TASMANIA

COMMERCIAL ARBITRATION
(CONSEQUENTIAL AMENDMENTS) BILL 2010

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Schedule 1 – Consequential Amendments
COMMERCIAL ARBITRATION
(CONSEQUENTIAL AMENDMENTS) BILL 2010

(Brought in by the Minister for Justice, the Honourable
Larissa Tahireh Giddings)

A BILL FOR

An Act to amend certain legislation consequent on the
enactment of the Commercial Arbitration Act 2010

Be it enacted by His Excellency the Governor of Tasmania, by
and with the advice and consent of the Legislative Council and
House of Assembly, in Parliament assembled, as follows:

1. Short title

This Act may be cited as the Commercial Arbitration (Consequential Amendments) Act 2010.

2. Commencement

This Act commences on a day to be proclaimed.

3. Effect of certain consequential amendments

The amendment by this Act of a provision of any
regulations, rules or by-laws made under any Act
does not prevent that provision or any other
provision of those regulations, rules or by-laws
from being amended or rescinded by any
subsequent regulations, rules or by-laws.
4. **Repeal of Act**

   This Act is repealed on the ninetieth day from the day on which it commences.

5. **Consequential amendments**

   The legislation specified in Schedule 1 is amended as specified in that Schedule.
SCHEDULE 1 – CONSEQUENTIAL AMENDMENTS

Section 5

Anglican Church of Australia Constitution Act 1973

1. Section 16(1)(a)(i) is amended by omitting “arbitrator under the Commercial Arbitration Act 1986” and substituting “arbitral tribunal under the Commercial Arbitration Act 2010”.

Archives Act 1983

1. Section 13 is amended as follows:

(a) by omitting from subsection (6)(b) “Commercial Arbitration Act 1986” and substituting “Commercial Arbitration Act 2010”;

(b) by omitting from subsection (7) “Commercial Arbitration Act 1986” and substituting “Commercial Arbitration Act 2010”.

Associations Incorporation (Model Rules) Regulations 2007


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Boundary Fences Act 1908


2. Section 35 is amended by omitting “arbitrators by the Commercial Arbitration Act 1986” and substituting “arbitral tribunals by the Commercial Arbitration Act 2010”.

Burial and Cremation Act 2002

1. Section 23(4) is amended as follows:

   (a) by omitting “Commercial Arbitration Act 1986” and substituting “Commercial Arbitration Act 2010”;

   (b) by omitting “submission” and substituting “request for the dispute to be referred to arbitration”.

2. Section 29(3) is amended as follows:

   (a) by omitting “Commercial Arbitration Act 1986” and substituting “Commercial Arbitration Act 2010”;

   (b) by omitting “submission” and substituting “request for the dispute to be referred to arbitration”.

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3. Section 31(4) is amended as follows:
   (a) by omitting “Commercial Arbitration Act 1986” and substituting “Commercial Arbitration Act 2010”;
   (b) by omitting “submission” and substituting “request for the dispute to be referred to arbitration”.

**Decimal Currency Act 1965**

1. Section 2(2)(c) is amended as follows:
   (a) by omitting “submission” and substituting “request for a dispute to be referred”;
   (b) by omitting “Commercial Arbitration Act 1986” and substituting “Commercial Arbitration Act 2010”.

**Florentine Valley Paper Industry Act 1935**

1. Section 3(1) is amended by omitting “Commercial Arbitration Act 1986” from the definition of “arbitration” and substituting “Commercial Arbitration Act 2010”.

Land Acquisition Act 1993

1. Section 3(1) is amended by omitting “an arbitrator under the Commercial Arbitration Act 1986” from the definition of “arbitrator” and substituting “an arbitral tribunal under the Commercial Arbitration Act 2010”.

2. Section 42(1)(b) is amended by omitting “Commercial Arbitration Act 1986” and substituting “Commercial Arbitration Act 2010”.


Nature Conservation Act 2002

1. Section 33 is amended by omitting the definition of “arbitrator” and substituting the following definition:

“arbitrator” means an arbitral tribunal within the meaning of the Commercial Arbitration Act 2010 and includes a person nominated by the Forest Practices Tribunal for the purpose of arbitrating disputes under this Part;
2. Section 40(3) is amended by omitting “Commercial Arbitration Act 1986” and substituting “Commercial Arbitration Act 2010”.

3. Section 42(3) is amended by omitting “Commercial Arbitration Act 1986” and substituting “Commercial Arbitration Act 2010, in accordance with that Act”.


**Rail Infrastructure Act 2007**

1. Section 21(7)(b) is amended by omitting “arbitrator in accordance with the Commercial Arbitration Act 1986” and substituting “arbitral tribunal, within the meaning of the Commercial Arbitration Act 2010, in accordance with that Act”.

2. Section 25 is amended as follows:

   (a) by omitting from subsection (3) “arbitrator in accordance with the Commercial Arbitration Act 1986” and substituting “arbitral tribunal, within the meaning of the Commercial Arbitration Act 2010, in accordance with that Act”;
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(b) by omitting from subsection (4) “Commercial Arbitration Act 1986” and substituting “Commercial Arbitration Act 2010”.

Supreme Court Civil Procedure Act 1932


Threatened Species Protection Act 1995

1. Section 47(2) is amended as follows:

(a) by omitting “submission” and substituting “the dispute to be referred”;

(b) by omitting “Commercial Arbitration Act 1986” and substituting “Commercial Arbitration Act 2010”.

Valuation of Land Act 2001


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1. Section 69(2) is amended as follows:
   (a) by omitting “Commercial Arbitration Act 1986” and substituting “Commercial Arbitration Act 2010”;
   (b) by omitting “to submit the matter to it for arbitration” and substituting “that the matter be referred to it for arbitration”.

2. Section 89(2) is amended by omitting “Commercial Arbitration Act 1986” and substituting “Commercial Arbitration Act 2010”.


4. Section 118 is amended as follows:
   (a) by omitting from subsection (1) “Commercial Arbitration Act 1986” and
substituting “Commercial Arbitration Act 2010”;

(b) by omitting from subsection (2)(b) “arbitrator” and substituting “arbitral tribunal”.

5. Section 178(4) is amended as follows:

(a) by omitting from paragraph (b) “arbitrator” and substituting “arbitral tribunal”; 

(b) by omitting from paragraph (c) “Commercial Arbitration Act 1986” and substituting “Commercial Arbitration Act 2010”.


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