



New South Wales

# Agricultural Tenancies Regulation 2001

under the

Agricultural Tenancies Act 1990

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Agricultural Tenancies Act 1990*.

RICHARD AMERY, M.P.,

Minister for Agriculture

## Explanatory note

The object of this Regulation is to repeal and remake, with modifications, the provisions of the *Agricultural Tenancies Regulation 1996* under the *Agricultural Tenancies Act 1990* (**the principal Act**) in connection with the commencement of the *Agricultural Tenancies Amendment Act 2001* (**the 2001 amending Act**). The new Regulation:

- (a) requires copies of arbitration awards under the principal Act, duly signed, to be served on each party to an arbitration (clause 5), and
- (b) provides for the remuneration of arbitrators, members of arbitration committees and technical assessors (clause 6), and
- (c) excludes a provision of the *Commercial Arbitration Act 1984* (as applied to arbitration proceedings by section 26K of the principal Act) that would otherwise empower an arbitrator to tax or settle costs (clause 7), and
- (d) provides that arbitration proceedings for which an arbitrator had been appointed under the principal Act (as in force immediately before the commencement of the 2001 amending Act) are to continue to be dealt with under that Act (as then in force) and continues the effect of certain awards, orders and declarations under the principal Act (as then in force) (clause 9), and
- (e) contains other minor provisions (clauses 1, 2, 3, 4 and 8).

## **2001 No 646**

Agricultural Tenancies Regulation 2001

Explanatory note

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This Regulation comprises matters of a machinery nature and matters of a savings or transitional nature.

This Regulation is made under the *Agricultural Tenancies Act 1990*, including section 29 (the general power to make regulations), section 26K and clause 2 of Schedule 2 (the power to make regulations of a savings or transitional nature).

This Regulation is made in connection with the staged repeal of subordinate legislation under the *Subordinate Legislation Act 1989*.

Agricultural Tenancies Regulation 2001

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## **Agricultural Tenancies Regulation 2001**

### **1 Name of Regulation**

This Regulation is the *Agricultural Tenancies Regulation 2001*.

### **2 Commencement**

This Regulation commences on 1 September 2001.

### **3 Definition**

In this Regulation:

*the Act* means the *Agricultural Tenancies Act 1990*.

### **4 Notes**

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

### **5 Awards**

- (1) As soon as practicable after an award is made under the Act, a copy of the award must be served on:
  - (a) each of the parties to the arbitration, and
  - (b) in the case of an arbitration conducted by a committee, each of the members of the committee.
- (2) Each copy of the award must be signed by the single arbitrator, or by the chairperson of the committee, as the case requires.
- (3) An award need not include a statement of the reasons for making the award.

### **6 Remuneration of arbitrators and members of arbitration committees**

The rate of remuneration of:

- (a) an arbitrator, or
- (b) a member of an arbitration committee, or
- (c) a technical assessor,

is to be as fixed from time to time by the Minister.

**7 Application of Commercial Arbitration Act 1984**

Section 34 (1) (b) of the *Commercial Arbitration Act 1984* does not apply to or in respect of an arbitration under the Act.

**8 Repeal**

The *Agricultural Tenancies Regulation 1996* is repealed.

**9 Savings and transitional provisions**

- (1) Part 4 of the Act, as in force immediately before the commencement of Schedule 1 [8] to the 2001 amending Act, continues to apply to arbitration proceedings under that Part for which an arbitration committee or arbitrator had been appointed, but which had not been completed, before that commencement as if the 2001 amending Act had not been enacted.
- (2) Any award, order or declaration arising from arbitration proceedings under Part 4 of the Act, as in force immediately before the commencement of Schedule 1 [8] to the 2001 amending Act, continues to have effect, and may be enforced, as if the 2001 amending Act had not been enacted.
- (3) In this clause, *the 2001 amending Act* means the *Agricultural Tenancies Amendment Act 2001*.