

# **President's Review VCAT**

## **Justice Bell's Meeting with Planning Backlash 14 July 2009**

Ian Bird and I attended this meeting with approximately 40 others, all of who were representatives for various resident groups. Justice Bell invited attendees to speak on issues of concern and by the close of the meeting, 2 hours later, anybody who had expressed the desire to speak had done so.

He was attentive and showed an appreciation and understanding of virtually each point raised. He did not express specific support or rejection of any point, but frequently probed the issue raised, requesting suggestions as to how specific problems could be addressed and asked for comments on measures that he suggested as potential solutions.

Of the nine issues raised in CRA's written submission, only one escaped discussion. Our item No. 3 – Sidelining of local policies developed by Councils. The remainder were, in general, discussed quite fully.

When the issue of Members propensity to be planners rather than judges (our point No. 2) was raised, Justice Bell informed us, that as the Legislation stands, the Tribunal has the power to reassess an application afresh, it is not simply obliged to judge the worthiness of the Council's decision. Although he appreciated the thrust of the comment, it would require amended legislation and a narrowing of the Tribunal's powers or scope of review, no comment as to the likely outcome of this issue.

I do not believe that it serves a constructive purpose to relate a blow by blow commentary on the discussion relating to each of the nine points raised in our submission rather than to say, I believe that we left the meeting with Justice Bell having been reappraised and involved in discussion relating to our concerns with the VCAT process.

This would appear to be a satisfactory outcome considering the necessary process. Justice Bell has to be fully informed of real and perceived weaknesses within VCAT so that he is well equipped to make constructive recommendations enabling it's reform. He was never going to declare his stand on any of these issues, nor should he have been expected to.

Any perceived lack of reform since the decision to undertake the review is probably real, however nothing is going to be changed by the review itself. The success of this process will depend on the quality of the recommendations by Justice Bell and the degree to which the Government embraces them.

I was encouraged by the reception we received, I only hope that the Government gives the resulting recommendations the respect that I hope that they deserve.

Warren G

20 July 2009