



ANNO VICESIMO PRIMO

ELIZABETHAE II REGINAE

A.D. 1972

No. 73 of 1972

An Act to amend the Planning and Development Act, 1966-1971.

[Assented to 14th September, 1972]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

Short titles.

1. (1) This Act may be cited as the "Planning and Development Act Amendment Act (No. 2), 1972".

(2) The Planning and Development Act, 1966-1971, as amended by this Act and by all other amendments, if any, amending the same prior to the commencement of this Act, may be cited as the "Planning and Development Act, 1966-1972".

(3) The Planning and Development Act, 1966-1971, as amended by all other amendments, if any, amending the same prior to the commencement of this Act, is hereinafter referred to as "the principal Act".

Commence-
ment.

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

Amendment of
principal Act,
s. 3—
Interpretation.

3. Section 5 of the principal Act is amended—

(a) by striking out from the definition of "commissioner" in subsection (1) the passage "a commissioner" and inserting in lieu thereof the passage "a full-time commissioner or a part-time commissioner";

(b) by inserting in subsection (1) immediately after the definition of "development plan" the following definition:—

"full-time commissioner" means a commissioner of the Planning Appeal Board appointed under Division 3 of Part II of this Act who is, in the terms of his appointment required to give his full-time to the duties of his office; ;

and

(c) by inserting in subsection (1) immediately after the definition of "Land Office plan" the following definitions:—

"member" in relation to the Planning Appeal Board, means the Chairman, an Associate Chairman or a commissioner:

"part-time commissioner" means a commissioner of the Planning Appeal Board appointed under Division 3 of Part II of this Act who is in the terms of his appointment not required to give his full-time to the duties of his office:.

4. Section 21 of the principal Act is amended—

(a) by inserting in subsection (6) after the word "A", being the first word in that subsection, the word "part-time";

(b) by striking out from subsection (6) the passage "but a commissioner" and inserting in lieu thereof the passage "but a part-time commissioner";

(c) by inserting in subsection (6) after the passage "casual vacancy" the passage "in the office of a part-time commissioner";

(d) by inserting in subsection (6) after the passage "the term of office of the" the word "part-time";

(e) by inserting in subsection (7) after the passage "A member of the Board" the passage ", other than a full-time commissioner,";

and

(f) by inserting in subsection (7) after the passage "of any" the word "such".

Amendment of principal Act, s. 21—
Constitution of board from appointed day.

5. The following section is enacted and inserted in the principal Act immediately after section 21 thereof:—

21aa. (1) In the exercise of the powers conferred on him by subsection (1) of section 21 of this Act the Governor may appoint not more than six full-time commissioners.

Enactment of section 21aa of principal Act—

Full-time commissioners.

(2) Each full-time commissioner shall be paid such remuneration and allowances as the Governor from time to time determines.

(3) A full-time commissioner appointed under this Act shall, except as is provided in this section, hold office under and subject to the Public Service Act, 1967, as amended.

(4) The Minister may, from time to time, by notice published in the *Gazette* determine that the provisions of the Public Service Act, 1967, as amended, and the provisions of the regulations made thereunder specified in the *Gazette* shall not apply to or in relation to the office of full-time commissioner and determine what provisions, if any, shall apply to or in relation to that office in lieu of those provisions and that notice shall apply and have effect as if it were enacted in this Act.

(5) The Office of a full-time commissioner shall not be allocated to any Department of the Public Service to which any Office, as defined in the Public Service Act, 1967, as amended—

(a) of a person holding judicial office;

or

(b) of a person having the administration of or duties under this Act other than the administration of, or duties connected with, the affairs of the board,

is for the time being allocated.

(6) Where pursuant to the Public Service Act, 1967, as amended, a full-time commissioner is entitled to retire and desires to retire that full-time commissioner may, with the approval of the Chairman, complete the hearing and determination of any appeal or matter part-heard by him before reaching that age and for that purpose he shall be deemed to continue as a full-time commissioner.

(7) A person may be appointed a full-time commissioner under this Act notwithstanding that immediately before that appointment he was a part-time commissioner.

(8) A full-time commissioner shall be an "employee" within the meaning of the Superannuation Act, 1969, as amended.

Amendment of
principal Act,
s. 21b—
Remuneration
and allowances
of members of
the board.

6. Section 21b of the principal Act is amended—

(a) by inserting in subsection (1) after the passage "A member of the board" the passage "other than a full-time commissioner";

and

(b) by inserting in subsection (1) after the passage "in relation to" the word "such".

7. Section 21c of the principal Act is amended by inserting after the passage "served on a member," the passage "other than a full-time commissioner".

Amendment of principal Act, s. 21c—
Removal from office of member.

8. Section 21d of the principal Act is amended—

Amendment of principal Act, s. 21d—
Casual vacancies.

(a) by striking out from subsection (1) the passage "or an Associate Chairman" and inserting in lieu thereof the passage ", an Associate Chairman or a full-time commissioner";

and

(b) by inserting immediately after subsection (2) the following subsection:—

(3) The office of a member of the board being a full-time commissioner shall become vacant if—

(a) he dies;

or

(b) he ceases to be a full-time commissioner.

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

M. L. OLIPHANT, Governor