



**SOIL CONSERVATION AND LAND CARE (APPEAL TRIBUNAL)  
AMENDMENT ACT 1999**

**No. 22 of 1999**

**SUMMARY OF PROVISIONS**

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**ELIZABETHAE II REGINAE**

**A.D. 1999**

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**No. 22 of 1999**

**An Act to amend the Soil Conservation and Land Care Act 1989.**

*[Assented to 1 April 1999]*

The Parliament of South Australia enacts as follows:

**Short title**

1. (1) This Act may be cited as the *Soil Conservation and Land Care (Appeal Tribunal) Amendment Act 1999*.

(2) The *Soil Conservation and Land Care Act 1989* is referred to in this Act as "the principal Act".

**Commencement**

2. (1) Subject to subsection (2), this Act will come into operation on assent.

(2) Sections 3 and 4 will come into operation on a day to be fixed by proclamation.

**Amendment of s. 47—Constitution of the Tribunal**

3. Section 47 of the principal Act is amended by striking out subsection (2) and substituting the following subsections:

(2) Subject to this section, the Tribunal will, for the purposes of hearing and determining an appeal, be constituted of the following members:

- (a) a District Court Judge (the presiding member) nominated by the Senior Judge; and
- (b) two other members, being persons selected by the presiding member from each of the panels established under this section.

(2a) The Minister will, for the purposes of this section, establish and maintain—

- (a) a panel of persons who have tertiary qualifications in agricultural science, soil science, land management or any other appropriate field; and
- (b) a panel of persons who have extensive practical experience in soil conservation or land management,

ensuring that, as far as practicable, there is a reasonable representation of both men and women on each panel.

(2b) A person who is or was at any time a Public Service employee involved in the administration of this Act or a member of the Council or a soil conservation board is not because of that fact debarred from appointment to a panel.

(2c) A member of a panel will—

- (a) be appointed to the panel on terms and conditions determined by the Minister; and
- (b) be eligible for reappointment on expiry of a term of office.

(2d) A member of a panel who has a direct or indirect personal or pecuniary interest in a matter before the Tribunal is disqualified from participating in the hearing of the matter.

(2e) If a member of a panel on the Tribunal dies or is for any other reason unable to continue with any proceedings before the Tribunal, the Tribunal constituted of the two other members may, if the presiding member so determines, continue and complete the proceedings.

(2f) The Tribunal constituted of the presiding member sitting alone may deal with—

- (a) the adjournment of proceedings; and
- (b) the giving of procedural directions; and
- (c) any other matter of an interlocutory nature.

#### **Amendment of s. 48—Determination of questions**

4. Section 48 of the principal Act is amended by striking out "Judge" and substituting "presiding member".

#### **Transitional provision**

5. If a member of the Soil Conservation Appeal Tribunal appointed to the Tribunal under section 47(2)(b) of the principal Act (as in force at the commencement of this Act) dies or is for any other reason unable to continue with any proceedings before the Tribunal, the Tribunal constituted of the Judge and the other member may, if the Judge so determines, continue and complete the proceedings.

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

E. J. NEAL Governor