



New South Wales

Community Land Management Amendment (Tribunal) Regulation 2005

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*.

DIANE BEAMER, M.P.,
Minister for Fair Trading

Explanatory note

The object of this Regulation is to update certain references that relate to the provisions of the *Consumer, Trader and Tenancy Tribunal Act 2001* and the *Consumer, Trader and Tenancy Tribunal Regulation 2002* that deal with proceedings of the Consumer, Trader and Tenancy Tribunal. The Regulation also provides that the provisions of the *Consumer, Trader and Tenancy Tribunal Act 2001* relating to rehearings do not apply to proceedings under the *Community Land Management Act 1989*.

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

2005 No 674

Clause 1 Community Land Management Amendment (Tribunal) Regulation 2005

Community Land Management Amendment (Tribunal) Regulation 2005

under the

Community Land Management Act 1989

1 Name of Regulation

This Regulation is the *Community Land Management Amendment (Tribunal) Regulation 2005*.

2 Amendment of Community Land Management Regulation 2000

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

Schedule 1 Amendments

(Clause 2)

[1] Clause 18 Conduct of proceedings before Tribunal

Omit “*Residential Tribunal Act 1998*” from clause 18 (3).

Insert instead “*Consumer, Trader and Tenancy Tribunal Act 2001*”.

[2] Clause 18A

Omit the clause. Insert instead:

18A Modification of applied provisions of Consumer, Trader and Tenancy Tribunal Act 2001 and regulations: section 91A (1)

- (1) For the purposes of section 91A (1) of the Act, the application of the provisions of the *Consumer, Trader and Tenancy Tribunal Act 2001* in relation to proceedings before the Tribunal under the *Community Land Management Act 1989* is modified in accordance with this clause.
- (2) Section 24 (4) of the *Consumer, Trader and Tenancy Tribunal Act 2001* 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:
 - (a) the words “subsection (3)” where firstly occurring in that subsection are taken to refer to section 70B (1) of the *Community Land Management Act 1996*, and
 - (b) section 24 (4) (b) of the *Consumer, Trader and Tenancy Tribunal Act 2001* is amended by omitting the words “in accordance with the Chairperson’s directions referred to in subsection (3)” and by inserting instead the words “within such time and manner as the Chairperson directs”.
- (3) Section 68 of the *Consumer, Trader and Tenancy Tribunal Act 2001* is to be read as not permitting an application to be made for a rehearing under that section in relation to proceedings under the *Community Land Management Act 1989*.

Note. Section 91A (1) of the Act provides that the provisions of the *Consumer, Trader and Tenancy Tribunal Act 2001*, and of the regulations made under that Act, apply in relation to proceedings under the *Community Land Management Act 1989* before the Consumer, Trader and Tenancy Tribunal, subject to any modifications prescribed by the regulations.

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Schedule 1 Amendments

Sections 28 (5) (g), (h) and (i), 36 and 53 of the *Consumer, Trader and Tenancy Tribunal Act 2001* do not apply to proceedings under the *Community Land Management Act 1989*: see sections 28 (7), 36 (9) and 53 (5) of the *Consumer, Trader and Tenancy Tribunal Act 2001*. As a consequence, Part 4 (being clauses 13–18) and clause 20 of the *Consumer, Trader and Tenancy Tribunal Regulation 2002* also do not apply to proceedings under the *Community Land Management Act 1989* before the Consumer, Trader and Tenancy Tribunal.

BY AUTHORITY