



ANNO TRICESIMO SEXTO

# ELIZABETHAE II REGINAE

A.D. 1987

\*\*\*\*\*

No. 64 of 1987

An Act to amend the Planning Act, 1982.

[Assented to 29 October 1987]

The Parliament of South Australia enacts as follows:

1. (1) This Act may be cited as the "Planning Act Amendment Act (No. 2), 1987". Short title.

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

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

3. Section 10 of the principal Act is amended—

(a) by striking out subsections (1), (2), (3), (4), (5) and (6) and substituting the following subsections: Amendment of s. 10—  
Membership of the Commission.

(1) The Commission consists of the following members appointed by the Governor—

(a) a Chairman;

(b) a Deputy Chairman;

(c) a person with practical knowledge of, and experience in, local government chosen from a panel of three such persons submitted to the Minister by the Local Government Association;

(d) a person with practical knowledge of, and experience in, urban development, commerce, industry or building or landscape design;

and

(e) a person with practical knowledge of, and experience in, environmental management, the management of natural resources or the provision of community facilities.

## (2) The Chairman and Deputy Chairman—

(a) must be corporate members of the Royal Australian Planning Institute Incorporated;

or

(b) must have qualifications and experience in urban and regional planning, environmental management or a related discipline that are, in the opinion of the Governor, appropriate to the Chairman's functions and duties under this Act.

(3) At least one member of the Commission must be a woman and at least one member must be a man.;

and

(b) by striking out from paragraph (b) of subsection (7) "a part-time member" and substituting "other members".

Amendment of  
s. 11—  
Procedures of the  
Commission.

## 4. Section 11 of the principal Act is amended by striking out subsections (2) and (3) and substituting the following subsections:

(2) Three members (one of whom must be the Chairman or the Deputy Chairman) constitute a quorum of the Commission.

(3) The Chairman will preside at meetings of the Commission but in the absence of the Chairman the Deputy Chairman will preside at the meeting.

(3a) A question arising before the Commission will be determined in accordance with the opinion of a majority of the members present or, where they are equally divided in opinion, in accordance with the opinion of the person presiding at the meeting.

Insertion of new  
s. 11a.

## 5. The following section is inserted after section 11 of the principal Act:

Immunity of  
members of  
Commission.

11a. (1) No liability attaches to a member of the Commission, for any act or omission by the member, or by the Commission, in good faith and in the exercise, or purported exercise, of powers or functions or in the discharge, or purported discharge, of duties under this Act.

(2) A liability that would, but for subsection (1), attach to a member of the Commission, attaches instead to the Crown.

Amendment of  
s. 14—  
Constitution of  
the Committee.

## 6. Section 14 of the principal Act is amended—

(a) by striking out subsection (2) and substituting the following subsections:

(2) The Advisory Committee consists of the following members appointed by the Governor—

(a) a person who—

(i) is a corporate member of the Royal Australian Planning Institute Incorporated;

or

- (ii) has qualifications and experience in urban and regional planning, environmental management or a related discipline;
  - (b) two persons with wide experience of local government;
  - (c) a person with wide experience in environmental matters;
  - (d) a person with wide experience of commerce and industry;
  - (e) a person with wide experience in rural affairs;
  - (f) a person with wide experience of housing or urban development;
- and
- (g) a person with wide experience of the utilities and services that form the infrastructure of urban development.

(2a) In making appointments to the Advisory Committee the Governor must have regard to the need for the Committee to be sensitive to cultural diversity in the population of the State.

(2b) The Governor will appoint a member of the Committee to preside at its meetings;

and

(b) by striking out from subsections (4) and (5) “, appointed by the Governor, shall” and substituting, in each case, “will”.

7. Section 43 of the principal Act is amended by striking out paragraph (d) of subsection (3) and substituting the following paragraph:

(d) in the case of a plan—

(i) that has not already ceased to operate by virtue of paragraph (a);

and

(ii) that has not been referred by the Minister to the Joint Committee on Subordinate Legislation,

at the expiration of 12 months from the day on which it came into operation.

Amendment of  
s. 43—  
Interim  
development  
control.

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

D. B. DUNSTAN, Governor