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**INFORMATION SHEET 3 – Preliminary Conferences**

**1.1** **Overview**: The preliminary conference is the first hearing before the Tribunal. It is listed 10-14 days after the lodgement of an appeal and is generally advertised in the public notices section of a newspaper circulating in the municipality of the appeal. The Tribunal lists a directions hearing for at least 45 minutes but some matters may take a longer or shorter period of time depending on complexity.

**1.2** **Attendance**: As with all listings before the Tribunal, all parties are to attend at the appointed time and date. If you are unable to attend you may make application to vary the hearing date (see Practice Direction 2 at 2.5*)* However, if the listing has been advertised your application is very likely to be declined. You may send a representative to appear for you (see Practice Direction 1 at 1.14 and 1.15). A failure to attend a duly convened hearing of the Tribunal may result in your status as a party being revoked or your appeal dismissed (see Schedule 2, Part 8, Clause 9(5) of the *Tasmanian Civil and Administrative Tribunal Act 2020*).

**1.3** **Statement of Issues or Grounds of Appeal**: In the Tribunal’s standard correspondence, you will have been directed to revise your Statement of Issues or Grounds of Appeal if they do not comply with the guidelines set out in *Annexure A*. You must ensure that you have redrafted your Statement of Issues or Grounds of Appeal to submit them at the preliminary conference.

**1.4 Steps at the Preliminary Conference**: The following matters will be dealt with at a preliminary conference.

1.4.1 **Applications to Join**: Applications to join proceedings should be made before the preliminary conference is held (See Practice Direction 2 at 2.6.-2.8). Applications to join can be made at any time; however, lateness in making an application may be a relevant factor in refusing the application. Directions allowing parties an opportunity to comment on any application to join are set. Short timeframes apply to resolving applications to join.

1.4.2 **Grounds of Appeal or Statement of Issues**: If a party has not provided clear grounds of appeal, terms of orders sought, grounds of refusal (if a Planning Authority) then the Tribunal will issue directions. Parties may request directions of the Tribunal if they believe the grounds or issues are not sufficiently clear for them to know the case they need to meet.

1.4.3 **Jurisdictional Issues**: In some proceedings legal issues may arise which are known as jurisdictional issues. These may be issues which affect whether the Tribunal has power to hear and determine the proceedings. See Practice Direction 2 at 2.15 -2.17 for directions regarding raising these issues.

1.4.4 **Alternate Dispute Resolution and Mediation:** The Case Officer for the file will explore with the parties, in a pre-mediation session, whether the proceedings are suitable for mediation or ADR. If so, a listing will be made and usually for around 7 days after the preliminary conference.

1.4.5 **Dates for Full Hearing**: The hearing date is ordinarily set between 6-8 weeks of the preliminary conference to meet the Tribunal’s statutory requirement of a 90 day decision time frame.

1.4.6 **Preparation and Filing of Evidence**: Directions will be issued setting dates for parties to exchange and file all material that is to be used by parties in proving their respective cases at the full hearing (See Information Sheet 6 and Practice Direction 4)

1.4.7 **Provision of Information and Papers**: The primary decision maker (usually the planning authority) is required to provide to the Tribunal and to all parties a complete set of documents which constitute the original decision making process material. In the event other persons are joined to proceedings, directions will be issued for that same paperwork to be provided to them. The preliminary conference is also an opportunity for parties to request information from other parties. If one party refuses to provide certain information, other parties may apply for a summons for provision of documents (See Practice Direction 2 at 2.25-2.27)

1.4.8 **Draft Conditions of Approval**: The primary decision maker (usually the planning authority) will be required to prepare and submit draft conditions of approval of any planning appeal by no later than 7 days before the hearing. Alternatively, if a planning authority asserts that it is unable to draft and file conditions of approval, then submissions detailing the basis of the inability to file draft conditions of approval must be submitted on that same date. Those draft conditions or submissions are to be supplied to each other party to the proceedings. Each of the parties may then respond to any of the proposed draft conditions in their response statements of evidence.