



ANNO TRICESIMO QUINTO

# ELIZABETHAE II REGINAE

A.D. 1986

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No. 49 of 1986

An Act to amend the Planning Act, 1982.

[Assented to 11 September 1986]

The Parliament of South Australia enacts as follows:

Short title.

1. (1) This Act may be cited as the "Planning Act Amendment Act (No. 2), 1986".

(2) The Planning Act, 1982, is in this Act referred to as "the principal Act".

Commencement.

2. This Act shall come into operation on a day to be fixed by proclamation.

3. Section 24 of the principal Act is repealed and the following section is substituted:

Administrative responsibility of Senior Judge.

24. (1) The Senior Judge may give directions as to the sittings of the Tribunal and the arrangement of its business.

(2) Subject to any directions of the Senior Judge the sittings of the Tribunal and the arrangement of its business shall be under the control of the Chairman.

Repeal of s. 25 and substitution of new section.

4. Section 25 of the principal Act is repealed and the following section is substituted:

Constitution of the Tribunal when hearing proceedings.

25. (1) Subject to subsection (7), the Tribunal shall be constituted of—

(a) a Judge and not less than 2 Commissioners (referred to in this Act as "a full bench");

or

(b) a Judge or a Commissioner sitting alone.

(2) Subject to this section, the Senior Judge, or a Judge nominated for that purpose by the Senior Judge, may give directions as to the constitution of the Tribunal.

(3) The nomination of a Judge under subsection (2) may be withdrawn by the Senior Judge at any time.

(4) Where a conference is held in pursuance of this Part the chairman of the conference may, for the purpose of the proceedings to which the conference relates, determine whether the Tribunal should be constituted of a full bench, a Judge or a Commissioner but if before the conclusion of the conference all the parties appearing at the conference request that the Tribunal be constituted of a full bench, it shall be so constituted.

(5) The Tribunal shall not be constituted of a full bench unless—

(a) the person determining the constitution of the Tribunal is of the opinion that the questions to be determined by the Tribunal are of such importance that they should be determined by a full bench of the Tribunal;

or

(b) the parties appearing at a conference request that the Tribunal be constituted of a full bench.

(6) Where the Tribunal is, at the commencement of a hearing constituted of a full bench and a Commissioner dies or is for any reason unable to continue with the hearing—

(a) the Tribunal constituted of the Judge and the remaining Commissioner or Commissioners may continue and complete the hearing and determination of the proceedings;

or

(b) if the Judge is the only remaining member, the Judge may, if all parties agree, continue and complete the hearing and determination of the proceedings.

(7) The Tribunal may be constituted of the secretary to the Tribunal—

(a) for the purpose of adjourning proceedings;

or

(b) for any other purpose prescribed by rules of the Tribunal.

(8) The Tribunal, when constituted of a Commissioner or the secretary may refer a question of law for the decision of a Judge and, in that event, the Judge shall decide that question and may, in addition—

(a) decide any other questions remaining between the parties;

and

(b) make such orders as are necessary to dispose of the matter.

(9) A decision or order of a Judge pursuant to subsection (8) is a decision or order of the Tribunal.

(10) The Tribunal, separately constituted in accordance with this Act, may sit to hear and determine separate proceedings at the same time.

5. (1) Subject to subsection (2), the amendments made by this Act apply to proceedings instituted before the commencement of this Act. Transitional provision.

(2) The amendments made by this Act do not apply to proceedings part heard at the commencement of this Act.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

D. B. DUNSTAN, Governor