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**INFORMATION SHEET 1 – General Guide and Transition Information**

**WHAT THE RPS OF TASCAT DOES:**

* 1. The Resource and Planning Stream of TASCAT hears and determines a broad range of applications and appeals under <https://www.tascat.tas.gov.au/resource-and-planning/legislation>. These applications and appeals are legal proceedings that are determined by applying the evidence and findings of fact made by the Tribunal, to the relevant legal tests set out in legislation or case law.
  2. The process used by the RPS to hear and determine matters follows very similar steps across its jurisdictions.
* Proceedings are filed and relevant persons are notified of the proceedings
* A preliminary conference will be listed within 10-14 days of the proceedings being filed
* The preliminary conference will cover a range of administrative decisions and directions including: listings for mediation; a full hearing date listing; directions for exchanging evidence; and any directions regarding matters raised during the conference such as applications to join or grounds of appeal. The proceedings will also be reviewed for suitability for mediation and ADR.
* Alternative Dispute Resolution (ADR) or mediation is very common in the RPS and if the case officer is satisfied it is appropriate it is listed usually within 7-14 days of the preliminary conference.
* If the proceedings are not resolved by ADR, the parties will proceed to a hearing. That hearing is usually listed 6-8 weeks from the date of the preliminary conference.
* Once the hearing is concluded the Tribunal will issue a decision usually within 4 weeks of the hearing.
* The Tribunal must determine any proceedings within 90 days (see Schedule 2, Part 8, Clause 9(1) of the *Tasmanian Civil and Administrative Tribunal Act 2020*) but may vary that timeframe depending on the circumstances of each proceedings (such as parties’ readiness to proceed to full hearing, witness availability, legal representative availability, time required to complete ADR).
  1. When you file proceedings or become a party to proceedings you are expected to comply with all directions of the Tribunal, attend all listings and hearings (or arrange a representative to do so) which are listed in normal working hours, and actively present a case. By being a party to legal proceedings you are expected to give priority to those proceedings. A failure to attend or comply with directions may result in your dismissal as a party, and in some cases, a costs order issuing against the person who did not comply with listings or directions.
  2. At the conclusion of proceedings the Tribunal will ordinarily make an order for costs that each party bear its own costs of the proceedings but will give parties 21 days to make an application for a costs order to be made against one or more parties before the order takes effect. You should read Information Sheet 10 for more information. The Tribunal does not charge parties any fees except those required for lodging proceedings. On some rare occasions the Tribunal may issue an order for its own costs.
  3. All material submitted as part of your involvement in proceedings before the Tribunal are public documents can be made available to the public for inspection.

**WHAT THE RPS OF TASCAT DOES NOT DO:**

* 1. The Tribunal is not a political body and weight of numbers of those for or against a position or issue is not a relevant factor. The Tribunal must not be lobbied which means people should not attempt to privately approach the President, Deputy President, Members or staff to discuss proceedings at any time. To do so may constitute an offence.
  2. The RPS Stream is not an investigatory body like Tasmania Police or the Ombudsman. Lodging proceedings or an application does not require the RPS to investigate and take action. By filing proceedings or becoming a party to proceedings you are expected to take an active role in presenting your case.

**TABULATION OF STANDARD DIRECTIONS:**

To assist parties who appear before the Tribunal, the following table provides indicative timeframes of directions that are made in the Resource and Planning Stream.

Parties should have regard to any specific directions issued in any proceedings, as the Tribunal may vary the timeframes set out below.

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| **Timeframe** | **Standard Direction** | **Notes, Practice Direction reference** |
| Prior to Preliminary Conference | Provide copy of Council Papers | *Planning Authority only*  This direction is issued in standard correspondence. Information to be provided with 7 days of the date of the correspondence. |
| Within 7 days of Preliminary Conference | Provide revised grounds of appeal  Make any application to enlarge | *Appellant only* see Practice Direction 1 at 1.9 -1.11  *Joined parties only* see Practice Direction 2 to 2.9-2.10 |
| Within 10 days of confirmation that matter proceeding to hearing | Provide Statement of Facts & Contentions | See Practice Direction 4 at 4.3 |
| Within 21 days of first listed hearing date | Provide Statements of Evidence | See Practice Direction 4 at 4.4 |
| Within 7 Days of first listed hearing date | Provide Statements of Response Evidence  Provide Joint Statement of Agreed Facts  Provide Draft Conditions  Make any application for site inspection | See Practice Direction 4 at 4.4  See Practice Direction 4 at 4.6 and 4.20-4.22  See Practice Direction 4 at 4.5  See Practice Direction 4 at 4.12 |
| Within 3 days of first listed hearing date | Advise whether party seeks to cross-examine any witness | See Practice Direction 4 at 4.7-4.9 |
| Within 48 hours of first listed hearing date | Provide copies of any legal authorities to be relied upon at hearing | See Practice Direction 4 at 4.11 |
| By close of business on day hearing concludes | Provide written summary of final submissions | See Practice Direction 4 at 4.10 |

**TRANSITION INFORMATION:**

The following sections of the *Tasmanian Civil and Administrative Tribunal Act* 2020, set out the preservations of certain rights and processes that existed under the *Resource Management and Planning Appeal Tribunal Act* 1993: Section 152 to Section 160.

In addition, many of the legislative provisions and procedures set out in the *Resource Management and Planning Appeal Tribunal Act* 1993 have been relocated to Schedule 2 of the *Tasmanian Civil and Administrative Tribunal Act* 2020. A table has been provided below to assist in locating the new legislative provision by reference to the previous provision under the *RMPAT Act* 1993.

**TABULATION OF RMPAT ACT 1993 PROVISIONS IN THE NEW TASMANIAN CIVIL AND ADMINISTRATIVE TRIBUNAL ACT 2020**

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| **RMPAT Provision** | **Location in TASCAT Act 2020** |
| Section 6 and Section 7 – composition of Tribunal, appointment of members | Schedule 2, Part 8, Clause 4 |
| Section 13 – institution of proceedings to the Tribunal | Schedule 2, Part 8, Clause 6 |
| Section 14 – parties to proceedings before the Tribunal | Schedule 2, Part 8, Clause 7 |
| Section 15 – representation before the Tribunal | Schedule 2, Part 8, Clause 8 |
| Section 16(1)(f), 16(6), 16(7) – 90 day timeframe | Schedule 2, Part 8, Clause 9(1), (2),(3) |
| Section 19 – opportunity to make submissions | Schedule 2, Part 8, Clause 9(4) |
| Section 21 – power to dismiss claim or strike out party | Schedule 2, Part 8, Clause 9(5) |
| Section 22(2) – power to excuse failure | Schedule 2, Part 8, Clause 9(6) |
| Section 22(3) – power to amend application | Schedule 2, Part 8, Clause 9(7) |
| Section 22A – power to dismiss proceedings if frivolous or vexatious or a failure to comply with directions | Schedule 2, Part 8, Clause 9(8) |
| Section 23(3), 23(4), 23(6), 23(7) – determination of an appeal | Schedule 2, Part 8, Clause 10 |
| Section 24 – reasons to be given | Schedule 2, Part 8, Clause 11 |
| Section 28 – costs | Schedule 2, Part 8, Clause 12 |
| Section 31 – refusal of witness to be sworn or answer questions | Schedule 2, Part 8, Clause 13 |