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**RPS PRACTICE DIRECTION 1 – Filing Proceedings and Representation Notices**

These directions are made pursuant to Section 93 of the *Tasmanian Civil and Administrative Tribunal Act 2020.*

1.0 The relevant approved form must be used when filing an appeal or application, unless you have obtained leave of the Tribunal.

**Extension of time applications**

* 1. The application must be made in writing.
  2. The application must lodged at the same time as the notice of appeal and with the required fee.
  3. The application must contain submissions/evidence addressing the relevant tests under the legislation as to why an extension should be granted to lodge the proceedings.

**Application to Waive, Reduce or Refund a Fee:**

* 1. An application to waive or reduce a fee must be filed no later than 5 days before the expiry time for lodgement of the proceedings and be made by completing the approved form located under the FORMS tab on the RPS web page.
  2. Any application for waiver or reduction that is filed outside this timeframe must include an explanation for the failure to file within the timeframe set out under 1.4. A failure to provide a justifiable reason may result in refusal of the application.
  3. Any application must include a full statement of assets and liabilities of the person seeking the waiver or fee reduction.
  4. Any application must include submissions in support of the waiver or reduction as to why the full fee would cause financial hardship.
  5. Any application for a refund of a fee should be made with submissions in support of the refund. (Please note: if the Tribunal has engaged in work as a result of the application or appeal, a refund is unlikely to be approved.)

**Grounds of Appeal and Issues in Dispute:**

* 1. A ground of appeal or issue in dispute must identify the provisions of the legislation or subordinate legislation (such as a planning scheme) that makes the issue a relevant one to the proceedings.
  2. If the ground of appeal or issue in dispute does not relate to a specific provision of legislation or subordinate legislation, then sufficient details setting out the legal basis of its relevance must be provided (for example, a legal doctrine by reference to case law).
  3. A ground of appeal or issue in dispute must provide sufficient particulars setting out the dispute that arises with the provision.

**FILING CIVIL ENFORCEMENT PROCEEDINGS:**

* 1. An application for civil enforcement orders must be made in writing and by completing the relevant form contained under the FORMS tab of the RPS web page.
  2. The application must include:
     1. Evidence that the person named as the Respondent is the person who is undertaking the alleged breach. In proceedings under Section 64 of *LUPA Act 1993*, a copy of the Certificate of Title confirming the respondent is the relevant property owner must be included.
     2. A list of persons (with addresses and contact details) who have a legal or equitable interest in the subject property.
     3. Specific and clear orders that set out the nature of the relief sought from the Tribunal. The orders should include reference to any legislative provisions that give power to the Tribunal to make those orders.
     4. Evidence of the breach that is alleged in Affidavit or Statutory Declaration form including all photos other evidence relied upon.
     5. Four copies of the application and supporting documentation. If there is more than one respondent, the applicant must file two additional copies of each document for each additional respondent.

**REPRESENTATION**

* 1. A Legal Practitioner who receives instructions to appear on behalf of a party to proceedings before the Tribunal must, as soon as practicable after receiving instructions, complete and file a Notice of Appearance with the Tribunal Registry.
  2. Any other person who wishes to act on behalf of another person must complete and file an Authority to Act form with the Tribunal as soon as practicable after agreeing to act on behalf of another person. The party who is being represented must complete the relevant parts of the form.