



LAND ACQUISITION (RIGHT OF REVIEW) AMENDMENT ACT 1997

No. 5 of 1997

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ELIZABETHAE II REGINAE

A.D. 1997

No. 5 of 1997

An Act to amend the Land Acquisition Act 1969.

[Assented to 20 March 1997]

The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *Land Acquisition (Right of Review) Amendment Act 1997*.
- (2) The *Land Acquisition Act 1969* is referred to in this Act as "the principal Act".

Commencement

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

Amendment of s. 12—Right to object

3. Section 12 of the principal Act is amended by inserting before paragraph (a) in subsection (3) the following paragraph:

- (aa) on the ground that acquisition of the land or a particular part of the land is not necessary for the purposes of carrying out the undertaking to which the acquisition relates;

Insertion of s. 12A

4. The following section is inserted after section 12 of the principal Act:

Right of review

12A. (1) A person who makes a request under section 12 in relation to a proposed acquisition may, within 7 days of being served with a notice indicating that the Authority has refused the request, or within such longer period as the Minister may in his or her absolute discretion allow in any particular case, apply in writing to the Minister for a review of the decision.

(2) An application for review must be made in a manner and form determined by the Minister.

(3) On receiving an application under this section the Minister will conduct the review or will appoint a suitable person to conduct the review on the Minister's behalf.

(4) The merits or otherwise of the undertaking to which the proposed acquisition relates cannot be called into question in a review under this section.

(5) The person conducting a review under this section may conduct the review in such manner as he or she thinks fit, including the holding of public hearings if he or she thinks appropriate.

(6) If the Minister conducts the review, it must be completed within 14 days of the Minister's receipt of the application.

(7) If the review is conducted by a person on the Minister's behalf, the review must be completed, and the reviewer's report furnished to the Minister, within 14 days of his or her appointment.

(8) On completion of a review, the Minister may confirm, vary or reverse the decision the subject of the review.

(9) A decision made on a review, or the manner in which a review is conducted, is not itself subject to review by a court or tribunal.

(10) In this section—

"Minister" means the Minister responsible for the administration of the Act under which the Authority in question is empowered to make the proposed acquisition.

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

B. S. HETZEL, Governor's Deputy