

## How to Prepare for Your First Directions Hearing

Are you being called to your First Directions hearing? Read on to know how best to prepare for it.

### VCAT: Opening a Case

So you've finally applied at the Victoria Civil and Administrative Tribunal (VCAT), after unsuccessful attempts at amicable settlement and conciliation at the Domestic Building Dispute Resolution Victoria (DBDRV).

The VCAT will then open a case, and notify you and the respondent (the party against whom you're making a claim) whether your case needs to undergo a hearing, or if it will be referred to mediation instead.

### Types of VCAT Hearings

Depending on your application and claim, the VCAT may, upon reviewing your application, order any of the following:

- 1) Interlocutory hearings
- 2) Directions hearings, which may be comprised of:
  - First directions hearings
  - Further directions hearings
- 3) Mediations and Compulsory Conferences
  - If the building dispute remains unresolved, or if the VCAT deems it necessary, it will
  - schedule a:
- 4) Final hearing

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## Notice to the Parties

If the VCAT determines that your case needs to undergo First directions hearings, the VCAT will send you and the respondent a notice containing:

- the details of the hearing
- your next steps

## Understanding the First Directions Hearings

1. The First directions hearing, is, as the name implies, the first hearing in the directions hearings. It may be done in person, via teleconferencing, or via videoconferencing.

2. It is a short session, rarely lasting more than 30 minutes, where the VCAT member decides:

- how to proceed with the case
- how it should be managed
- what the next steps area
- what the timelines will be

3. At this point, the VCAT member may also talk to the parties about whether they can resolve the dispute themselves at or after the hearing.

4. The VCAT member may also order you and the respondent to undergo mediation.

5. Upon conclusion of the First directions hearing, the VCAT member may issue a Short Minutes of Order that details the next steps. It may include:

- ordering you and the respondent to undergo mediation or compulsory conference, and the dates and times
- setting a date for you and the respondent to file expert reports or other witness statements

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- 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

6. To further expedite the proceedings, you and the respondent may, before the First directions Hearing, agree on the next steps and the timelines.

## Preparing for Your First Directions Hearing: A Quick Guide

1. Know your case. Determine with certainty what you want for your claim and what you want the VCAT to do or decide.
2. The VCAT member will ask you about your application and the issues raised, so be prepared to answer.
3. Prepare all documents relating to the dispute, and make photocopies of each: enough for your file copy, for the VCAT member, and for the other party.
4. Make a list of possible witnesses you may wish to be called, and what kind of evidence they will give, should the case undergo Further directions and Final hearing.
5. While the VCAT will not be looking into the details of your documentary evidence, nor will they be calling on witnesses, your proposed pieces of evidence and the names of your witnesses, will nonetheless be listed during the First directions hearing.
6. The aforementioned supporting documents would include:
  - your domestic building contract
  - invoices
  - receipts
  - photos
  - expert reports
  - witness statements
  - Submissions

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7. Be prepared to take down notes during the hearing, but make sure you first check the VCAT's rules on the use of electronic devices.
8. On hearing day, make sure you arrive at least 30 minutes before to make sure you have enough time to get through security and locate your hearing room.
9. If the hearing is via teleconference or videoconference:
  - make sure you are logged in on time
  - if you are represented by a lawyer, make sure you are in separate rooms so as to avoid feedback
  - make sure you've emailed the VCAT and the respondent all your supporting documents, by the deadline in your notice

## How We Can Help

Attending a hearing may seem daunting, especially if it's your first time. It might be a good idea to engage a lawyer to help you adequately prepare for all stages of domestic building dispute resolution.

Construction Law Melbourne has been in active practice for more than 10 years now, and has helped countless clients obtain satisfactory judgment on various types of building disputes.

Give us a call to learn more about VCAT hearings and how we can help you. First consult is absolutely free.

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