VCAT | victorian civil & administrative tribunal

Complaint about a Tribunal Member or Mediator, Staff Member, Service or Process

To: The Registrar - Complaints
Victorian Civil and Administrative Tribunal
55 King Street
Melbourne Vic 3000

I, ████████████████████ ....

[insert your name].

of ████████████████████████████████

[insert your address].

wish to complain against ...a Service or Process...

[insert Member or Mediator's name].

The applicable proceeding number is ...R 2014/26078... in the ...Residential Tenancies...List.

[insert Tribunal file reference and List if relevant].

My complaint is as follows *[attach extra sheets and documents as required]*:

1) The procedure (or process) for an application rejected by the Principal Registrar is deficient in keeping to a core component of the VCAT charter. i.e., timeliness.
2) The process followed for the residential tenancies List application lodged on the 30 July 2014, (continued on attached Sheet

In support of these allegations, I submit the attached Details of Complaint and request the complaint be investigated by the Registrar-Complaints. I acknowledge that this declaration is true and correct and I make it with the understanding and belief that a person who makes a false declaration is liable to the penalties of perjury.

Declared at: ...Melbourne...on ...04 August 2014...

[place]   *[date]*

████████████

[signature of declarant]

Before me:

....

[Signature of Authorised Witness]

A JUSTICE OF THE PEACE FOR VICTORIA
REG. No. 9203
JOAN FRANCES HARTLAND
6 ANDREW ST, FOREST HILL 3131

The authorised witness must print or stamp his or her name, address and title under section 107A of the *Evidence (Miscellaneous Provisions) Act* 1958 (as of 1 January 2012), (previously *Evidence Act* 1958).
(eg Justice of the Peace, Pharmacist, Police Officer, Court Registrar, Bank Manager, Medical Practitioner, Dentist)

VCAT | victorian civil & administrative tribunal

Details of Complaint

The residential tenancies list is the busiest and one of the most efficient lists at VCAT, with cases heard on the same day and cases listed for hearing with an average turnaround time of approximately two working days.

On the 08 July 2014 I lodged an application, which was rejected by the Principal Registrar. This was conveyed through a letter handed to me by the Principal Registrar on the same day as the application.

The letter provided me 7 days to lodge a request to review the principal Registrar's decision by the Tribunal.

I lodged the latter request on the 11 July 2014. On checking with the counter staff repeatedly, on 22 July 2014 I was told there was a hearing sheduled for 25 July 2014.

(Continued on attached sheet.....)

[Attach additional sheets, as needed]

My complaint is as follows:

lacks consistency in comparison to the process followed for the application lodged on 08 July 2014.

3) The SMS text messaging service for being told about hearings was not successful in conveying the hearing date of 25 July 2014. I became aware of that hearing the 22 July 2014 by asking the counter staff at 55 King Street, Melbourne, VIC 3000.

Details of Complaint (Continued......)

I had previously written to the Principal Registrar to request all hearing dates to be conveyed by mobile text messaging. (see attached exhibit KN-1 and KN-2). I did not receive any text message about the hearing.

The time lapse between my request for referral and date of hearing was exactly two weeks. This is in contrast to the quick turnaround times offered in residential tenancy matters. For example, the turnaround time between a tenant been granted an adjournment and the next hearing is about two or at most three business days.

When I handed a residential tenancies application on the 30 July 2014 to claim part of the bond paid and goods retained by the landlord (respondent), the procedure followed was different to the one followed previously on the 08 July 2014. On the 08 July 2014 I was handed a letter of refusal the same day, whereas on the most recent occasion I was told the Principal Registrar was not available. When I visited VCAT again on the 01 August 2014 to ask for an update, I was told the same, that the Principal Registrar was not available. I asked on both occasion if there was anyone in charge, whilst the Principal Registrar was unavailable. I was told that he will write to me. Unfortunately, this method is not really suitable in my circumstances, as I am not currently at a fixed address.

On the 08 July 2014 the letter from the principal registrar was handed to me personally by him, now I am told he will write to me. So there is an inconsistency in both the method of service and the time lapse in deciding whether to accept or reject the application.