

## Judicial Dispute Resolution Network

### Country Report – Victorian Civil and Administrative Tribunal

#### VCAT – The Organisation

1. The Victorian Civil and Administrative Tribunal ('VCAT') is a statutory body with wide jurisdiction over civil, administrative, planning, human rights, guardianship and regulatory matters. It is led by a President who is a judge of the Supreme Court of Victoria, with County Court judges serving as Vice Presidents, and legally qualified members or subject-matter experts appointed by the Governor in Council. The Tribunal's determinations carry the same weight as court judgments: orders are binding and enforceable through the Magistrates', County Court or Supreme Court,<sup>1</sup> and appeals lie to the Supreme Court on a question of law.<sup>2</sup>
2. VCAT was established in 1998 to deal with a range of civil and administrative disputes and to improve the performance of Victoria's broader civil justice system. VCAT is the largest tribunal in Australia and presently manages more than 75,000 new cases each year at venues across Victoria and in online hearings. VCAT's purpose is to provide a fair and efficient dispute resolution service to the Victorian community.
3. VCAT is primarily governed by the *Victorian Civil and Administrative Tribunal Act 1998* (Vic) ('VCAT Act') related regulations, the Victorian Civil and Administrative Tribunal Rules 2018 ('VCAT Rules'), practice notes made by the VCAT Rules Committee, and directions made by the President.
4. VCAT is a creature of statute and has two main types of jurisdiction: original jurisdiction and review jurisdiction.
5. VCAT has two main workforce segments, specifically: members, who hear and decide cases; and, administrative staff, the majority of whom are involved in frontline service delivery. As at September 2025, VCAT has 220 members by headcount and of that total 108 are non-judicial members appointed on a 'non-sessional' basis. That is, (with limited exceptions) they work exclusively as VCAT members on a full-time or part-time basis. The remaining 112 members are 'sessional' members, the majority of whom are specialist sessional members (such as town planners, architects, doctors, health professionals, builders, engineers and the like) sitting intermittently with a legal member in various matters. Members are appointed by the Governor-in-Council, generally for seven year terms. Approximately 300 Victorian Public Service staff are employed at VCAT.

#### VCAT's current structure - divisions and lists

6. Whilst a current restructure program is well advanced, VCAT is presently made up of five divisions, and each division exercises its functions in lists:
  - a) Administrative division, containing:
    - i. Legal practice list; and
    - ii. Review and regulation list;

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<sup>1</sup> Ss 121-122 VCAT Act.

<sup>2</sup> S 148 VCAT Act.

- b) Civil division, containing:
    - i. Building and property list;
    - ii. Civil claims list; and
    - iii. Owners corporation list;
  - d) Human rights division, containing:
    - iv. Guardianship list;
    - v. Human rights list;
  - e) Residential tenancies division, containing the Residential Tenancies List; and
  - f) Planning and environment division, containing the planning and environment list.
7. With effect in early 2026, it is anticipated that amendments to the VCAT Rules will come into operation:
- a) to establish the new divisions of the Tribunal; and
  - b) to provide for the President to give directions about divisions and practice areas of the Tribunal as a matter of the business of the Tribunal.
8. This is discussed below under the heading 'VCAT Restructure Program'.

## **How ADR, active case management, reporting and accreditation is currently done at VCAT**

### ADR

9. To ensure that cases are handled efficiently, fairly and cost-effectively, VCAT employs active case management practices and encourages the use of appropriate dispute resolution ('ADR') wherever appropriate.
10. ADR is central to VCAT's statutory framework. Division 5 of the VCAT Act establishes the Tribunal's ADR powers, including compulsory conferences<sup>3</sup> and mediation.<sup>4</sup> These processes are conducted by Tribunal Members, who assist parties to clarify factual and legal issues, promote settlement, and, where agreement is reached, record it in binding consent orders.<sup>5</sup> Staff are also trained to conduct mediations.
11. Communications in a compulsory conference are inadmissible at a hearing unless certain express exceptions apply (ss 85, 92 of the VCAT Act).
12. VCAT Practice Note PNVCAT4 confirms that VCAT is 'an acknowledged leader in the delivery of ADR services', with mediation and compulsory conferences embedded across all Lists to encourage early, cost-effective resolution.<sup>6</sup>

### Active case management

13. VCAT uses active case management to streamline the resolution of disputes and minimise unnecessary delays. This approach involves the Tribunal taking a proactive

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<sup>3</sup> S 83 VCAT Act.

<sup>4</sup> S 88 VCAT Act.

<sup>5</sup> S 93 VCAT Act.

<sup>6</sup> <https://www.vcat.vic.gov.au/documents/practice-notes/practice-note-pnvc44-alternative-dispute-resolution-adr>

role in the progress of each case. Some key features of active case management at VCAT include:

- a) setting timelines and directions to ensure cases proceed promptly;<sup>7</sup>
- b) early identification of key issues to narrow the focus of the dispute;
- c) encouraging early exchange of information and documents to avoid surprises;
- d) scheduling hearings, mediations and compulsory conferences efficiently;
- e) use of expert conclaves to identify issues in dispute between technical experts;
- f) use of concurrent evidence processes in certain hearing types;
- g) making orders requiring the parties to prepare a joint statement of facts agreed and not agreed; and
- h) monitoring compliance with orders and deadlines.

14. This approach helps reduce the time and cost involved in resolving disputes and ensures that all parties are prepared when the matter proceeds to a hearing.

#### Reporting and accreditation

15. VCAT's annual report provides data about case resolution attributable to ADR.

16. VCAT supports its people by training them to be accredited mediators to conduct ADR in accordance with the standards set by the Australian Mediator and Dispute Resolution Accreditation Standards Board (AMDRAS).

17. From 1 July 2025, AMDRAS has administered the national standards for the training, accreditation and practice of mediators. The regulatory changes impact VCAT members and staff who wish to obtain accreditation or keep their accreditation. New training that relates to these changes and ongoing professional development is being provided. In August 2025, VCAT was certified by AMDRAS as a recognised accreditation provider (RAP).

18. External accredited mediators who are appointed to an approved mediation panel can also be engaged by VCAT to conduct mediations.

19. VCAT has committed to expanding mediation training under the VCAT Improvement Plan 2024, the implementation plan for *Towards Excellence*.<sup>8</sup>

#### **Strategic change and reform at VCAT**

20. VCAT is currently engaged in a multi-year process of strategic change to achieve VCAT's purpose and improve organisational performance. This is described by *Towards Excellence*, VCAT's roadmap for strategic change (2024-2027). The overriding objective of *Towards Excellence* is to improve organisational performance based on a renewal of VCAT's purpose – 'to provide equal access to high-quality justice for Victorians' – and its aim is 'to help people reach a fair outcome at low cost and as quickly as possible'. The purpose and aim reflect VCAT's foundational characteristics, which are efficiency, informality, speed, inexpensiveness, and accessibility. Three areas are identified for excellence – our people, our work and our organisation.

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<sup>7</sup> [https://www.vcat.vic.gov.au/documents/practice notes/ practice-note-pnvc5-directions-hearings-and-urgent-hearings](https://www.vcat.vic.gov.au/documents/practice%20notes/practice-note-pnvc5-directions-hearings-and-urgent-hearings).

<sup>8</sup> Refer to item 1.3.2 (mediation training): 'A training program on mediation and problem solving for VPS staff and members to enable the new operational work system'.

21. In April 2024, VCAT launched the VCAT Improvement Plan 2024 which sets out the practical steps to achieve *Towards Excellence*. The VCAT Improvement Plan 2024 outlines 14 reforms to guide work from 2024 to 2027, to ensure VCAT continues to deliver high-quality, efficient, and affordable justice. It also highlights the strategic enablers – communication, change, digital transformation, and funding – that will support successful implementation and the long-term sustainability of VCAT's strategic change.
22. Also launched in April 2024, VCAT has established the 'operating model improvement program' ('OMIP'). This is an initiative designed to streamline operations, boost efficiency, and deliver faster, fairer resolutions for tribunal users. OMIP began by examining the Residential Tenancies List, identifying inefficiencies such as double handling, multiple hand-offs, and rework in case processing. The program team includes staff from across VCAT, and managers with end-to-end management roles. ADR techniques employed include facilitative discussions with parties and mediations before a case resolution officer or a member. This has expanded VCAT's active case management and ADR practices.
23. *Towards Excellence* identifies that VCAT will institute a 'new jurisdictional framework' that entails fit-for-purpose organisational structures for VCAT's judicial and administrative domains. The new jurisdictional framework will be delivered by the 'VCAT Restructure Program', the purpose of which is to establish an organisational structure for VCAT that enables VCAT's new operating model and aligns with all aspects of VCAT's organisation design. To achieve *Towards Excellence*, VCAT's organisational structures need to effect efficient and effective management arrangements and be populated by a set of clearly defined roles and clear role relationships. VCAT's people are then empowered to do work that creates value in line with VCAT's purpose, but structure and role design must be fully aligned to be effective. VCAT's structures must also enable VCAT's new operating model, which is how VCAT creates value for service users and Victoria, and they must align and integrate the judicial and administrative domains of VCAT as far as possible, because this is a cornerstone of superior performance among judicial institutions.
24. *Towards Excellence* identifies that VCAT will introduce a new service model to 'deliver high-quality justice at a sustainable cost by making greater use of earlier, less-formalised, lower-cost approaches to resolution.' This is based on a 'service model concept' that was developed in late-2023, which emphasises the use of early resolution techniques and ADR techniques and forums within VCAT's business, with hearings becoming a lower volume pathway to resolution. This service model concept is being established throughout VCAT's business in important ways, specifically: by informing the development of the OMIP; by informing investment in the capability of VCAT's VPS workforce; and, by informing the expansion of VCAT's service footprint and increased collaboration with community-based organisations.
25. VCAT's major reforms under *Towards Excellence* are well advanced and include the OMIP, the establishment of the Residential Disputes Resolution Victoria ('RDRV' – refer below), the development of a new digital case management system, the new Melbourne CBD headquarters, and the expansion of VCAT's services throughout Victoria. These major reforms are being developed and implemented simultaneously and a key challenge for VCAT is to align and integrate these reforms with one another and with VCAT's organisation design. Organisation design encompasses VCAT's work systems, workforce, and structures, as well as culture, values, and leadership.

## **VCAT Restructure Program**

26. In early 2025, the President of VCAT announced the new high-level structure of VCAT's judicial domain, with detailed design to be undertaken by the VCAT Restructure Program. Under this high-level structure the judicial domain of VCAT will be organised by five divisions. There will be two types of division: three operational divisions and two supporting divisions. The operational divisions are an efficient and effective way to organise the member workforce relative to the types of cases that come to VCAT and to VCAT's total case load. The operating divisions are referred to as the:
- a) 'People's Rights & Responsibilities' Division;
  - b) 'Land & Environment' Division; and
  - c) 'Consumer' Division.
27. The supporting divisions are a way to manage and develop two important capabilities both horizontally and vertically, across the three operating divisions, namely VCAT's ADR capability via a new 'ADR' Division, and VCAT's Legal and Policy capability via a new 'Legal and Policy' Division.
28. The new ADR Division is unique in that it serves a hybrid role because it will achieve its purpose at the intersection of VCAT's new matrix structure. ADR has an operational and supporting role in the sense it develops VCAT's capacity for a particular mode (or forums) of dispute resolution at VCAT. The ADR Division also has a whole-of-VCAT role because it will support operational divisions maximise the opportunity for ADR and excellence in the practice of ADR through new and consistent practices, procedures, professional development, and via changes to VCAT's culture, work systems, technologies, and more broadly.
29. A number of new practice areas will replace the current VCAT 'lists', under which senior leadership responsibilities are exercised through defined roles, including Heads of Division, Deputy Heads, Practice Leads, Member Leads and ADR Leads.

## **Recent initiatives – new Residential Disputes Resolution Victoria ('RDRV')**

30. The OMIP model has been deployed into the new Residential Disputes Resolution Victoria ('RDRV'). RDRV emerged from the Victorian Government's Housing Statement (2024) representing a strategic effort to modernise dispute resolution and reduce VCAT's burden.
31. Launched in June 2025, RDRV is a free, specialist dispute resolution and case management service delivered at VCAT. It is designed to handle common rental issues early, including bond disputes, compensation, excessive rent increases, and repair issues, with the goal of resolving them quickly, fairly, and cheaply, ideally without a tribunal hearing. Resolution Coordinators are assigned to manage each case from start to finish. They facilitate discussions or mediations between the parties and support them through to resolution, or if necessary, onward to a VCAT hearing. RDRV includes an intuitive online portal called myRDRV for lodging applications, uploading documents, tracking progress, and managing correspondence, reducing duplication and streamlining case flow.
32. A new definition of 'ADR' was introduced in section 3 of the VCAT Act with the commencement of RDRV. This provides a legislative platform for the future of ADR at VCAT. The new definition provides:

*"ADR" means a process attended, or participated in, by a party in a proceeding for the purposes of negotiating a settlement of the proceeding or resolving or narrowing the issues in dispute, including, but not limited to—*

- (a) mediation;*
- (b) early neutral evaluation;*
- (c) settlement conference;*
- (d) reference of a question to an expert or other person;*
- (e) expert determination;*
- (f) compulsory conference;*
- (g) conciliation;*

### **Implementation and next steps**

33. The new ADR Division is responsible for expanding and increasing the effectiveness of the use of ADR at VCAT and with the management and development of VCAT's ADR capability. ADR at VCAT is not a 'one size fits all' and will respond to the different requirements and needs of each Practice area, and at the same time, is the 'central tenet' of our work across all divisions.
34. Implementation of VCAT's reform agenda established under *Towards Excellence* will continue into 2026 and beyond.

**30 December 2025**