

Practice Note – PNVCAT 10
Pronunciation of names and use of preferred form of address

Application	Proceedings in all Lists
Effective date	15 September 2023
Special note	Please ensure that you are using an up-to-date version of this practice note.
Further information	A complete set of current practice notes are available on the Tribunal website at www.vcat.vic.gov.au .

Objective and application

1. The Tribunal recognises a person’s name and how they are addressed is integral to their sense of identity, and can reflect a person’s national, linguistic, religious and family heritage.
2. Ordinarily, parties, witnesses and legal (and other) representatives participating in Tribunal proceedings are referred to by reference to their family name as a matter of dignity and respect. The Tribunal considers that the correct pronunciation of family names, and use of a person’s preferred form of address (e.g. Mx, Mr, Ms, Mrs, Dr, Prof)¹ and pronouns (i.e. she/her, he/him, they/them), are important to promote public trust and confidence in the Tribunal and its impartiality.
3. This practice note seeks to facilitate a process by which the pronunciation of family names, and preferred forms of address (including pronouns), can be communicated to, and used appropriately by, the Tribunal, representatives and parties.
4. This practice note applies to all Tribunal proceedings in all Lists unless the Tribunal varies its operation at its discretion in the circumstances of a particular proceeding by direction or order.

¹ For professional forms of address, this may be subject to any legislative or other restrictions. Cultural honorifics may also be adopted where appropriate (e.g. Aunty Mary for a recognised First Nations Elder). However, the Tribunal may decline to use a preferred form of address where it is not recognised by law (e.g. a person who wishes to be recognised by a name such as ‘Living Man Kim Huit of the House Tang’: *Rambaldi & Anor v Rice Bar Restaurant & Anor* [2018] VSC 218 [27]) or is obscene, offensive or otherwise inappropriate, such as a name that would be a prohibited name under the *Births, Deaths and Marriages Registration Act 1996* (Vic).

5. This practice note has been issued by the Rules Committee under section 158 of the *Victorian Civil and Administrative Tribunal Act 1998* (Vic) (**VCAT Act**) and should be read in conjunction with the VCAT Act and *Victorian Civil and Administrative Tribunal Rules 2018* (Vic).

Represented parties

6. Legal (and other) representatives are expected to know the correct pronunciation of all family names and preferred forms of address (including pronouns) associated with their party's matter, and to assist the Tribunal in meeting the objective set out in this Practice Note.
7. The representative should provide the Tribunal with the phonetic pronunciation of the family name (where this is not readily apparent), and preferred form of address (including pronouns), for:
- the represented party;
 - any witnesses being called by that party; and
 - any legal (or other) representatives in attendance.
8. Where the hearing is being conducted:
- **in person**, this should be communicated via the appearance sheet, with the person's family name underlined, any phonetic pronunciation indicated in square brackets and gender pronouns in brackets e.g. "Expert witness: Prof. Tim Soutphommasane [Soot-pom-ma-sarn] (he/him)"; or
 - **by telephone or video conference**, this should be communicated to the bench clerk (if applicable) or to the presiding member when entering an appearance (e.g. "My name is Ms Meagher, pronounced as *Marr*, and I appear as counsel on behalf of the applicant, Dr Nguyen, pronounced *N'Win*, who prefers to be referred to as they/them").

Self-represented parties

9. Self-represented parties are encouraged to advise the Tribunal as to their preferred form of address (including pronouns) and the phonetic pronunciation of their family name (and any witnesses they will be calling) when completing the appearance sheet, or otherwise by communicating this to the bench clerk or presiding member at the start of the hearing.

Conduct during hearings

10. While it is expected that the Tribunal, representatives and parties will take care to refer to participants in a proceeding by their preferred form of address (including pronoun) and adopting the phonetic pronunciation of their names as advised, where a representative or party is concerned about the manner in which a person's name is pronounced, or the use of an inappropriate form of address in the course of a proceeding, this may be brought to the attention of the presiding member for further directions.

- END OF PRACTICE NOTE -