

# Independent Pricing and Regulatory Tribunal Regulation 2022

[2022-524]



New South Wales

## Status information

### Currency of version

Current version for 31 August 2022 to date (accessed 25 October 2022 at 15:00)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced. See [Historical Notes](#)

### Staged repeal status

This legislation is currently due to be automatically repealed under the *Subordinate Legislation Act 1989* on 1 September 2027

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the *Interpretation Act 1987*.

File last modified 31 August 2022.

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## Contents

1 Name of Regulation .....	3
2 Commencement .....	3
3 Definitions .....	3
4 Object of Regulation .....	3
5 Legal representation .....	3
6 Private hearing of disputes .....	4
7 Costs of arbitration .....	4
8 Appeals against awards .....	4
9 Repeal and savings .....	4
<b>Historical notes .....</b>	<b>5</b>

# Independent Pricing and Regulatory Tribunal Regulation 2022



New South Wales

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## 1 Name of Regulation

This Regulation is the *Independent Pricing and Regulatory Tribunal Regulation 2022*.

## 2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

**Note**— This Regulation repeals and replaces the *Independent Pricing and Regulatory Tribunal Regulation 2017*, which would otherwise be repealed on 1 September 2022 by the *Subordinate Legislation Act 1989*, section 10(2).

## 3 Definitions

In this Regulation—

*dispute* means a dispute referred to in the Act, section 24A.

*the Act* means the *Independent Pricing and Regulatory Tribunal Act 1992*.

**Note**— The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Regulation.

## 4 Object of Regulation

The object of this Regulation is to modify, for the Act, section 24A, the application of the *Commercial Arbitration Act 2010* to the arbitration of a dispute.

## 5 Legal representation

- (1) A party to a dispute may be represented by an Australian legal practitioner in proceedings before an arbitrator only if leave is granted by the arbitrator.
- (2) An arbitrator may grant leave only if, in the arbitrator's opinion—
  - (a) representation of the party by an Australian legal practitioner—
    - (i) is likely to shorten the hearing of the dispute, or
    - (ii) is likely to reduce the costs of the dispute, or
    - (iii) will assist the arbitrator in the conduct of the arbitration, or
  - (b) the party will be unfairly disadvantaged if the party is not represented by an Australian legal practitioner.

(3) This section has effect instead of the *Commercial Arbitration Act 2010*, section 24A.

## **6 Private hearing of disputes**

Despite the *Commercial Arbitration Act 2010*, sections 27E–27I, a dispute must be heard in private unless the arbitrator otherwise directs.

## **7 Costs of arbitration**

(1) For the purposes of the *Commercial Arbitration Act 2010*, section 33B, the fees and expenses of the arbitrator or arbitrators are taken to include all costs in relation to the arbitration of a dispute incurred by—

- (a) the arbitrator or arbitrators, and
- (b) the Tribunal.

(2) For subsection (1), *costs* include the following—

- (a) administrative costs,
- (b) costs of engaging consultants and expert witnesses,
- (c) witnesses' expenses.

(3) Subsections (1) and (2) do not limit the fees or expenses of the arbitrator or arbitrators.

## **8 Appeals against awards**

(1) A party to a dispute may, with the leave of the Supreme Court, appeal to the Supreme Court on a question of law arising out of an award.

(2) Subsection (1) has effect instead of the *Commercial Arbitration Act 2010*, section 34A(1) and (2).

## **9 Repeal and savings**

(1) The *Independent Pricing and Regulatory Tribunal Regulation 2017* is repealed.

(2) An act, matter or thing that, immediately before the repeal of the *Independent Pricing and Regulatory Tribunal Regulation 2017*, had effect under that Regulation continues to have effect under this Regulation.

## Historical notes

The following abbreviations are used in the Historical notes:

Am	amended	LW	legislation website	Sch	Schedule
Cl	clause	No	number	Schs	Schedules
ClI	clauses	p	page	Sec	section
Div	Division	pp	pages	Secs	sections
Divs	Divisions	Reg	Regulation	Subdiv	Subdivision
GG	Government Gazette	Regs	Regulations	Subdivs	Subdivisions
Ins	inserted	Rep	repealed	Subst	substituted

### Table of amending instruments

*Independent Pricing and Regulatory Tribunal Regulation 2022 (524)*. LW 31.8.2022. Date of commencement, on publication on LW, sec 2.