

# AUSTRALIAN JOURNAL OF ADMINISTRATIVE LAW

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## THE VCAT AND NATURAL JUSTICE

**Jason Pizer**

Natural justice does not require the inflexible application of a fixed body of rules; rather, it requires fairness in all the circumstances. Those circumstances include the nature of the decision-maker and the statutory context in which the decision is made. This article examines natural justice in the VCAT context. More specifically, it explores the following four questions. First, what is the relationship between the VCAT's obligation to afford natural justice and some of the provisions in the VCAT Act that allow the VCAT to adopt a flexible and informal approach to procedural and evidentiary matters? Second, how has the hearing rule been applied in the VCAT context? Third, how has the bias rule been applied in the VCAT context? And fourth, what steps may be taken if the VCAT threatens to breach, or has breached, one of the rules of natural justice? ..... 161

## VCAT PRACTICES AND PROCEDURES: RECENT DEVELOPMENTS

**Justice Stuart Morris**

Since the publication of *Pizer's Annotated VCAT Act* in July 2001 the law governing the institutional and procedural framework supporting the functions of the Victorian Civil and Administrative Tribunal has evolved. Recent decisions have explored and applied the role of natural justice at the tribunal, the role of the rules of evidence, the tribunal's jurisdictions, the tribunal's powers to strike out proceedings, to grant injunctions and declarations, and to deal with contemnors. This article, delivered by Justice Stuart Morris, President of VCAT, at the launch of the second edition of *Pizer's Annotated VCAT Act*, examines these and other developments in the context of the unique role VCAT plays in the Victorian justice system. .... 173

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