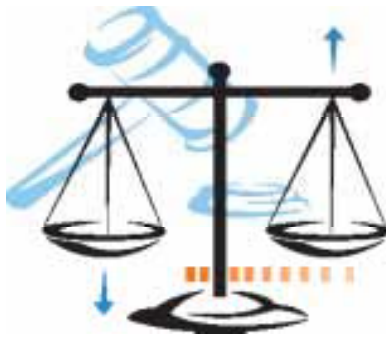




My Experience at VCAT



Having retired from VCAT in March 2006 after 25 years continuous service as a Sessional Member, it may be of some interest to the reader for me to relate some of my experiences during that time and to urge any surveyors with a strong interest in Town Planning Matters to seek an appointment to the

Tribunal when positions are advertised, as they regularly are, for new members.

I found the experience enormously rewarding in many ways. It kept me in touch with all of the latest developments in the planning scene, often well ahead of many others in the game. It provided much needed brain stimulation when consulting to demanding clients became somewhat boring. It introduced me to a variety of matters I would otherwise never have gained any knowledge of and it gave me the responsibility of being a decision maker that actually did, for better or for worse, make a difference.

I owe the privilege of having been appointed to what was known in 1980 as the Planning Appeals Board to a person I regard as, in Reader's Digest terminology, "one of the most unforgettable characters I have met", **Phillip Henry Napoleon Opas**. Phil was one of Melbourne's leading barristers in the 60's and his most famous case was conducting the defence of Ronald Ryan, the last person to have been hanged in Victoria in 1967.

After that dramatic event, Phil was disillusioned by the law and what he considered to have been a miscarriage of justice as he was convinced he had, at the very least, demonstrated that a reasonable doubt existed over Ryan's guilt.

He consequently abandoned his career as a QC and never returned to practise at the bar. He did, however, practice planning law at one of the predecessors of VCAT, The Planning Appeals Tribunal. In 1978 he parted company with that body and accepted the position of Chief Executive Officer with the City of Doncaster & Templestowe, now the City of Manningham. I was a Councillor of the City at that time and Phil and I became good friends.

In 1980, the Tribunal was reconstructed to become the Planning Appeals Board and Phil was appointed as its first Chairman, resigning his position at Doncaster. He needed to appoint a number of people to make up the New Board as both full time and sessional members that he considered capable to carry out the work and selected Ian Marsden, also a Doncaster Councillor at the time, as a full time member and myself as a sessional member. I guess it was a case of being in the right place at the right time.

Some years after my appointment the Government of the day proclaimed the Victorian Prostitution Control Act which was considered by many to be rather controversial, as for the first time, it became possible to legally operate brothels in Victoria providing you could get a planning permit to do so.

I sat on a number of brothel appeals but the most memorable was undoubtedly The Daily Planet case, heard by a division comprising Phil Opas as chairman, **Jack Gannon**, another surveyor known to many, and myself. The hearing ran for two days and was attended by a large gallery of interested persons, many of whom were either ministers of religion or laymen representing other groups outraged by the new legislation and vehemently opposed to it.

To enable the Tribunal to assess the perennial problem of whether or not sufficient car parking had been provided, evidence was being given relating to the number of clients expected to attend the premises each day or night. Phil, in his frequently mischievous manner, interrupted the barrister to ask, "Do you refer to that as throughput or turnover?" Although there were a few chuckles, the majority of those in the hearing room sat in stunned disbelief.

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Patron
Professor David de Kretser, AO,
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