



APPLYING FOR AN EXTENSION OF TIME IN FUTURE ACT INQUIRIES

This document sets out the Tribunal's expectations in relation to requests to vary directions to extend the time for compliance in future act inquiries. Please ensure you have addressed the following matters before requesting an extension of time.

Have you conferred with the other parties about the proposed extension?

- Before writing to the Tribunal to request an extension of time, the party seeking an extension should confer with the other parties regarding whether they agree to the extension sought.
- The request put to the Tribunal should be copied to all parties and include details of whether the parties consent to the request, and any other comments provided by the other parties.
- This information will be considered by the Member, including in relation to whether a case management conference should be held in relation to the request.

Was the request made as soon as you became aware there may be an issue in meeting the compliance date?

- You should request an extension as soon as it becomes apparent that there is a real likelihood you will not be able to comply with the direction.

Have you clearly outlined the reasons why you are unable to comply with the direction?

- The request should include an explanation of why you are unable to comply with the direction by the compliance date.

Have you outlined the steps you have already taken to comply with the direction?

- In deciding whether to grant the proposed extension, the Member will consider what efforts have been made to prepare the relevant materials or otherwise comply with the direction and the steps that will be taken to comply if an extension is granted.

Have you considered the length of time you will need to comply with the varied direction?

- You should also include in your request a realistic estimate of how much time you will need to finalise the relevant materials and provide these to the Tribunal and the other parties.

Has the State or Territory initiated refusal action in relation to the tenement application?

- If the State or Territory is considering refusal of the tenement application, the Tribunal will give consideration to amending the directions as appropriate.

FUTURE ACT INQUIRIES - APPLYING FOR AN EXTENSION OF TIME

Each request will be assessed on a case-by-case basis. The Member will take into account any information provided and give consideration to, among other things:

- *the merit of the request;*
- *the views of the other parties;*
- *whether any party is likely to be prejudiced by the decision to grant or not grant the extension; and*
- *how the proposed extension may assist the Tribunal's inquiry.*

A request to vary the directions is at the Member's discretion and parties should be prepared that an extension may not be granted, or may not be granted for the length of time requested.

Generally, directions will only be varied in exceptional cases. Where the variation is to extend the time in which a step is to be taken, any such extension will be for the shortest practicable time.

Such an extension will not usually be granted simply on the basis that parties are negotiating, save where those parties are able to assure the Tribunal that resolution is all but certain.