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**RPS PRACTICE DIRECTION 3 – Alternative Dispute Resolution and Consent Agreements**

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

1. Any party who wishes to be represented by a legal practitioner or other person at ADR, must notify the Tribunal and each other party at least 48 hours prior to the listing.

3.1 Any party who attends mediation must have authority to negotiate and settle the dispute at ADR. Planning Authority officers or other regulatory bodies may seek leave of the Tribunal from this requirement, in writing, on notice to each other party and with submissions identifying the reasons for a lack of authority to settle (for example – not delegated to settle the proceedings on a refusal to grant a permit).

3.2 Parties are not to disclose the contents of mediation to persons outside the mediation process without the express permission of the other parties to the proceedings or leave of the Tribunal.

3.3 Before an on-site mediation occurs, parties to the mediation must complete the relevant consent form located under the FORMS tab of the RPS web page, in relation to the mediation occurring on-site.

3.4 Any agreement reached between the parties must be submitted in accordance with the following requirements:

3.4.1 Be in writing and in accordance with Appendix A appended to this Practice Direction.

3.4.2 Confirm that the parties have reached an agreement to resolve the appeal;

3.4.3 Fully detail the terms of the agreement reached. The entire permit in its final amended form must be contained in the agreement;

3.4.4 Must include submissions which address Section 103(3)(a)-(c) of the TASCAT Act 2020 with specific reference to the decision sought being within the powers of the Tribunal to approve and the decision would be appropriate to make.

3.4.5 Include whether any agreement is reached as to final costs orders, or include the Tribunals standard cost order in the absence of agreement.

3.4.6 Be signed by each party to the proceedings (including the agreement and all documents forming part of the settlement);

3.4.7 Where a person is acting on behalf of another person, that they have submitted the necessary authorisations under Practice Direction 1 at 1.14 and 1.15.

3.4.8 Where necessary append any document.

***APPENDIX A –*** *Template for Consent Agreements*

**Consent Agreement**

**IN THE RESOURCE AND PLANNING STREAM**

**TASMANIAN CIVIL AND ADMINISTRATIVE TRIBUNAL**

**Tribunal reference number \***

**Appellant**

**First Respondent**

**Other Respondents (if any)**

 **Party Joined (if any)**

**Address of Site:**

**Description of proposal**

1. **The Parties to this appeal agree that the appeal be resolved in the following terms** (list details of the orders sought):

**Signed (Appellant):**

**Date:**

 **Signed 1st Respondent:**

 **Date:**

 **Signed 2nd Respondent:**

 **Date:**

**Signed (Joined Party):**

**Date:**

*\* (found on upper left hand corner of Tribunal correspondence)*