

**ARBITRATION (CIVIL ACTIONS) AMENDMENT ACT 1987**  
**No. 28**

NEW SOUTH WALES



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**ARBITRATION (CIVIL ACTIONS) AMENDMENT ACT 1987 No. 28**

NEW SOUTH WALES



**Act No. 28, 1987**

An Act to amend the Arbitration (Civil Actions) Act 1983 with respect to the functions of arbitrators, the bringing of appeals, the issue of subpoenas and the enforcement of awards; and for other purposes. [Assented to 15 May 1987]

*Arbitration (Civil Actions) Amendment 1987*

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**BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:

**Short title**

1. This Act may be cited as the "Arbitration (Civil Actions) Amendment Act 1987".

**Principal Act**

2. The Arbitration (Civil Actions) Act 1983 is referred to in this Act as the Principal Act.

**Amendment of Act No. 43, 1983**

3. The Principal Act is amended in the manner set forth in Schedules 1 and 2.

**Application of amendments**

4. The Principal Act, as amended by this Act, applies to and in respect of an action commenced before the date of assent to this Act in the same way as that Act, as so amended, applies to and in respect of an action commenced on or after that date.

**Saving of regulation**

5. A regulation which, immediately before the commencement of this Act, prescribed an amount for the purposes of section 17 of the Principal Act shall, on that commencement, be deemed to prescribe an amount for the purposes of section 18 of that Act, as amended by this Act.

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## SCHEDULE 1

(Sec. 3)

## MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT

(1) Section 7 (**Jurisdiction of arbitrator**)—

Section 7 (1A)–(1C)—

After section 7 (1), insert:

(1A) Subject to this Act, an arbitrator has and may exercise, in relation to a referred action, all of the powers and authorities of the court by which the action was referred.

(1B) Subsection (1A) does not confer on an arbitrator powers or authorities of a court which are the same as, or similar to, the powers and authorities conferred by sections 12 and 14.

(1C) The powers and authorities conferred on an arbitrator shall be exercised only—

(a) for the purposes of determining the issues in dispute in a referred action and of making an award; and

(b) for related purposes.

(2) Section 17 (**Judicial supervision of arbitrator**)—

(a) Section 17 (1)—

Omit “Where the amount claimed in a referred action, or the value of the property to which a referred action relates, does not exceed the amount prescribed for the purposes of this section, no”, insert instead “No”.

(b) Section 17 (1)—

Omit “the” where lastly occurring, insert instead “a”.

(3) Section 18 (**Rehearing**)—

(a) Section 18 (2)—

Omit “section 17”, insert instead “this section”.

*Arbitration (Civil Actions) Amendment 1987*

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SCHEDULE 1—*continued*

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—  
*continued*

(b) Section 18 (3A)—

After section 18 (3), insert:

(3A) Without affecting the generality of subsection (3), a subpoena for the giving of evidence or production of documents, at a rehearing of an action, by the arbitrator to whom the action was referred, shall not be issued if the evidence relates or the documents relate to the arbitration.

(c) Section 18 (5)—

After section 18 (4), insert:

(5) If, after an order is made under subsection (2) with respect to an award—

- (a) the applicant for the order files a notice of discontinuance of the rehearing of the action;
- (b) the applicant fails to attend the rehearing; or
- (c) in accordance with the rules, the court orders that the award be reinstated—
  - (i) on being satisfied that the applicant does not intend to proceed with the rehearing; or
  - (ii) for such other reason as to the court appears sufficient,

the order under subsection (2) ceases to have effect and the award shall be deemed to be a judgment or order of the court.

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*Arbitration (Civil Actions) Amendment 1987*

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SCHEDULE 2

(Sec. 3)

AMENDMENTS FOR THE PURPOSE OF STATUTE LAW REVISION

(1) Long title, section 19 (1) (b)—

Omit “court of petty sessions” wherever occurring, insert instead “Local Court”.

(2) Sections 3 (1) (definitions of “referred action”, “rules”), 3 (2), 4, 5 (2), 8, 11, 16 (2), 17 (1) (e), 18 (4), 20 (3)—

Omit “Courts of Petty Sessions” wherever occurring, insert instead “Local Courts”.

(3) Section 5 (2)—

Omit “Chairman of the Bench of Stipendiary Magistrates”, insert instead “Chief Magistrate”.

(4) Section 19 (1) (b)—

Omit “stipendiary magistrate”, insert instead “Magistrate”.