****

**TRANSITION INFORMATION**

**Resource and Planning Stream**

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.

The amalgamation reform has included the repeal of the Resource Management and Planning Appeal Tribunal Act 1993. 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.

Other provisions of the RMPAT Act 1993 are not required given new provisions of the *Tasmanian Civil and Administrative Tribunal Act* 2020 provide comparable powers (for example, new ADR provisions under Section 102 and 103; appeal rights to the Supreme Court are now contained under Section 136). 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**

|  |  |
| --- | --- |
| **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 |