

## **Legal Assistance Service Pilot Program – Information Sheet**

### **What is the Legal Assistance Pilot Program?**

The purpose of the Legal Assistance Pilot Program (Program) is to support participants in Planning Panel Victoria (PPV) processes to be well informed and prepared to more effectively engage with planning panel and advisory committee processes and proceedings.

A number of qualified and experienced planning and environment barristers on Foley's List are delivering this initiative to provide assistance, by direct brief, to eligible submitters in PPV processes. The Program is a pilot for 12 months, commencing in June 2025. It is being facilitated by Foley's List (Andrew Turner, Chief Clerk).

Please note that assistance (of any kind) is subject to barrister availability. This includes their availability on the required dates and ensuring there is no conflict of interest with any other party or submitter.

PPV will inform participants in its processes of the Program but will have no involvement in its delivery.

### **What kind of assistance is available?**

The legal assistance available through the Program may depend on a number of factors, including:

- the type of Planning Scheme Amendment / Planning Permit / Environmental Effects Statement, including the amount of information and documents required to be reviewed by the barrister in order to assist with your submission
- your submission and the position you wish to take in relation to the matter
- whether any expert witnesses will be called during the process
- the hearing timetable and estimated number of days for any attendance by the barrister
- if more than one, the number of parties seeking to be jointly represented

The assistance available for eligible participants will vary depending on the submitter or submitter group and the type of matter to be heard. It could include any or all of:

- preliminary advice, including advice about the PPV process, what communications from PPV and others mean and/or what actions must/may be taken
- review of the Planning Scheme Amendment / Planning Permit / Environmental Effects Statement documents and advice about your submission, including how you should prepare for the process
- representing you at the hearing

The type of assistance will be determined following communication between you and any available barrister and will be recorded in an agreement between you and the barrister.

### **How much does it cost to participate in the Program?**

Under the Program, all barristers have agreed to offer either no fees (pro bono), or fees charged at a rate that is less than their standard hourly or daily rate. The fees will be determined by communication between you and any available barrister and will be recorded in an agreement between you and the barrister.

During the pilot program period, a number of options for legal assistance have been created, which may be refined throughout the pilot period.

The options range in scale of assistance. Whichever option is suitable for you will depend on your submission, how you are affected by the Planning Scheme Amendment / Planning Permit / Environmental Effects Statement, what level of assistance you require, and other factors. The following options are provided as examples only.

#### Preliminary and background advice

- review the Planning Scheme Amendment / Planning Permit / Environmental Effects Statement documents, including submissions
- meet with you once in conference to:
  - o provide advice about the PPV process, what to expect, and actions you should take
  - o discuss your position
  - o provide preliminary advice about how you should prepare your written submission, and how you should present your oral submission at the hearing

#### Preliminary and ongoing advice

- all of the work above; and
- provide ongoing advice in the lead up to the hearing

#### Ongoing advice including following review of expert witness statements and submissions in the hearing

- all of the work above; and
- review of expert witness statements and submissions in the hearing

#### Full representation

- all of the work above; and
- appearing on your behalf at the hearing, including cross examination of expert witnesses

Regardless of the fees you can expect to pay, all assistance given by a barrister will be under a formal engagement recorded in an agreement. This is to ensure that all legal services are provided in accordance with legal professional standards and protect clients' (your) interests. A standard form template agreement is attached to this information sheet.

Please note that a barrister is not permitted to communicate directly with the planning panel or advisory committee or other parties/submitters in writing except in specific circumstances. You should assume that you will be responsible for all general written communication.

### **Am I eligible to participate in the Program?**

To be eligible to participate in the Program, you must:

- have lodged a submission to the Planning Scheme Amendment / Planning Permit / Environmental Effects Statement
- be an individual or an incorporated community group
- not work in the planning and environment industry
- be able to provide clear and timely information and instructions to the barrister
- be available to attend the hearing on the allocated hearing dates (either in-person or online)
- nominate one person to coordinate communication on behalf of any jointly represented parties

Individual barristers may have additional criteria before being available to assist you.

### **How do I participate in the Program?**

If you would like to have a discussion with Foley's List about seeking legal assistance under the Program, please use the Enquiry Form, which is available below.

Foley's List will then be in touch with you to discuss next steps.

You are encouraged to make your enquiry as soon as possible prior to any key dates or deadlines.

You can find general information about PPV processes including Directions Hearings and Public Hearings on the 'Guides and resources' page on the [PPV website](#).

## PPV Legal Assistance Service Pilot Program – Enquiry Form

1. Name of the Planning Scheme Amendment / Planning Permit / Advisory Committee / Environmental Effects Statement:
2. Your name:
3. Your email:
4. Your phone:
5. Your preferred contact method:            **Email**            **Phone**
6. Your property address:
7. Did you lodge a submission with the planning authority or PPV?            **Yes**            **No**
8. Do you meet all of the eligibility criteria (see below)?            **Yes**            **No**
  - a. have you lodged a submission to the Planning Scheme Amendment / Planning Permit / Environmental Effects Statement?            **Yes**            **No**
  - b. are you an individual or an incorporated community group?            **Yes**            **No**
  - c. confirm that you do not work in the planning and environment industry?            **Yes**            **No**
  - d. be able to provide clear and timely information and instructions to the barrister?  
   **Yes**            **No**
  - e. be available to attend the hearing on the allocated hearing dates (either in-person or online)?            **Yes**            **No**
  - f. nominate one person to coordinate communication on behalf of any jointly represented parties:
    - i. If you are seeking representation for a group or an incorporated community group you must provide further details:  
Group name:  
Group members:  
Nominated person to provide instructions:
9. If an organisation/association: Does your organisation have Not for Profit status? Is your association incorporated? Does your organisation/association have tax deductible status?  
   **Yes**            **No**
10. What legal assistance option do you think you need (this will be further discussed with you)? The options are described in the Information Sheet above.
11. Are you prepared to spend funds on participating in the independent planning panel or committee hearing? If so, approximately how much? (this will assist in finding an available barrister whose rates may suit your expectations, and/or making decisions about retaining experts)
12. Are you available for/able to meet important dates/deadlines (for example exhibition closing date, Directions Hearing and Hearing dates):

Please attach a copy of this form along with the following documents to Foley's List at [LegalAssistanceService@foleys.com.au](mailto:LegalAssistanceService@foleys.com.au).

- a. your submission/s
- b. any letter sent to you by PPV
- c. any other relevant material