

Preparing to go to VCAT

Fact Sheet



This fact sheet covers:

- ✔ Parties to a VCAT proceeding
- ✔ Where VCAT is located
- ✔ What you should bring to VCAT
- ✔ Where to go at VCAT
- ✔ Who can come with you to VCAT
- ✔ How to behave in VCAT
- ✔ Types of hearings
- ✔ How to communicate with VCAT

This fact sheet provides some general information about preparing to go to the Building and Property list at the Victorian Civil and Administrative Tribunal (VCAT).

1. Parties to a VCAT proceeding

- **Applicant:** the person or party who started the VCAT proceeding.
- **Respondent:** the person or party who the proceeding is brought against.

2. Where is VCAT located?

Most VCAT hearings are heard at VCAT's main hearing venue, at 55 King Street, Melbourne.

VCAT also has registries in regional areas. Information about VCAT's location and contact details is available [here](#).

Disputes about building are heard in the "[Building and Property List](#)" at VCAT. The list can be contacted by:

- ✔ **Email:** civil@vcat.vic.gov.au
- ✔ **Phone:** 03 9628 9999
- ✔ **Fax:** 03 9628 9988

3. What should I bring to VCAT?

What you should bring to VCAT depends on the type of hearing you will be attending. Generally, you should consider bringing:

What to bring

- ✓ **A plan:** Prepare a plan of how you will present your case. If you are attending a final hearing, this will include a list of questions for any witnesses.
- ✓ **Your documents:** Collect and organise all of the documents you wish to show the VCAT member. Include photocopies for the other people at the hearing (enough for the other parties and the VCAT member).
- ✓ **Other documents:** Bring all of the documents the Tribunal or other party has given to you.
- ✓ **A pen and paper**

What not to bring

- ✗ **Food:** Do not bring food into the hearing room.
- ✗ **Cameras or recording devices:** However, you can take your mobile phone to VCAT, just make sure you switch it off or turn it onto “silent” when you enter the hearing room.

4. Where do I go at VCAT?

4.1 Where to go

You can find out which hearing room you need to go to by looking at the daily hearing list.

- You can check the daily hearing list online or in person at VCAT. At VCAT, the daily hearing list is located on the ground floor, just after you pass through security. If you need help, VCAT staff can point you in the right direction.
- Your hearing may not be the only one in the room that day – there may be other hearings before and after yours. Ask VCAT staff if you have any questions about where you need to go and when.

TIP

Make sure you arrive at least 30 minutes before your hearing so that you have time to pass through security and locate your hearing room.



4.2 When you enter the hearing room

Usually, when you first enter the Tribunal room the VCAT member will not be there. In most hearings, the VCAT member sits at the front of the hearing room, facing the parties.

The long table (called the bar table) is where you will sit if you are representing yourself.

At VCAT there are no set rules about which end of the bar table you should sit at.

- If someone is already sitting at the bar table, you should sit on the other end of the table.
- If you arrive first and you are the applicant, sit closest to the witness box. If you are the respondent, sit furthest from the witness box.

! NOTE

You need to stand when the VCAT member enters the room, and remain standing until the VCAT member tells you to sit down.

5. Who can come with me to VCAT?

Unless a VCAT member orders a hearing to be closed, the hearing will be open to the public. This means that other people may sit at the back of the hearing room and listen to your VCAT hearing.

Mediations and compulsory conferences are not open to the public.

You can also bring a support person with you to VCAT, for example a friend or family member.

- **At hearings:** If the support person comes to a hearing, they should sit at the back of the hearing room. They will not be able to speak to the VCAT member or ask questions during the hearing.
- **Mediations and compulsory conferences:** If the support person comes to a mediation or compulsory conference, when asked by the mediator or VCAT member about who is present, you or your support person should say the support person's name and indicate they are there as your support person.

WHAT SHOULD YOU WEAR TO VCAT?

VCAT is a tribunal, and is less formal than a court. When you go to VCAT, you don't need to wear a suit, but you should still dress in a way that shows you are respectful of the Tribunal.



6. How should I behave at VCAT?

VCAT is less formal than a Court. You should still try to be polite and follow some general rules:

- Address the VCAT member as “Sir” or “Madam”. However, if your matter is before Deputy President Aird, you can address her as “Deputy President” or “Judge”.
- You can remain seated when you are speaking to the VCAT member.
- Speak clearly and slowly and don’t interrupt when other people are talking – you will be given a chance to respond.
- Be polite to the VCAT member and other parties, even if you do not agree with what they are saying.
- Take notes and keep track of what the other party is saying. This will help you to remember what you need to respond to when it is your turn to speak.

You can ask the VCAT member questions if you are not sure what to do, but the VCAT member will not give you any legal advice or help you with your case.

7. What types of VCAT hearings are there?

7.1 Directions hearings

Directions hearings are short hearings where the VCAT member will decide the next procedural steps in the matter, and when the steps should happen.

The types of orders can include:

- listing a matter for mediation or compulsory conference
- setting a date for the parties to file expert reports or other witness statements
- setting a date for “discovery” (when a list of documents is to be provided to the other party, and the documents made available for inspection),
- setting the dates of any further directions hearings and/or the final hearing.

It is helpful if you can speak to the other party before the first directions hearing to see if you can agree to what steps should be and when.

Take a pen and paper with you to any directions hearings so you can write down what the orders are. Sometimes VCAT will provide a copy of the orders on the day, but this isn’t always the case.

7.2 Interlocutory hearing

Interlocutory hearings deal with specific issues that need to be determined before the final hearing. For example, an interlocutory hearing might be scheduled if a party lodges an application for procedural matters (such as ordering a party to give the other party documents).

VCAT has published a practice note about how to apply for a directions hearing and/or an urgent hearing. You should read the [practice note](#) if you want the Tribunal to hold an interlocutory hearing.

7.3 Mediations and Compulsory conferences

Mediations and compulsory conferences are alternative dispute resolution (ADR) methods used by VCAT to try to resolve disputes before a matter goes to a final hearing. They can be listed for either 2 hours, half a day or a whole day.

VCAT has published a practice note about “alternative dispute resolution” (which covers both mediations and compulsory conferences). You should read the [practice note](#) if you want to know more about ADR.

7.3.1 Mediations

A mediation is a dispute resolution method which can be cheaper and quicker than going to a final hearing.

In a mediation, an impartial, specially-trained mediator helps the parties discuss their issues and work out a solution. The mediator can either be a VCAT member or an accredited mediator appointed by VCAT. Mediations are confidential and the discussion cannot be raised later in VCAT hearings.

To prepare for a mediation, you should think about how you will explain the issues in dispute. You will need to be able to explain what you are claiming, or what your response is to a claim.

More information about VCAT mediations is available on the VCAT [website](#).



TIP

It is a good idea to bring copies of any documents relating to the dispute to mediations (or compulsory conferences).

7.3.2 Compulsory Conferences

Like mediations, compulsory conferences provide a chance for the parties to resolve a dispute.

At VCAT, compulsory conferences are conducted with the help of a VCAT member. The VCAT member won't make a decision about the dispute, but will help both parties to agree on a fair resolution.

If a matter settles at compulsory conference, the VCAT member can make orders which adjourns or disposes of the case as appropriate. If the matter doesn't settle, the VCAT member can make directions to prepare the case for final hearing.

NOTE

VCAT may require you to prepare a “position paper” before a compulsory conference. This sets out:

- the background to the dispute, including relevant facts
- your position about the dispute
- your response to the other party's position, and
- how you think the dispute could be resolved.

More information about VCAT compulsory conference is available on the VCAT [website](#).

7.4 Hearing

At a final hearing, both parties present their case. This typically involves both sides questioning witnesses, and then making submissions. The VCAT member might ask questions about the case.

WHAT IF YOU CAN'T ATTEND A VCAT HEARING DATE

It is very important to attend all VCAT hearings, including directions hearings. If you cannot make the hearing date, you can request an adjournment. You should first try to obtain the written consent of the other party(s) to the case. The process for seeking an adjournment is set out in VCAT practice note – PNVCAT1 available on the VCAT [website](#).



8. How do I communicate with VCAT?

Communications with VCAT should usually be in writing. Make sure you copy all parties into any communications you have with VCAT.

WAS THIS FACTSHEET HELPFUL TO YOU?

Please take the time to give us some feedback by completing a quick survey [here](#). Your comments and suggestions will help us to develop tailored content in the future.