



ARBITRATION AMENDMENT ACT (No. 2) 1983

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No. 68 of 1983
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AN ACT to amend the Arbitration Act 1892.

[Royal Assent 2 December 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. (No. 2) 1983.

2—This Act shall commence on the day on which it receives the Commence- royal assent. ment.

Principal Act.

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

Amendment of section 25 of Principal Act (Costs of arbitration or reference, &c.).

4—(1) Section 25 (1) of the Principal Act is amended by omitting “ , referee,” where twice occurring.

(2) Section 25 of the Principal Act is further amended by inserting the following subsection after subsection (1):—

(1A) Where the Court, pursuant to section 16, makes an order that any action, cause, or matter or any question or issue of fact arising therein is to be tried before an arbitrator or a referee, the costs of the trial before the arbitrator or referee shall be in his discretion, and he 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.

(3) Section 25 of the Principal Act is further amended by omitting subsection (2) and substituting the following subsection:—

(2) Any costs of an arbitration arising by way of a submission, or of a trial conducted by an arbitrator or a referee pursuant to an order made under section 16, shall, except in so far as they are taxed or settled by the arbitrator, umpire, or referee, be taxable in the Court in accordance with the Rules of Court as if the arbitration or trial had been a proceeding in the Court.

(4) Section 25 of the Principal Act is further amended by omitting subsection (4) and substituting the following subsection:—

(4) If no provision is made by an award with respect to the costs of the proceedings of an arbitration or of a trial referred to in this section, a party to the proceedings may, within 21 days of the publication of the award, apply to the arbitrator, umpire, or referee 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. Subsequently amended by No. 33 of 1983.

(5) Section 25 (5) of the Principal Act is amended as follows:—

- (a) by omitting “ referee, or umpire ” and substituting “ umpire, or referee ”;
- (b) by omitting “ submission ” and substituting “ arbitration or trial ”;
- (c) by inserting “ or trial ” after “ arbitration ”.

5—The amendments effected by this Act apply to, and in relation to, any order for the payment of costs, direction with respect to the payment of costs, or award of costs, whether made before or after the commencement of this Act. Application of amendments.

