

AGRICULTURAL TENANCIES ACT 1990—REGULATION

(Relating to arbitration and the payment of remuneration of arbitrators)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Agricultural Tenancies Act 1990, has been pleased to make the Regulation set forth hereunder.

R. S. Amery
Minister for Agriculture.

Commencement

1. This Regulation commences on 7 June 1995*.

Amendments

2. The Agricultural Tenancies Regulation 1991 is amended:
 - (a) by inserting after Division 3 of Part 2 the following Division:

Division 4—General

Disputes that cannot be referred to arbitration

11A. (1) For the purposes of section 20 (2) (b) of the Act, a prescribed dispute (being a dispute to which section 20 (1) of the Act does not apply) is any dispute involving a claim for an amount of money that exceeds the maximum amount that can be claimed in an action that a Local Court sitting in its General Division would have jurisdiction to hear and determine.

* The regulation (statutory rule) appointed 7 June 1995 as the date of its commencement. Pursuant to section 39 (2A) of the Interpretation Act 1987, the regulation is not invalid merely because the regulation was published in the Gazette after the day on which one or more of its provisions is or are expressed to take effect, but provides, in that case, for that or those provisions to take effect from the day on which the regulation is published in the Gazette instead of from the earlier day.

(2) This clause does not apply to a dispute referred to arbitration before the commencement of this clause.

(b) by inserting at the end of clause 14 the following subclauses:

(2) The Director-General may, on behalf of a party required to pay the remuneration of a member, pay that remuneration to the member and recover the amount paid as a debt in a court of competent jurisdiction from that party.

(3) Subclause (2) does not apply to any remuneration of a member that is payable in respect of a dispute referred to arbitration before the commencement of that subclause.

EXPLANATORY NOTE

The objects of this Regulation are as follows:

- The Agricultural Tenancies Act 1990 provides that certain disputes may be referred to arbitration under that Act. This Regulation provides that a dispute cannot be referred to arbitration if it involves a claim for money exceeding the maximum claim that can be made in an action in a Local Court sitting in its General Division (currently \$40,000). Accordingly, the jurisdiction of an arbitrator or arbitration committee with respect to a monetary claim will not exceed that of a Local Court.
- At present, a party to an arbitration is required to pay the remuneration of the member of the arbitration committee who was nominated by that party. This Regulation allows the Director-General of the Department of Agriculture to pay that remuneration to the member on behalf of the party obliged to pay it and to recover the amount paid from that party.
- The Regulation also contains transitional provisions.

This Regulation is made under the Agricultural Tenancies Act 1990, in particular sections 29 (1) (the general regulation making power), 29 (2) (a) and 20 (2) (b).
