

PLANNING AND ENVIRONMENT LIST GUIDELINES JOINT APPLICATIONS

The *Victorian Civil and Administrative Tribunal Act 1998* allows two or more persons entitled to make an application to the Tribunal to make a joint application.¹

These guidelines are intended to assist applicants by explaining what is involved in a joint application. The guidelines also identify circumstances where the Principal Registrar is likely to determine that a joint application should be treated as if it was a number of separate applications.²

WHEN IS A JOINT APPLICATION APPROPRIATE?

It will be appropriate for a number of persons to group together as joint applicants if those persons intend to rely upon the same grounds to support their application and if there is no conflict between the issues each person wants to raise and the outcome they want to achieve.

WHAT ARE THE IMPLICATIONS FOR JOINT APPLICANTS?

Joint applicants are treated as one party for the purpose of the proceeding. This means that:

- Generally, only one application fee is paid.
- One person must be nominated to receive all correspondence, notices and decisions on behalf of all of the joint applicants. It will be the responsibility of the contact person to keep the other joint applicants informed.
- Only one advocate or spokesperson will be allowed to appear on behalf of all the joint applicants.

WHAT ARE THE REQUIREMENTS FOR MAKING A JOINT APPLICATION?

Each joint applicant must be entitled to make the application. In the case of an application for review by objectors against a council's decision to grant a permit, each of the joint applicants must be an original objector. A person who did not lodge an objection with the council cannot be a party to a joint application under section 82 of the *Planning and Environment Act 1987* unless they are granted leave under section 82B of the Act.

A joint application must contain the following information:

- The name of the person who is authorised to receive all correspondence, notices and decisions on behalf of the joint applicants and the relevant address for service and phone number.
- The names and addresses of each joint applicant in decipherable form, and their signature.

¹ Section 67(3) *Victorian Civil and Administrative Act 1998*

² These guidelines are based on the decision of *Dixon v Alpine SC* [2005] VCAT 2204

WHEN WILL MORE THAN ONE FEE BE PAYABLE?

The Principal Registrar may determine that a joint application should be treated as though it is a number of separate applications.³ In this case, each applicant will have to pay the application fee individually.

The Principal Registrar is likely to determine that separate fees are payable if the applicants intend to rely upon different grounds in support of their application or if there is likely to be some conflict between the joint applicants.

If a fee waiver is requested for a joint application, all joint applicants must be eligible and provide the necessary supporting documentation.

³ Section 68(2) *Victorian Civil and Administrative Act 1998*