



New South Wales

Community Land Management Amendment (Residential Tribunal) Regulation 2001

under the

Community Land Management Act 1989

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Community Land Management Act 1989*.

JOHN WATKINS, M.P.,

Minister for Fair Trading

Explanatory note

On the commencement of section 91A of the *Community Land Management Act 1989 (the CLM Act)* (as inserted by Schedule 1.4 [8] to the *Statute Law (Miscellaneous Provisions) Act (No 2) 2000*), the provisions of the *Residential Tribunal Act 1998* and the regulations made under that Act will apply in relation to proceedings under the CLM Act before the Residential Tribunal, subject to any modifications prescribed by the regulations under the CLM Act.

The object of this Regulation is to amend the *Community Land Management Regulation 2000* to provide that:

- (a) certain provisions of the *Residential Tribunal Act 1998* and the *Residential Tribunal Regulation 1999* that relate to representation of parties, costs and other procedural matters do not apply to proceedings under the CLM Act before the Residential Tribunal, and

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(b) section 25 (2) of the *Residential Tribunal Act 1998* (which concerns service of process) applies to those proceedings, but in a modified manner.

This Regulation is made under the *Community Land Management Act 1989*, including sections 91A and 122 (the general regulation-making power).

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1 Name of Regulation

This Regulation is the *Community Land Management Amendment (Residential Tribunal) Regulation 2001*.

2 Commencement

This Regulation commences on the commencement of Schedule 1.4 to the *Statute Law (Miscellaneous Provisions) Act (No 2) 2000*.

3 Amendment of Community Land Management Regulation 2000

The *Community Land Management Regulation 2000* is amended as set out in Schedule 1.

4 Notes

The explanatory note does not form part of this Regulation.

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Schedule 1 Amendments

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(Clause 3)

[1] Clause 18 Conduct of proceedings before Tribunal

Insert after clause 18 (2):

- (3) This clause is a modification of the provisions of the *Residential Tribunal Act 1998*, and of the regulations under that Act, for the purposes of section 91A (1) of the *Community Land Management Act 1989*.

[2] Clause 18A

Insert after clause 18:

18A Modification of applied provisions of Residential Tribunal Act 1998 and regulations: section 91A (1)

- (1) The following provisions do not apply in relation to proceedings before the Tribunal under the Act:
- (a) sections 27 (5) (g) and (h), 33 and 48 of the *Residential Tribunal Act 1998*,
 - (b) Part 5 (being clauses 11 to 15) and clauses 16 and 26 of the *Residential Tribunal Regulation 1999*.
- (2) Section 25 (2) of the *Residential Tribunal Act 1998* applies in relation to notices of application for an order in addition to section 70B of the *Community Land Management Act 1989*, and for that purpose the words “this section” in that subsection are taken to refer to section 70B (1) of the *Community Land Management Act 1989*.

Note. Section 91A (1) of the Act provides that the provisions of the *Residential Tribunal Act 1998*, and of the regulations made under that Act, apply in relation to proceedings under the *Community Land Management Act 1989* before the Residential Tribunal, subject to any modifications prescribed by the regulations.

Various provisions of the Act (for example, Divisions 1–3 of Part 4 of the Act) do not relate to proceedings before the Residential Tribunal and therefore are not affected by section 91A (1).

BY AUTHORITY