



ANNO VICESIMO

ELIZABETHAE II REGINAE

A.D. 1971

No. 34 of 1971

An Act to amend the Planning and Development Act,
1966-1969.

[Assented to 22nd April, 1971]

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, 1971".

(2) The Planning and Development Act, 1966-1969, as amended
by this Act, may be cited as the "Planning and Development Act,
1966-1971".

(3) The Planning and Development Act, 1966-1969, is hereinafter
referred to as "the principal Act".

**Amendment of
principal Act,
s. 2—
Arrangement
of this Act.**

2. Section 2 of the principal Act is amended—

(a) by striking out the passage "ss. 8-18" and inserting in lieu
thereof the passage "ss. 8-18a";

and

(b) by striking out the passage "ss. 19-27" and inserting in
lieu thereof the passage "ss. 19-27a".

3. Section 5 of the principal Act is amended—

Amendment of principal Act, s. 5—
Interpretation.

- (a) by inserting in subsection (1) after the definition of “area” the following definition:—

“Associate Chairman” means an Associate Chairman of the Planning Appeal Board appointed under Division 3 of Part II of this Act;

- (b) by inserting in subsection (1) after the definition of “certificate of title” the following definition:—

“commissioner” means a commissioner of the Planning Appeal Board appointed under Division 3 of Part II of this Act;

- (c) by inserting in subsection (1) after the definition of “registered conveyance” the following definition:—

“the appointed day” means the first day of July, 1971;

- (d) by striking out from the definition of “the board” in subsection (1) the passage “constituted pursuant to section 19 of this Act” and inserting in lieu thereof the passage “to which Division 3 of Part II of this Act applies”;

and

- (e) by inserting in subsection (1) after the definition of “the board” the following definition:—

“the Chairman” means the Chairman of the board and includes the person for the time being acting as the Chairman of the board.

4. Section 6 of the principal Act is amended by inserting in paragraph (a) of subsection (1) before the word “Australian” the word “Royal”.

Amendment of principal Act, s. 6—
The Director of Planning.

5. Section 8 of the principal Act is amended—

Amendment of principal Act, s. 8—
The State Planning Authority.

- (a) by striking out from subsection (5) the passage “Subject to this section,” and inserting in lieu thereof the passage “Until the appointed day the Authority shall be constituted and its members shall be appointed in accordance with the provisions of this section as in force immediately before the commencement of the Planning and Development Act Amendment Act, 1971, and on and after the appointed day, subject to this section,”;

- (b) by striking out from paragraph (c) of subsection (5) the passage “1926-1963” and inserting in lieu thereof the passage “1926, as amended”;

(c) by striking out subparagraph (iv) of paragraph (e) of subsection (5) and inserting the following subparagraph in its place:—

(iv) one shall be a person who, in the opinion of the Governor, has knowledge of and experience in matters relating to or affecting local government;;

(d) by striking out subparagraph (vi) of paragraph (e) of subsection (5) and inserting the following subparagraph in its place:—

(vi) one shall be selected by the Governor from a panel of three names jointly chosen by the governing bodies of the South Australian Chamber of Manufactures Incorporated and the Adelaide Chamber of Commerce Incorporated and submitted by those associations to the Minister;;

(e) by striking out subparagraph (vii) of paragraph (e) of subsection (5) and inserting the following subparagraph in its place:—

(vii) one shall be a person who, in the opinion of the Governor, has knowledge of and experience in matters relating to or affecting conservation or aesthetics;;

(f) by striking out subsection (7) and inserting the following subsection in its place:—

(7) If the Minister has given to the Local Government Association of South Australia Incorporated or the South Australian Chamber of Manufactures Incorporated and the Adelaide Chamber of Commerce Incorporated, notice in writing requiring that association or those associations, as the case may be, within a time specified in the notice (being not less than two weeks), to submit to the Minister the panel of names referred to in subparagraph (v) or (vi) of paragraph (e) of subsection (5) of this section, and that association fails or those associations fail to submit the panel of names to the Minister within the time so specified, the Governor may, on the recommendation of the Minister, appoint a suitable person as a member in place of the person referred to in that subparagraph.;

(g) by striking out from subsection (8) the passage "1936-1966" and inserting in lieu thereof the passage "1967, as amended";

and

(h) by inserting in subsection (11) after the word "section" the passage "and section 8a of this Act".

6. The following section is enacted and inserted in the principal Act immediately after section 8 thereof:—

Enactment of s. 8a of principal Act—

8a. (1) On and after the appointed day, no person who, either directly or indirectly, has any financial interest in the business of buying, selling, developing or otherwise dealing with land as proprietor, broker, agent or director of a company shall be eligible for appointment or re-appointment by the Governor as a member of the Authority.

Disqualification from membership.

(2) For the purposes of subsection (1) of this section and section 10 of this Act "director", in relation to a company, includes a person who owns, or controls the exercise of the voting rights attached to, not less than fifteen per centum in number of the ordinary shares in the issued capital of the company.

7. Section 9 of the principal Act is amended by striking out from subsection (2) the passage ", (iv)".

Amendment of principal Act, s. 9—

Removal from office of member.

8. Section 10 of the principal Act is amended by inserting the following passage immediately after paragraph (g) thereof:—

Amendment of principal Act, s. 10—

Casual vacancies.

or

(h) he acquires any financial interest, either direct or indirect, in the business of buying, selling, developing or otherwise dealing with land as proprietor, broker, agent or director of a company.

9. The following section is enacted and inserted in Division 2 of Part II of the principal Act immediately after section 18 thereof:—

Enactment of s. 18a of principal Act—

18a. Every application made to the Authority under this Act or any other Act and not disposed of before the appointed day and all matters then being dealt with by the Authority shall continue to be dealt with and disposed of after that day by the Authority as constituted on and after that day.

Transitional provision.

Repeal of ss. 19 to 27 of principal Act and enactment of sections in their place—

The Planning Appeal Board

Constitution of board prior to appointed day.

10. Sections 19 to 27 (both inclusive) of the principal Act are repealed and the following sections are enacted and inserted in their place:—

19. The Planning Appeal Board established by this Act as in force prior to the commencement of the Planning and Development Act Amendment Act, 1971, is hereby continued, subject to this Act, with the powers, duties, functions and authorities conferred by this Act and by or under any other Act.

20. (1) Until the appointed day, the board shall, subject to subsection (4) of this section, be constituted and shall have and may exercise and discharge all the powers, duties, functions and authorities of the board as provided by the provisions of this Act as in force immediately prior to the commencement of the Planning and Development Act Amendment Act, 1971, but where the board has commenced to consider or hear any appeal or matter which is not finally disposed of before the appointed day, the board may, for the purpose of finally disposing of such appeal or matter, unless the Chairman for sufficient cause otherwise directs, be composed after the appointed day of the persons who were members thereof when such consideration or hearing had commenced and shall continue to have the same powers, duties, functions and authorities as were vested or imposed on it before the commencement of that Act.

(2) Where, for the purposes of subsection (1) of this section it is necessary for a person who was a member of the board before the appointed day but is not a member of the board after that day to continue to function as a member of the board after that day for the purpose of finally disposing of the appeal or matter, that person shall, notwithstanding any other provision of this Act, for all purposes be deemed to be a member of the board while so functioning, but where after the appointed day that person dies or is unable or unwilling to continue to function as a member of the board after that day for the purpose of finally disposing of the appeal or matter, then his place may be taken by a person nominated by the Chairman and who is a member of the board as constituted after that day or, if the Chairman so directs, the appeal or matter shall be reheard by the board as constituted after that day.

(3) The fact that a person has been appointed Chairman, Associate Chairman or commissioner with effect from or after the appointed day, does not preclude him from continuing to function as a member of the board for the purpose of finally disposing of an appeal or matter which had commenced before the board before the appointed day.

(4) For the purposes of subsection (1) of this section, the provisions of this Act as in force immediately prior to the commencement of the Planning and Development Act Amendment Act, 1971, shall be read and construed as if section 19 of this Act as then in force had been amended—

- (a) by the insertion after the word “Minister” in paragraph (b) of subsection (1) of the passage “ or, where the member is appointed after the commencement of the Planning and Development Act Amendment Act, 1971, but before the first day of July, 1971, shall be selected by the Governor from a panel of three names chosen by the governing body of the Local Government Association of South Australia Incorporated and submitted by that association to the Minister”;
- (b) by the substitution for the word “Adelaide” in paragraph (c) of subsection (1) and in subsection (3) of the passage “South Australian”;
- (c) by the insertion before the word “Australian” in paragraph (c) of subsection (1) of the word “Royal”;
- (d) by the substitution for subsection (2) thereof of the following subsection:—

(2) If the Minister has given to the Local Government Association of South Australia Incorporated notice in writing requiring the governing body of that association, within a time specified in the notice (being not less than two weeks), to submit to the Minister a panel of three names chosen by that body for the purposes of an appointment of a member under paragraph (b) of subsection (1) of this section, and that body fails to submit the panel to the Minister within the time so specified, the Governor may, on the recommendation of the Minister, appoint a suitable person as a member in place of the person referred to in that paragraph.;

- (e) by the insertion in subsection (3) before the word “Australian” of the word “Royal”;

and

- (f) by the substitution for the passage “1936-1966” in subsection (12) of the passage “1967, as amended.”.

21. (1) For the purposes of this Act and any other law, whether passed or made before or after the commencement of the Planning and Development Act Amendment Act, 1971,

Constitution of board from appointed day.

which relates or makes reference to the board, on and after the appointed day, subject to this Act, the members of the board shall be the Chairman and such number of Associate Chairmen and commissioners as the Governor may appoint.

(2) The Chairman and each Associate Chairman shall be persons holding judicial office under the Local and District Criminal Courts Act, 1926, as amended, whom the Governor appoints as Chairman and Associate Chairman, as the case may be, by notice published in the *Gazette* for such term or otherwise as is specified in the notice.

(3) A person who is appointed Chairman or Associate Chairman is not thereby precluded from performing and discharging any other functions and duties as a Judge under the Local and District Criminal Courts Act, 1926, as amended, or, at the expiration of his term of office as Chairman or Associate Chairman, from being re-appointed as such.

(4) Of the commissioners—

(a) not less than two shall be persons who, in the opinion of the Governor, have practical knowledge of, and experience in, local government;

(b) not less than two shall be persons who are either corporate members of the Royal Australian Planning Institute Incorporated or in possession of qualifications and experience in regional and town planning which, in the opinion of the Governor, are appropriate to their duties and functions under this Act;

and

(c) not less than two shall be persons who, in the opinion of the Governor, have practical knowledge of, and experience in, public administration, commerce or industry.

(5) No act, proceeding, determination or exercise of power by the board shall be invalid or called in question on the ground of any vacancy in the office of the Chairman, an Associate Chairman or any commissioner or of any defect in his appointment.

(6) A commissioner may be appointed for such term of office not exceeding five years as the Governor thinks fit and at the expiration of his term of office shall, subject to this Act, be eligible for re-appointment, but a commissioner appointed to fill a casual vacancy shall be appointed only for the balance of the term of office of the commissioner in whose place he was appointed.

(7) A member of the board shall not, as such, be subject to the Public Service Act, 1967, as amended, but this provision does not affect the rights, duties and obligations under that Act of any member who is otherwise an officer in the public service of the State.

21a. Notwithstanding anything contained in any other Act, no person shall be disqualified by acceptance of office, or by appointment, as a member of the board from holding the office of a member of the board under this Act and also any other office or from accepting and retaining any fees or other remuneration or payment payable to a member of the board under this Act; but no member of either House of Parliament and no member of the Authority shall be appointed or hold office as a member of the board.

Acceptance of office as member of board not to be bar to holding other office.

21b. (1) A member of the board shall be entitled to be paid such remuneration (if any) at such rate or rates as the Governor determines, but any such rate in relation to a member shall not be diminished during the term of his office.

Remuneration and allowances of members of the board.

(2) A member of the board shall be entitled to be paid such travelling and other expenses as are from time to time approved by the Minister.

21c. The Governor may, by notice in writing served on a member, remove him from office on grounds of misconduct or incapacity to perform his duties as a member.

Removal from office of member.

21d. (1) The office of a member of the board, other than the Chairman or an Associate Chairman, shall become vacant if—

Casual vacancies.

- (a) he dies;
 - (b) he resigns by written notice given to the Minister;
 - (c) he is removed from office by the Governor pursuant to section 21c of this Act;
 - (d) he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors or compounds with his creditors for less than one hundred cents in the dollar;
 - (e) he is convicted of any indictable offence;
- or
- (f) he is convicted of any other offence and receives notice in writing from the Minister discharging him from office on the ground of that conviction.

(2) The office of the Chairman or an Associate Chairman shall become vacant if—

(a) he dies;

(b) he tenders his written resignation to the Governor and the Governor accepts that resignation;

or

(c) he ceases to hold the qualifications for appointment as Chairman or Associate Chairman.

Chairman or Associate Chairman to convene and preside at hearings of the board.

21e. (1) The Chairman or, in his absence or during his incapacity or when he considers it improper or undesirable for him to do so, an Associate Chairman, shall convene and preside at the hearing of appeals and other matters before the board.

(2) An Associate Chairman so convening or presiding at a hearing shall, for the purposes of that hearing, have and may exercise all the powers and authorities of the Chairman.

Chairman responsible for administrative affairs of board.

21f. Subject to this Act, the Chairman or, in his absence or during his incapacity, an Associate Chairman nominated by the Governor shall be responsible for the administrative affairs of the board.

Places and times of sittings of board.

21g. Subject to this Act, the sittings of the board for the hearing of appeals or other matters, whether under this Act or any other Act, shall be held at such places and at such times as the Chairman or, in his absence or during his incapacity, an Associate Chairman shall determine.

References in other enactments to appeals to board.

21h. Notwithstanding any provision of any other Act or any regulation made under any other Act, a reference in this Act or any other Act or regulation to an appeal to the board shall be deemed to be a reference to an appeal to the board as constituted and possessing and exercising powers and functions conferred on it in accordance with the provisions of this Act and, except as expressly provided by or under such other Act or regulation, in accordance with the procedures prescribed and provided for under this Act.

Constitution of the board when hearing appeals.

22. (1) Subject to this Act, the Chairman or, in his absence or during his incapacity, an Associate Chairman nominated by the Governor shall give directions as to the arrangement of the business of the board and the members who shall constitute the board for the hearing of any appeal or matter before the board.

(2) Subject to this section, an appeal to the board, shall be heard and determined by the Chairman or an Associate Chairman and not less than two commissioners.

(3) Notwithstanding subsection (2) of this section, in relation to matters of adjournment or matters of practice and procedure, the Chairman or an Associate Chairman sitting alone may continue a hearing by the board or may exercise its powers during or before the commencement of the hearing of an appeal or application.

(4) Where the board, on the hearing of an appeal or any matter before it, is constituted of more than one member and is divided in opinion on a question, that question shall be decided in accordance with the decision of the majority of the members present at the hearing, if there is a majority, but, if the board as so constituted is equally divided in opinion, the question shall be decided in accordance with the opinion of the Chairman or Associate Chairman who is presiding at the hearing.

(5) Where an appeal or other matter is commenced before the board constituted of certain members and one or more of those members becomes or become unable to sit or has or have ceased to be a member or members of the board, whether by death or otherwise, the remaining members constituting the board at the hearing of that appeal or matter may continue and dispose of the hearing and exercise the powers and discharge the functions of the board for that purpose or, if the Chairman so directs, the appeal or matter shall be reheard by the board as otherwise constituted under this Act.

(6) If the parties to an appeal request that the appeal be heard and determined by the board constituted solely of the Chairman or an Associate Chairman, the board shall, for the purposes of that appeal, be constituted of the Chairman or an Associate Chairman nominated by the Chairman unless the Chairman directs that the appeal be heard and determined by the board otherwise constituted in which case it shall, subject to this section, be heard and determined by the board as so constituted.

22a. (1) On or after the appointed day, a person shall not be competent to perform the functions or duties of a member of the board, other than the Chairman or an Associate Chairman, unless he has taken before the Chairman or an Associate Chairman the prescribed oath or the prescribed affirmation.

Members of board other than Chairman or Associate Chairman to take prescribed oath, etc.

(2) For the purposes of subsection (1) of this section—

(a) the prescribed oath shall be in the following form:—

I, (name of member), do swear that I will be faithful and bear true allegiance to Her/His

Majesty Queen/King _____, Her/His
heirs and successors according to law, that I will
well and truly serve Her/Him in the capacity of
member of the Planning Appeal Board and that
I will faithfully and impartially perform my duties
in that capacity.

So Help me God.;

and

(b) the prescribed affirmation shall be in the following form:—

I, (name of member), do solemnly and sincerely promise and declare that I will be faithful and bear true allegiance to Her/His Majesty Queen/King _____, Her/His heirs and successors according to law, that I will well and truly serve Her/Him in the capacity of member of the Planning Appeal Board and that I will faithfully and impartially perform my duties in that capacity.

Board may deal with more than one appeal at the same time.

22b. The board separately constituted in accordance with this Act may hear and determine more than one appeal or matter at the same time.

Hearings before the board to be in public unless otherwise directed by the board.

22c. (1) Unless otherwise directed by the board, all hearings before the board shall be in public.

(2) Where the board is satisfied that it is desirable to do so—

- (a) in the interests of justice;
- (b) by reason of the confidential nature of any evidence or matter;
- (c) in order to expedite procedures before the board;
- or
- (d) for any other reason whatsoever that the board thinks sufficient,

the board may—

- (e) direct that a hearing or part of a hearing shall take place in chambers and give further directions as to who may then be present;
- (f) give directions prohibiting or restricting the publication of evidence given before the board or of matter contained in any document produced to the board when sitting in chambers;

and

(g) give directions excluding witnesses or potential witnesses from any hearing before the board while the evidence of a particular witness is being heard by the board or whilst submissions are being made to the board by or on behalf of a party.

(3) A person shall comply with a direction given by the board under subsection (2) of this section.

Penalty: Five hundred dollars.

23. At the hearing of an appeal or matter—

(a) the procedure shall, subject to this Act, be determined as the board as constituted for the purpose of the hearing thinks fit;

(b) the board as so constituted shall not be bound by the rules of evidence;

and

(c) the proceedings shall be conducted with as little formality, and with as much expedition, as the requirements of this Act and any other appropriate law and a proper consideration of the matters before the board permit.

Procedures at hearings.

23a. The board as constituted for the hearing of an appeal or matter may correct an accidental clerical mistake, error or omission in its determination.

Board may correct accidental errors in its determination.

23b. The board hearing an appeal or matter may take evidence on oath or affirmation and for that purpose the Chairman, an Associate Chairman or any commissioner constituting the board for the purposes of that appeal or matter may administer an oath or affirmation.

Board may take evidence on oath.

23c. The board hearing an appeal or matter may, if it thinks fit, permit a person to give evidence by tendering a written statement verified by oath or affirmation.

Evidence may be given by written statement verified by oath or affirmation.

23d. At any hearing before the board any party may appear personally or by counsel, solicitor or other agent.

Appearances at hearings before board.

23e. The board shall not be liable and a member of the board shall not be personally liable for anything done by it or him in good faith in the exercise or purported exercise of its or his functions or duties under this Act or any other law.

Board or member not liable for acts done in good faith.

23f. A barrister, solicitor or other agent when appearing at a hearing before the board shall have the same rights, protection and immunities as a barrister has when appearing for a party before a local court.

Protection of barristers, etc.

Protection of witnesses.

23g. A person appearing as a witness at a hearing before the board has the same protection, and is, in addition to the penalties provided for by this Act, liable to the same penalties as a witness in proceedings before a local court.

Failure of witness to be sworn or make affirmation when required by board.

23h. A person appearing as a witness at a hearing before the board shall not, without lawful excuse, fail or refuse, when required by the board, to be sworn or to make an affirmation or to produce books or documents or to answer any question other than a question the answer to which would tend to incriminate him.

Penalty: Five hundred dollars.

Contempt.

23i. A person shall not—

- (a) wilfully insult or disturb the Chairman or an Associate Chairman or other member of the board in the exercise of his functions or performance of his duties as such;
- (b) wilfully interrupt the proceedings of the board;
- (c) use insulting language towards the Chairman, an Associate Chairman or other member of the board when functioning as such;
- (d) create a disturbance or take part in creating or continuing a disturbance in or near a place where the board is sitting for the purpose of any hearing;
- (e) fail to comply with a notice referred to in subsection (1) of section 24a of this Act;

or

- (f) before the board hearing an appeal or matter do any other act or thing which would, if the board were a court of record, constitute a contempt of that court.

Penalty: Five hundred dollars.

Proof of determination of board.

24. Without prejudice to any other method available by law for the proof of a determination of the board, a document purporting to be a copy of a determination of the board and certified by the secretary or a registrar of the board to be a true copy of the determination is evidence of the determination.

Powers of board.

24a. (1) The secretary or a registrar acting under the direction of the Chairman or an Associate Chairman may by notice in writing signed by the secretary or registrar require any person to attend before the board at any time and place specified in the notice and give evidence before the board or

produce to the board any books or documents specified in the notice touching any matter relating to the appeal or matter the subject of a hearing.

(2) The board may inspect any books and documents produced to the board and retain them for such reasonable periods as the board thinks fit and make such copies of or take such extracts from any such books or documents as in the opinion of the board are relevant to the appeal or matter.

24b. Where it appears to the Chairman or an Associate Chairman presiding at the hearing of any appeal or matter that any member of the board has any interest in or is concerned with the subject matter of that appeal or matter, that member shall not sit or continue to sit at that hearing and, if the board had been previously constituted with that member, the board shall continue the hearing of the appeal or matter in the absence of that member or, if the Chairman so directs, the appeal or matter shall be reheard by the board as otherwise constituted under this Act.

Member having any interest in appeal or matter debarred from sitting in that appeal or matter.

24c. As soon as practicable after the board has made a determination or decision upon an appeal or matter or, where an appeal or reference has been made to the Land and Valuation Court under any law providing therefor, as soon as practicable after that court has made its order thereon, the secretary to the board shall cause to be delivered to the Authority and to each of the parties to the appeal or matter before the board or the court notice in writing setting out the determination or decision of the board or the determination and the order of the court affecting the determination, as the case may be.

Determination and order on appeal to be communicated to parties.

25. (1) There shall be a secretary to the board who shall be appointed by the Governor.

Secretary and Registrars to the board.

(2) The person holding office as secretary to the board immediately prior to the commencement of the Planning and Development Act Amendment Act, 1971, shall continue in office as secretary to the board subject to and in accordance with the terms and conditions under which he was appointed.

(3) The Governor may from time to time appoint such one or more registrars of the board as the Governor thinks fit.

(4) The secretary to the board shall without further appointment be a registrar of the board.

(5) The offices of secretary to the board and registrar of the board may, if the Governor thinks fit, be held in conjunction with any other office in the public service of the State, other than an office in that branch of the public service of the State known as the State Planning Office.

(6) The secretary and each registrar shall be subject to the Public Service Act, 1967, as amended.

(7) Unless the Chairman or an Associate Chairman presiding at the hearing otherwise directs in any particular case, a registrar shall attend the board at the hearing of every appeal or matter and assist the board in such way as the Chairman or Associate Chairman shall direct.

Board to hear appeals, etc.

26. (1) Any person aggrieved by a decision of the Authority, the Director or a council, under this Act or under any other law conferring a right of appeal to the board, to refuse any consent, permission or approval or to grant any consent, permission or approval subject to any condition or conditions may appeal to the board.

(2) The board may, by its determination, confirm the decision appealed against or give to any party to the appeal such directions as the board thinks fit, and all parties to the appeal shall, as soon as practicable after receiving notice of the determination, to the extent that such directions apply to them, comply therewith and give effect thereto.

(3) Subject to rules of court made under the Supreme Court Act, 1935, as amended, any party to an appeal to the board arising pursuant to subsection (1) of this section may, within thirty days after the board's determination, appeal to the Land and Valuation Court from such determination on any matter and, on any such appeal the Land and Valuation Court may make such order and give to the board and any party to the appeal such directions touching the matter in dispute and make such order as to costs as between the parties as it thinks just, and the board and any party to whom such directions are given shall be bound thereby and give effect thereto.

(4) Subject to rules of court made under the Supreme Court Act, 1935, as amended, the board may refer to the Land and Valuation Court any question of law arising before the board and on any such reference the court may make such order and give to the board and to any party to the proceedings such directions touching the matter in dispute and make such order as to costs as between the parties as it thinks just, and the board and any party to whom such directions are given shall be bound thereby and give effect thereto.

Provisions as to appeals to the board.

27. (1) Every appeal to the board shall be by notice in writing briefly setting out as far as practicable a statement of the matters leading up to the appeal and the grounds of the appeal and particulars of any land affected.

(2) The notice shall be lodged with the secretary to the board within two months after the date of the notice of the decision appealed against being given or after the application in question has been deemed to have been refused or within such further time as the board allows.

(3) The board may refuse the appeal unless the notice is so lodged.

(4) A copy of the notice shall also be given within the period aforesaid to the person against whose decision the appeal is made.

(5) The board shall fix a convenient time and place for hearing each appeal and shall give not less than seven days' notice to the parties to the appeal.

(6) The board may determine each appeal in such manner as it thinks proper having regard to all relevant matters and, in particular, to—

(a) the provisions of any authorized development plan, the law (whether general or special) applicable or having effect in relation to the locality within which the land, the subject of the appeal, is situated and the grounds upon which the decision appealed against was made;

(b) the health, safety and convenience of the community within, and in the vicinity of, the locality within which the land, the subject of the appeal, is situated;

(c) the economic and other advantages and disadvantages (if any) to the community of developing the locality within which the land, the subject of the appeal, is situated;

and

(d) the amenities of the locality within which the land, the subject of the appeal, is situated.

(7) The decision of the board upon any appeal to it shall be known as the determination of the board.

(8) The Governor may make regulations not inconsistent with this Act providing for appeals to the board and governing the general practice and procedure relating to appeals to the board.

(9) Any regulations made under this section as in force prior to the commencement of the Planning and Development Act Amendment Act, 1971, and having effect immediately prior to such commencement shall be deemed to have been made under this section as enacted by that Act.

(10) The board shall set out every determination in writing and shall in each such determination state the reasons therefor, but in cases where the board thinks fit, the board may announce its determination where the urgency of the matter, in the opinion of the board, requires it, and at the same time announce that its reasons for the determination shall be given in writing as soon as occasion permits, in which case the time within which an appeal against the determination may be made to the Land and Valuation Court shall be extended to thirty days after those reasons have been given in writing.

(11) The board may cause all or any of its determinations to be published in such manner and for such purposes as it thinks fit.

Special powers
of the board.

27a. (1) The board shall, as regards each appeal or matter over which it has jurisdiction, have power—

(a) at or before the hearing, to take steps to ascertain whether all persons, including corporations, who ought, in its opinion, to be bound by or to have the benefit of its determination, or both, are parties in the proceedings;

(b) at or before the hearing, to direct that persons, including corporations, who ought, in its opinion, to be bound by or to have the benefit of its determination, or both, be joined as parties in the proceedings;

and

(c) to allow the amendment of any matter before it.

(2) A person who is so joined as a party in the proceedings shall be bound by any direction of the board given in the proceedings and shall comply therewith and give effect thereto.

Amendment of
principal Act,
s. 78—
Power to
inspect land
and premises.

11. Section 78 of the principal Act is amended by inserting after the word "board" in subsection (1) the passage ", any person authorized in writing by the Chairman or an Associate Chairman,".

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

J. W. HARRISON, Governor.