

**40. Settlement offers**

- (1) An offer to settle a proceeding that is before the Tribunal may be made —
  - (a) with prejudice, meaning that any party may refer to the offer, or to any terms of the offer, at any time during the proceeding; or
  - (b) without prejudice, meaning that the Tribunal is not able to be told of the making of the offer until after it has made its decision in respect of the matters in dispute in the proceeding (other than in relation to the making of orders in respect of costs).
- (2) If an offer does not specify whether it is made with or without prejudice, it is to be treated as if it had been made without prejudice.
- (3) A party may make more than one offer.
- (4) If an offer provides for the payment of money, the offer must specify the amount of money to be paid and when and how that money is to be paid.