speeches
- Performance statistics

VIRTUAL TOUR

Access to information is critical for people who use VCAT's services, particularly the large number of self-represented litigants. During the previous reporting period, the Tribunal was awarded a grant from the Victoria Law Foundation to create a virtual interactive experience on its website.

The VCAT virtual tour was launched in August 2013 and can be accessed from the front page of our website.

The virtual tour is a micro-site within the website and has fully integrated features such as embedded videos, maps and links to information. It has been designed to be interactive to allow users to control and personalise the experience to their own situation.

Within the virtual tour, users can view 'mock' hearings of a number of VCAT Lists, and information is available on the hearing process and the role of various parties involved in those applications to VCAT. Information about amenities located in and around VCAT's building at 55 King St, Melbourne, such as public transport and parking information, is also contained in the virtual tour.

EMAIL

The Residential Tenancies List, Administrative, Civil and Human Rights Divisions all have their own direct email addresses.

VCAT received 63,427 external emails this reporting period, compared with 44,357 in 2011-12. This represents a 43 per cent increase.

THE FUTURE

VCAT will continue work on current and new technology projects that align with its strategic plan.

FURTHER INFORMATION

FINANCIAL SUMMARY

FUNDING

VCAT receives annually Victorian government appropriations either directly from the Department of Justice or by way of other departments making contributions to VCAT. Annual appropriations fund the majority of Lists, with the exception of Lists funded by other sources as described under Financial Summary on the following page. Appropriations include revenue of \$4,212,706 generated by those Lists receipting application fees.

- The Residential Tenancies Trust Fund, established under the *Residential Tenancies Act 1997*, wholly funds the Residential Tenancies List (\$11.83 million)
- The Domestic Building Fund, established under the *Domestic Building Contracts Act 1995*, wholly funds the Domestic Building List (\$2.8 million)
- The Guardianship and Administration Trust Fund established under the *Guardianship and Administration Act 1986*, partially funds the Guardianship List (\$1.1 million)
- The Legal Services Board established under the *Legal Profession Act 2004*, wholly funds the Legal Practice List (\$1.65 million)
- The Owners Corporations (Victorian Property Fund) jurisdiction was established under the *Owners Corporations Act 2006*, and is wholly funded by Consumer Affairs Victoria (\$1.31 million)
- The Australian Health Practitioner Regulation Agency and Victorian Health Professions Board wholly funds the Health Professions List, which is a sub-List of the Review and Regulation List, for the hearing of disciplinary matters relating to health professionals (\$0.54 million)

EXPENDITURE

In 2012–13, VCAT's recurrent expenditure of \$41.70 million was six per cent higher than the \$39.40 million expended by VCAT in 2011–12. This comprised of expenditure on salaries to full-time, part-time and sessional Members (\$13.66 million), staff salaries (\$14.12 million), salary related on-costs (\$4.75 million) and operating expenses (\$9.17 million).

VCAT AUDITED ACCOUNTS

VCAT's accounts are audited as part of the accounts of the Department of Justice and published in that Department's annual report.

The figures published in the Department's annual report may vary from the information published in this annual report, due to adjustments made in the period between their respective publications.

FINANCIAL SUMMARY

FUNDING	2012-13	2011-12
VCAT Funding Sources	\$m	\$m
Annual Appropriations	21.38	20.06
Domestic Building Fund	2.80	2.69
Guardianship and Administration Trust Fund	1.10	1.50
Health Boards	0.54	0.26
Legal Practice List	1.65	1.41
Planning and Environment Delays Initiative	0.74	–
Residential Tenancies Fund	11.83	12.13
Retail Tenancies List	0.35	0.35
Victorian Property Fund	1.31	1.00
TOTAL	41.70	39.40

EXPENDITURE	2012-13	2011-12
VCAT operational expenditure	\$m	\$m
Salaries to staff	11.16	11.01
Salaries to full-time Members	7.99	7.52
Sessional Members	7.35	7.04
Salary related on-costs	6.03	4.73
Operating costs	9.17	9.10
TOTAL	41.70	39.40

VCAT Expenditure allocation by List	\$m	\$m
Planning and Environment	10.33	9.79
Guardianship	5.41	5.42
Review and Regulation	2.66	2.27
Human Rights	0.89	0.82
Health Profession ¹	0.54	0.26
Residential Tenancies	11.83	12.13
Retail Tenancies	0.67	0.44
Domestic Building Fund	2.80	2.69
Owners Corporations	1.83	1.00
Civil Claims	2.66	3.00
Legal Practice	1.44	1.42
Real Property	0.64	0.16
TOTAL	41.70	39.40

1. Sub-list of the Review and Regulation List

ALLOCATION OF FUNCTIONS

According to the Victorian Civil and Administrative Tribunal Rules 2008 [SR65/2008] as at 30 June 2013

ADMINISTRATIVE DIVISION

Legal Practice List

The functions of the Tribunal under the enabling enactments set out in the items below are allocated to the Legal Practice List of the Administrative Division.

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

The functions of the Tribunal under the enabling enactments set out in the items below are allocated to the Planning and Environment List of the Administrative Division.

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)

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

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

The functions of the Tribunal under the enabling enactments set out in the items below are allocated to the Review and Regulation List of the Administrative Division.

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

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 licencees), 34 (determination on inquiry) 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 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 and 81R 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

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

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

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

Utility Meters (Metrological Controls) Act 2002

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

Victorian Qualifications Authority Act 2000

Wildlife Act 1975

Working with Children Act 2005

CIVIL DIVISION

Civil Claims List

The functions of the Tribunal under the enabling enactments set out in the items below are allocated to the Civil Claims List of the Civil Division.

Australian Consumer Law and Fair Trading Act 2012

Conveyancers Act 2006 section 146 (claims against the Victorian Property Fund)

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

The functions of the Tribunal under the enabling enactments set out in the items below are allocated to the Domestic Building List of the Civil Division.

Australian Consumer Law and Fair Trading Act 2012

Building Act 1993 except Division 12 of Part 12A

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

The functions of the Tribunal under the enabling enactments set out in the items below are allocated to the Owners Corporations List of the Civil Division.

Australian Consumer Law and Fair Trading Act 2012

Owners Corporations Act 2006 Part 6 and Part 11

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

Real Property List

The functions of the Tribunal under the enabling enactments set out in the items below are allocated to the Real Property List of the Civil Division.

Australian Consumer Law and Fair Trading Act 2012

Estate Agents Act 1980 section 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

The functions of the Tribunal under the enabling enactments set out in the items below are allocated to the Residential Tenancies List of the Civil Division.

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

Retirements Villages Act 1986

Retail Tenancies List

The functions of the Tribunal under the enabling enactments set out in the items below are allocated to the Retail Tenancies List of the Civil Division.

Australian Consumer Law and Fair Trading Act 2012

Retail Leases Act 2003

HUMAN RIGHTS DIVISION

Guardianship List

The functions of the Tribunal under the enabling enactments set out in the items below are allocated to the Guardianship List of the Human Rights Division.

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

The functions of the Tribunal under the enabling enactment set out in the items below are allocated to the Human Rights List of the Human Rights Division.

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

Judicial Members

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

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 Coghlan, Anne

Mr Dwyer, Mark

Ms Gibson, Helen

Ms Lambrick, Heather

Mr Lulham, Ian

Senior Members

Ms Baird, Margaret

Ms Barker, Heather

Mr Davis, Robert

Mr Hewet, Laurie

Ms Nihill, Genevieve

Ms Preuss, Jacqueline

Mr Proctor, Ian

Mr Riegler, Eric

Ms Rickards, Jeanette

Mr Scott, Robert

Mr Smithers, Jonathan

Mr Vassie, Alan

Mr Walker, Rohan

Senior Part Time Members

Ms Steele, Bernadette

Mr Wright QC, Heathcote

Senior Sessional Members

Mr Byard, Russell

Dr Dudycz, Maria

The Hon. Dyett, Francis

Magistrate Fanning, David

Ms Hawkins, Annabel

Mr Levine, Michael

Ms Komesaroff, Tonia

Mr Liston, Anthony

Ms Lothian, Margaret

Ms McKenzie, Cathryn

Ms Megay, Noreen

The Hon. Nixon, John

Mr Sharkey, Gerard

The Hon. Williams, Roland

Full Time Members

Mr Bennett, John

Ms Benz, Elizabeth

Mr Butcher RFD, Gerard

Ms Campana, Kylea

Ms Carruthers, Maureen

Mr Cimino, Salvator

Mr Code, Geoffrey

Mr Deidun, Michael

Mr Farrelly, Mark

Ms French, Rebecca

Ms Grainger, Julie

Mr Holloway, William

Ms Kefford, Jacquelyn

Ms Liden, Susanne

Mr Martin, Philip

Ms Moraitis, Stella

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 Carew, Megan

Ms Cook, Dalia

Ms Dea, Anna

Ms Jacono, Justine

Mr Nelthorpe, Michael

Mr Tyler, Peter

Sessional Members

Mr Alsop, David

Ms Anderson, Diane

Ms Archibald, Mary

Mr Au-Yeung, Dominic

Ms Coulson Barr, Lynne

Ms Barrant, Pamela

Ms Barry, Pamela

Mr Batrouney, Roger

Mr Beasley, Speros

Ms Bilston-McGillen, Tracey

Ms Boyd-Squires, Siobhan

Ms Bridge, Emma

Mr Buchanan, Robert

Ms Burdon-Smith, Susan

Dr Burge, Dorothy

Ms Bylhouwer, Marietta

Mr Calabro, Domenico

Mr Cali, Louis

Dr Cameron, Melanie

Ms Campbell, Heather

Mr Chase, Gregory

Mr Chuck, Alan

Ms Cogley, Vicki

Dr Collopy, Brian

Ms Cooke, Jenny

Ms Crawford, Gwenneth

Ms Cremean, Bernadette

Mr David, Graeme

Mr Davies, Hugh

Ms Davies, Vicki

Mr Davine, Diarmid

Dr Davis, Bruce

Dr Davis, Julian

Mr Dawson, Frank

Ms Delany, Clare

Dr Dickinson, Anthony

Ms Doherty, Kathleen

Mr Draper, Barry

Mr Drinkwater, John
Ms Duggan, Anne
Mr Eggleston, Peter
Mr El Moussalli, Michael
Dr Fabris, Elaine
Dr Farhall, John
Dr Farrelly, Peter
Dr Ferres, Beverley
Mr Fler, Frank
Ms Fleming, Natalie
Ms Fong, Christine
Ms Fraser, Glenys
Mr Fry, Sydney
Dr Gerber, Paula
Mr Gilbert, Jayce
Dr Gleeson, John
Dr Glover, John
Ms Glynn, Alison
Ms Good, June
Ms Goulding, Megan
Mr Graves, Phillip
Mr Gray, Peter
Mr Gu, Xu
Mr Gymer, Raymond
Mr Gysslink, Paul
Mr Hadjigeorgiou, Nicholas
Ms Hally, Mary
Ms Hancock, Elizabeth
Ms Harrison, Fiona
Ms Harper, Patricia
Ms Hartsias, Joanna
Mr Harty, Christopher
Ms Harvey, Margaret
Mr Horan, Anthony
Ms Hughes, Elizabeth
Ms Hynes, Jennifer
Mr Jones, Leslie
Mr Josephs, Barry
Ms Keddie, Ann
Mr Keith, Benedict
Dr King AM, Ross
Ms Kirmos, Kay
Ms Klingender, Jessica
Ms Kominos, Angela
Ms Leshinsky, Judith
Mr Lightfoot, Brian

Ms Lipe, Shelley
Mr Lipson, Mark
Mr Malbon, Alan
Ms Manning, Carolyn
Ms Marks, Felicity
Ms Marshall, Simone
Mr McCabe, Edmund
Mr McCann, David
Ms McClintock, Kathleen
Magistrate McGarvie ,Ann
Ms McKeown, Patricia
Prof McMeeken, Joan
Mr McNamara, Kenneth
Dr Molloy, Patricia
Mr Moloney, Peter
Ms Moon, Anne
Mr Myers, Paul
Ms Nagle, Kathleen
Ms Neill, Diane
Ms Norman, Kathryn
Dr O'Brien, Elissa
Mr Page, Rodney
Ms Paterson, Katherine
Ms Pearson, Rosslyn
Mr Perera, Christopher
Mr Phillips, Robert
Ms Porter, Susan
Ms Power, Marian
Mr Price, Roland
Mr Prince, Mark
Mr Rae, David
Mr Read, Michael
Dr Reddy, Aruna
Dr Reggars, John
Ms Ridgwell, Barbara
Dr Riley, Colin
Ms Rowland, Linda
Mr Rundell, John
Dr Shanahan, Elizabeth
Mr Sharkie, John
Mr Sharpley, Gregory
Ms Shpigel, Karina
Mr Slattery, Alison
Ms Slee, Felicity
Ms Soldani, Angela
Mr Sweeney, Michael

Dr Tan, Eng-Seong
Ms Taranto, Mary-Ann
Dr Treble, Andrea
Dr Triglia, Maria
Mr Wajzman, Jack
Ms Walsh, Jill
Mr Warren, Lindsay
Dr Waterhouse, John
Ms Watson, Tracy
Ms West, Lynda
Prof Williams, Charles
Ms Wilson, Catherine
Ms Wilson, Cynthia
Mr Zheng, Samuel

Judicial Members	16
Deputy Presidents	6
Senior Members	13
Senior Part Time Members	2
Senior Sessional Members	14
Full Time Members	24
Part Time Members	6
Sessional Members	144
TOTAL	225

GLOSSARY

ABBREVIATIONS AND ACRONYMS

Division	The Victorian Civil and Administrative Tribunal has three Divisions – Civil, Administrative and Human Rights.
List	A Tribunal List established under the Rules through which the functions of the Tribunal for certain types of proceedings are allocated or exercised (for example Domestic Building List, Planning and Environment List and Guardianship List).
Tribunal	The Victorian Civil and Administrative Tribunal established under Part 2 of the <i>Victorian Civil and Administrative Tribunal Act 1998</i> .
VCAT	Victorian Civil and Administrative Tribunal.

GLOSSARY

80th Percentile	Eighty per cent of applications are finalised within a nominated time frame in weeks.
Alternative dispute resolution (ADR)	Resolution of a dispute through mediation or compulsory conferencing.
Caseflow	The number of new applications which have commenced, finalised and are pending (awaiting hearing and not finalised).
Clearance rate	The number of finalised applications divided by the number of new initiated/commenced applications, expressed as a percentage.
Compulsory conference	A dispute resolution method to promote the settlement of the proceeding.
Directions	VCAT may give directions at any time in a proceeding and do whatever is necessary for the expeditious or fair hearing and determination of a proceeding. For example to file and exchange documents.
Directions hearing	A preliminary hearing where VCAT gives directions with the aim to streamline the future conduct and progress of the case.
Enabling enactment	Act or Regulation under which jurisdiction is given to VCAT.
Enduring power of attorney	A legal document which is prepared on behalf of a person to give to someone else the power to make personal or financial decisions on his/her behalf.
Finalisations	The number of applications finalised by the Tribunal.
Initiations (applications commenced/lodged)	The number of applications commenced by the Tribunal.
Median	The midpoint value in the distribution of finalised applications in weeks.
Mediation	A confidential alternative dispute resolution process which may be applied in order to bring about agreement or reconciliation between parties, conducted by accredited mediators.
Member	A person who is a legal practitioner, or in the opinion of the Minister, holds extensive knowledge or experience in relation to any class of matter in respect of which functions may be exercised by VCAT. Members may be appointed on a full-time, part-time or sessional basis through the Governor-in-Council.
Original jurisdiction	The jurisdiction of the Tribunal other than its review jurisdiction.
Pending	The number of applications that have commenced and not finalised.
Review jurisdiction	Jurisdiction given to VCAT by or under an enabling enactment to review a decision made by a decision-maker.
Submissions	An outline of argument parties may submit to VCAT based on evidence which has been put forward.
Target	Used as a performance measure in weeks against which applications should be finalised. Targets for Lists which form part of the List Restructure (Human Rights, Planning and Environment and Review and Regulation Lists) are being reviewed.
Timeliness of finalised applications	Time taken in weeks to finalise applications (commenced date to finalised date) showing the Median and 80th Percentile against the Target.
Variance	Percentage difference between the current and previous financial year.

NOTES

FURTHER INFORMATION

VCAT CONTACT DETAILS

MAIN OFFICE

Victorian Civil and Administrative Tribunal (VCAT)
55 King Street, Melbourne, Victoria 3000
Email: vcat@vcat.vic.gov.au
Website: www.vcat.vic.gov.au

Civil Claims List

Tel: +61 9628 9830
Fax: +61 9628 9967
1800 133 055 (within Victoria)

Domestic Building List

Tel: +61 9628 9999
Fax: +61 9628 9988

Guardianship List

Tel: +61 9628 9911
Fax: +61 9628 9932
1800 133 055 (within Victoria)

Human Rights List

Tel: +61 9628 9900
Fax: +61 9628 9932

Legal Practice List

Tel: +61 9628 9755
Fax: +61 9628 9788

Owners Corporations List

Tel: +61 9628 9830
Fax: +61 9628 9967

Planning and Environment List

Tel: +61 9628 9777
Fax: +61 9628 9789

Real Property List

Tel: +61 9628 9960
Fax: +61 9628 9988

Residential Tenancies List

Tel: +61 9628 9800
Fax: +61 9628 9822
1800 133 055 (within Victoria)
Registered users can access VCAT online through the website.

Retail Tenancies List

Tel: +61 9628 9960
Fax: +61 9628 9988

Review and Regulation List

Tel: +61 9628 9755
Fax: +61 9628 9788

VCAT HEARING LOCATIONS

VCAT sits at a number of suburban and regional locations throughout Victoria.

* Magistrates' Court locations

SUBURBAN

BERWICK

Berwick Justice Service Centre
Wheeler Street

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

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

GEELONG*

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

ROBINVALE*

George 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

CAULFIELD

260 Kooyong Road

CHELTENHAM

Kingston Centre
Warrigal Road

PARKVILLE

Royal Melbourne, Royal Park Campus
34-54 Poplar Road

WANTIRNA

251 Mountain Highway

BUNDOORA

Northern Hospital, Bundoora Extended Care Centre
1231 Pleny Road

