



ARBITRATION AMENDMENT ACT 1983

No. 33 of 1983

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AN ACT to amend the Arbitration Act 1892 for the purpose of making further provision with respect to the payment of the costs of an arbitration under the Act and for related purposes.

[Royal Assent 19 July 1983]

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—This Act may be cited as the *Arbitration Amendment Act* Short title. 1983.

Commence-  
ment.

**2**—This Act shall commence on the day on which it receives the royal assent.

Principal Act.

**3**—In this Act, the *Arbitration Act 1892\** is referred to as the Principal Act.

Substitution of  
section 25 of  
Principal Act.

**4**—Section 25 of the Principal Act is repealed and the following section is substituted:—

Costs of  
arbitration.

25—(1) Unless a contrary intention is expressed in a submission, but subject to subsection (3), the costs of the arbitration (including the fees and expenses of the arbitrator, referee, or umpire) shall be in the discretion of the arbitrator, referee, or umpire, who may—

- (a) direct to and by whom and in what manner the whole or any part of those costs shall be paid;
- (b) tax or settle the amount of costs to be so paid or any part of those costs; and
- (c) award costs to be taxed or settled as between party and party or as between solicitor and client.

(2) Any costs of the arbitration, other than the fees or expenses of the arbitrator, referee, or umpire, that are directed to be paid by an award shall, except in so far as they are taxed or settled by the arbitrator, referee, or umpire, be taxable in the Court in accordance with the Rules of Court as if the arbitration had been a proceeding in the Court.

(3) A provision in a submission (being a submission that provides for the reference of future differences to arbitration) to the effect that the parties or a particular party to the submission shall in any event pay their or his own costs of the arbitration or any part of those costs is void.

(4) If no provision is made by an award with respect to the costs of the arbitration, a party to the submission may, within 21 days of the publication of the award, apply to the arbitrator, referee, or umpire for directions as to the payment of those costs.

\* 56 Vict. No. 8. For this Act, as amended up to and including 1st January 1978, see the continuing Reprint of Statutes.

(5) On an application under subsection (4), the arbitrator, referee, or umpire shall, after giving such notice of hearing as he thinks fit to the parties to the submission and after hearing any party who wishes to be heard, amend his award by adding to it such directions as he may think proper with respect to the payment of the costs of the arbitration.

**5**—Schedule II to the Principal Act is amended by omitting rule 9.

Amendment of  
Schedule II to  
Principal Act  
(PROVI-  
SIONS TO BE  
IMPLIED IN  
SUBMIS-  
SIONS).

**6**—The amendments effected by this Act apply to, and in relation to, a submission, whether made before or after the commencement of this Act, and to an arbitration under such a submission.

Application of  
amendments.

