

TASMANIA

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**COMMERCIAL ARBITRATION  
(CONSEQUENTIAL AMENDMENTS) BILL 2010**

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**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from being amended or rescinded by any  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.

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This Act is repealed on the ninetieth day from the day on which it commences.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

1. Clause 34(1) of Schedule 1 is amended by omitting “*Commercial Arbitration Act 1986*” and substituting “*Commercial Arbitration Act 2010*”.

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***Boundary Fences Act 1908***

1. Section 26 is amended by omitting “*Commercial Arbitration Act 1986*” and substituting “*Commercial Arbitration Act 2010*”.
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*”.

**2.** Section 26A is amended by omitting “*Commercial Arbitration Act 1986*” and substituting “*Commercial Arbitration Act 2010*”.

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***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*”.
  
3. Section 83(3)(c) 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;



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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”.
4. Section 43(1)(b) is amended by omitting “*Commercial Arbitration Act 1986*” and substituting “*Commercial Arbitration Act 2010*”.

***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***

1. Section 26(1) is amended by omitting “*Commercial Arbitration Act 1986*” and substituting “*Commercial Arbitration Act 2010*”.
2. Section 27(4) is amended by omitting “*Commercial Arbitration Act 1986*” and substituting “*Commercial Arbitration Act 2010*”.

***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***

1. Section 32(1) is amended by omitting “*Commercial Arbitration Act 1986*” and substituting “*Commercial Arbitration Act 2010*”.

***War Service Land Settlement Act 1950***

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”.

***Water Management Act 1999***

1. Section 22(2) is amended by omitting “*Commercial Arbitration Act 1986*” and substituting “*Commercial Arbitration Act 2010*”.
2. Section 89(2) is amended by omitting “*Commercial Arbitration Act 1986*” and substituting “*Commercial Arbitration Act 2010*”.
3. Section 116(3) 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

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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*”.

**6.** Section 280F(4) is amended by omitting “*Commercial Arbitration Act 1986*” and substituting “*Commercial Arbitration Act 2010*”.