



New South Wales

# Agricultural Tenancies Regulation 2006

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*.

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Minister for Primary Industries

## Explanatory note

The object of this Regulation is to remake, with one addition but no other substantial changes, the *Agricultural Tenancies Regulation 2001* which is repealed on 1 September 2006 by section 10 (2) of the *Subordinate Legislation Act 1989*.

This Regulation:

- (a) prescribes the disputes that cannot be the subject of an application for arbitration under the *Agricultural Tenancies Act 1990* (**the Act**) (clause 4), and
- (b) requires copies of arbitration awards under the Act, duly signed, to be served on each party to an arbitration (clause 5), and
- (c) provides for the remuneration of arbitrators, members of arbitration committees and technical assessors (clause 6), and
- (d) excludes a provision of the *Commercial Arbitration Act 1984* (as applied to arbitration proceedings by section 26K of the Act) that would otherwise empower an arbitrator to tax or settle costs (clause 7), and
- (e) contains formal and ancillary provisions (clauses 1–3 and 8).

This Regulation is made under the *Agricultural Tenancies Act 1990*, including sections 21 (Applications for arbitration), 26K (Application of Commercial Arbitration Act 1984) and 29 (the general regulation-making power).

This Regulation comprises matters of a machinery nature.

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## Agricultural Tenancies Regulation 2006

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### 1 Name of Regulation

This Regulation is the *Agricultural Tenancies Regulation 2006*.

### 2 Commencement

This Regulation commences on 1 September 2006.

**Note.** This Regulation replaces the *Agricultural Tenancies Regulation 2001* which is repealed on 1 September 2006 by section 10 (2) of the *Subordinate Legislation Act 1989*.

### 3 Definition

(1) In this Regulation:

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

(2) Notes included in this Regulation do not form part of this Regulation.

### 4 Disputes that cannot be the subject of an application for arbitration

Any dispute involving a claim for an amount of money that exceeds the jurisdictional limit of a Local Court sitting in its General Division is a prescribed dispute for the purposes of section 21 (2) (b) of the Act.

### 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.

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### **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 Saving**

Any act, matter or thing that had effect under the *Agricultural Tenancies Regulation 2001* immediately before the repeal of that Regulation is taken to have effect under this Regulation.

BY AUTHORITY

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