

INFORMATION SHEET

Applying To Be Joined As a Party

This information sheet explains the process of applying to become a party to an application(s) or proceedings at Tasmanian Civil and Administrative Tribunal if you are not automatically a party to proceedings. There are different provisions of legislation that determine who is automatically a party to proceedings. The Tribunal will notify you if you are automatically a party.

Who is a Party?

A party is someone who has certain rights in legal proceedings. Those rights will include being notified of any hearing listings, being able to present information in a hearing, and being able to obtain reasons for any decision made. Parties also have rights of appeal to the Supreme Court about decisions of the Tribunal. Each Stream of the Tribunal will provide you more detailed information about your rights and the proceedings you join.

A person who is not made a party to proceedings may still be able to attend some hearings or even participate in some hearings. Each Stream has different requirements and information about what a person who is not a party is able to do.

Applying to be Joined as a Party

The various Tribunal streams have different legislative requirements that must be complied with for a person to be a party to the proceedings. The Resource and Planning Stream requires the payment of a fee as part of making an application to join. Your fee must be paid with your application or it cannot be processed. You can seek a waiver or reduction of fees. The Resource and Planning Stream has information sheets and practice directions about that process.

Please address the following criteria when answering **question 5** of the application form, depending on which Tribunal stream your matter falls under. If the stream your matter is in does not have specific provisions, Section 96 of the *Tasmanian Civil and Administrative Tribunal Act 2020* applies:

96. *Person may be joined as party*

(1) *The Tribunal may order that a person be joined as a party to proceedings if the Tribunal considers that –*

(a) *the person should be bound by, or have the benefit of, a decision of the Tribunal in the proceedings; or*

(b) *the person's interests are affected by the proceedings; or*

(c) *for any other reason it is desirable that the person be joined as a party.*

You will need to provide information that explains why you should be joined as a party based on one of these tests.

Personal Compensation Stream

The Personal Compensation Stream covers three different Acts. Each one has different requirements for applying to join as a party to proceedings.

If your application falls under the *Workers Rehabilitation and Compensation Act 1988* then these are the relevant sections of that Act:

45. *Persons to be notified*

(3) The Tribunal may, in its discretion, join a person as a party to the proceeding if the Tribunal is satisfied that that person has a sufficient interest in the settlement of the matter to which the claim for compensation relates.

97B. *Worker entitled during dispute between employers*

(3) If the worker has filed an application for compensation, the respondent employer is to join as a party any other employer who the respondent employer alleges is wholly or partially liable to pay the compensation.

138. *Proceedings by dependants to be taken jointly*

Where the dependants of a worker are entitled to compensation in respect of an injury resulting in his death, proceedings in respect of that compensation or for the payment of damages in respect of that injury shall, except with the leave of the Tribunal, be brought jointly by all those dependants.

You will need to include information in your application that addresses the relevant section you are using for your application.

If your application falls under the *Asbestos-Related Diseases (Occupational Exposure) Compensation Act 2011* then these are the relevant sections of that Act:

127. *Question as to apportionment between family members may be referred to Tribunal*

(3) A member of the family of the person, who has a compensable disease, to whom a matter referred under subsection (1) relates, may, before the hearing of the referral, give notice to the Tribunal that he or she wishes to be joined as a party to the referral of the matter to the Tribunal.

(4) A person who gives notice to the Tribunal under subsection (3) in relation to a referral of a matter is joined as a party to the proceeding in relation to the referral of the matter.

128. *How referrals to be made to Tribunal*

(3) The Tribunal may, in its discretion, by notice to a person, join the person as a party to a proceeding if the Tribunal is satisfied that that person has a sufficient interest in the matter to which the application for referral relates.

If your application is in relation to proceedings under the *Motor Accidents (Liabilities and Compensation) Act 1973* then Section 96 of the *Tasmanian Civil and Administrative Tribunal Act 2020* is the provision you need to provide information about.

You will need to provide information in support of your application as to why you meet the requirements of Section 96 and why you should be joined to the proceedings.

Resource and Planning Stream

If your application falls under the Resource and Planning Stream, the following provisions of Part 8, Schedule 2 of the *Tasmanian Civil and Administrative Tribunal Act 2020* are relevant:

7. Parties to Resource and Planning stream proceedings

(3) If an appeal has been instituted by a person, any other person whose interests are affected by the decision which is appealed against may, subject to subclauses (4) and (5), apply in writing to the Tribunal to be made a party to the appeal and the Tribunal may, by order, make the person a party to the appeal.

(4) The Tribunal may not, under subclause (3), make a person a party to an appeal against a decision –

(a) in respect of the granting of a permit under section 57 of the Land Use Planning and Approvals Act 1993 unless –

(i) the person made a representation under section 57(5) of that Act in respect of the application for the permit; or

(ii) the Tribunal considers that the person has a proper interest in the subject matter of the appeal and that it is not reasonable to expect the person to have made a representation in respect of the application for the permit; or

(b) in respect of the granting of a permit under section 58 of the Land Use Planning and Approvals Act 1993, unless the Tribunal considers that the person has a proper interest in the subject matter of the appeal.

(5) The Tribunal may not, under subclause (3), make a person a party to an appeal against a decision to issue an environment protection notice under section 27(6) of the Environmental Management and Pollution Control Act 1994 in respect of an activity unless –

(a) the person made a representation in respect of the activity during the assessment by the Board of the Environment Protection Authority of the activity; or

(b) the Tribunal considers that the person has a proper interest in the subject matter of the appeal and that it is not reasonable to expect the person to have made a representation in respect of the activity.

You will need to provide information addressing these requirements. There is a fee that must be paid to join proceedings in the Resource and Planning Stream. Please see the Fees information on the TASCAT website.

Anti-Discrimination Stream

If your application falls under the Anti-Discrimination Stream, the following provisions of the *Anti-Discrimination Act 1998* are relevant:

81. *Proceedings relating to inquiry*

(2) *The Tribunal on its own motion or by application of a person may join a person as a party to the inquiry by giving that person reasonable notice in writing.*

When submitting an application under this section, please provide details of why you believe you should be joined as a party and how your interests are affected beyond those of an ordinary member of the public.

Mental Health Stream

For proceedings in the Mental Health Stream, the *Mental Health Act 2013* Schedule 4, Part 1 Clause 1(j) requires that the Tribunal be satisfied a person has a proper interest in proceedings to become a party.

You will need to provide information in support of your application as to why you have a proper interest in the proceedings.

Guardianship Stream

Section 96 of the *Tasmanian Civil and Administrative Tribunal Act 2020* is the relevant provision for joining persons to proceedings.

You will need to provide information in support of your application as to why you meet the requirements of Section 96 and why you should be joined to the proceedings.

What happens next?

Complete the General Application to be Joined as a Party, which can be found in the [forms section of the TASCAT website](#)) with all information in support and submit it to the Tribunal (with payment of any fee that might be required). Please ensure you make your application soon as possible and before any listed hearing dates for the matter. If possible, make your application at least 5 days prior to any listed hearing dates.

The Tribunal registry will be in contact with you after it receives your application to join.

The Tribunal will advise you what further steps may be required which might include:

- You are requested to provide more information
- Your application needs to be listed for a directions hearing for it to be decided
- Other parties may need to be given the opportunity to make submissions about your application to join.

Once your application is decided, you will be notified in writing if you have been joined as a party or if your application is refused.

Contact the Tribunal

For further information, visit the TASCAT website or contact us by phone or email.

Phone: 1800 657 500

For inquiries regarding:

Anti-Discrimination Stream - email antidiscrimination@tascat.tas.gov.au

Forestry Practices Stream - email forestry@tascat.tas.gov.au

Guardianship Stream - email guardianship@tascat.tas.gov.au

Health Practitioners Stream - email healthpractitioners@tascat.tas.gov.au

Mental Health Stream - email mentalhealth@tascat.tas.gov.au

Personal Compensation Stream - email wrc.personalcompensation@tascat.tas.gov.au

Resource Planning Stream - email resourceplanning@tascat.tas.gov.au

For all other inquiries - email tascat@tascat.tas.gov.au