



New South Wales

# Independent Pricing and Regulatory Tribunal Regulation 1996

under the

Independent Pricing and Regulatory Tribunal Act 1992

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Independent Pricing and Regulatory Tribunal Act 1992*.

BOB CARR

Premier

## Explanatory note

The object of this Regulation is to modify the application of the *Commercial Arbitration Act 1984* to the arbitration of disputes relating to a public infrastructure access regime to which Part 4A of the *Independent Pricing and Regulatory Tribunal Act 1992* applies. The modifications concern the right to legal representation, the private hearing of disputes and the recovery of the fees and expenses of the Independent Pricing and Regulatory Tribunal. The Regulation is made under sections 24A (2) and 29 of the *Independent Pricing and Regulatory Tribunal Act 1992*.

## **1996 No 455**

Independent Pricing and Regulatory Tribunal Regulation 1996

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## Independent Pricing and Regulatory Tribunal Regulation 1996

### 1 Name of Regulation

This Regulation is the *Independent Pricing and Regulatory Tribunal Regulation 1996*.

### 2 Definitions

In this Regulation:

*dispute* means a dispute under Part 4A of the Act.

*the Act* means the *Independent Pricing and Regulatory Tribunal Act 1992*.

### 3 Notes

The explanatory note and table of contents do not form part of this Regulation.

### 4 Object

The object of this Regulation is, in accordance with section 24A (2) of the Act, to modify the application of the *Commercial Arbitration Act 1984* to the arbitration of a dispute.

### 5 Appearance of legal practitioners

- (1) A party to a dispute may be represented in proceedings before an arbitrator by a legal practitioner only by leave granted by the arbitrator.
- (2) An arbitrator may grant leave only if the arbitrator is of the opinion:
  - (a) that representation of the party by a legal practitioner is likely to shorten the hearing of the dispute or to reduce the costs of the dispute, or
  - (b) that the party would be unfairly disadvantaged if the party was not represented by a legal practitioner.
- (3) This clause has effect instead of section 20 (1) of the *Commercial Arbitration Act 1984*.

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Clause 6

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### **6 Private hearing of disputes**

A dispute is to be heard in private, unless the arbitrator otherwise directs.

### **7 Costs of arbitration**

For the purposes of section 34 (1) of the *Commercial Arbitration Act 1984*, and without limiting the fees and expenses of the arbitrator as referred to in that subsection, the fees and expenses of the arbitrator are taken to include all costs incurred by the arbitrator and by the Independent Pricing and Regulatory Tribunal in relation to the arbitration of a dispute, including administrative costs, costs incurred in engaging consultants and expert witnesses, and witnesses' expenses.