



ANNO VICESIMO QUARTO

ELIZABETHAE II REGINAE

A.D. 1975

No. 42 of 1975

An Act to amend the Dog Fence Act, 1946-1969.

[Assented to 10th April, 1975]

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

1. (1) This Act may be cited as the "Dog Fence Act Amendment Act, 1975". Short title.

(2) The Dog Fence Act, 1946-1969, is hereinafter referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Dog Fence Act, 1946-1975".

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

3. Section 3 of the principal Act is amended by inserting immediately after the heading "Part IV—Financial Provisions" the heading "Part IVa—Local Dog Fence Boards". Amendment of principal Act, s. 3—Arrangement of Act.

4. Section 4 of the principal Act is amended—

(a) by striking out the definition of "dog-proof fence" and inserting in lieu thereof the following definition:—

"dog-proof fence" means a dog-proof fence within the meaning of the Vertebrate Pests Act, 1975;

(b) by inserting after the definition of "financial year" the following definitions:—

"inside the dog fence" in relation to land means land that is within that portion of the State bounded by the dog fence, the eastern border of the State and the coast of the State:

"local board" means a local dog fence board established under Part IVa of this Act;

(c) by striking out the definition of "owner";

(d) by striking out the definition of "rabbit-proof fence";

Amendment of principal Act, s. 4—Interpretation.

(e) by striking out the definition of "town" and inserting in lieu thereof the following definition:—

"town" means a township within the meaning of the Local Government Act, 1934-1974.;

(f) by striking out the definition of "vermin-proof fence";

and

(g) by striking out the definition of "wild dog" and inserting in lieu thereof the following definition:—

"wild dog" means a dingo or a dog that is any cross of a dingo.

Enactment of
s. 20a of
principal Act—

5. The following section is enacted and inserted in the principal Act immediately after section 20 thereof:—

Construction
of fence to
vary site of
dog fence.

20a. (1) Subject to subsection (2) of this section, where the board proposes that a fence be substituted as part of the dog fence in lieu of an existing part of the dog fence, the board may for that purpose construct a dog-proof fence or alter a fence in order to make it dog-proof.

(2) The board may carry out works referred to in subsection (1) of this section if arrangements for the repayment of the cost of the works to the board—

(a) by the owner of the land on which the proposed part of the dog fence is to be situated;

or

(b) where the proposed part of the dog fence is to adjoin the area in relation to which a local board is established, by that local board,

are approved by the Treasurer.

(3) Ownership of any fence constructed or altered by the board pursuant to this section shall, upon the completion of such works, vest—

(a) in the owner of the land on which the fence is situated;

or

(b) where the fence adjoins the area in relation to which a local board is established, in that local board.

Amendment of
principal Act,
s. 21—
Variation of
site of dog
fence.

6. Section 21 of the principal Act is amended by striking out from subparagraph (ii) of paragraph (a) of subsection (2) the passage "or would, if demanded, be payable to the first-mentioned owner by the second-mentioned owner by way of contribution under section 202 of the Vermin Act, 1931-1964," and inserting in lieu thereof the passage "in pursuance of any agreement or order of a court to the first-mentioned owner by the second-mentioned owner by way of contribution under the Fences Act, 1975".

Amendment of
principal Act,
s. 23—
Powers and
duties of board
as to dog fence.

7. Section 23 of the principal Act is amended by striking out paragraph II of subsection (1).

8. Section 24 of the principal Act is amended—

- (a) by striking out from subsection (1) the word “mile”, firstly occurring, and inserting in lieu thereof the word “kilometre”;
- (b) by striking out from subsection (1) the passage “sixty dollars for every mile” and inserting in lieu thereof the passage “forty-five dollars for every kilometre”;
- and
- (c) by inserting in subsection (5) immediately after the passage “section 20” the passage “or section 20a”.

Amendment of principal Act, s. 24—
Payments to owners of dog fence.

9. Section 24a of the principal Act is amended by striking out the passage “vermin board pursuant to the Vermin Act, 1931-1960” and inserting in lieu thereof the passage “local board”.

Amendment of principal Act, s. 24a—
When Crown lessee deemed owner of dog fence.

10. Sections 25, 26 and 28 of the principal Act are repealed and the following sections are enacted and inserted in their place:—

Repeal of ss. 25, 26 and 28 of principal Act and enactment of sections in their place—

25. (1) The Board may, by notice published in the *Gazette*, declare that any separate holding of more than ten square kilometres of land that is situated within such area inside the dog fence as is specified in the notice shall be ratable land and, by further notice, amend or vary that notice.

Imposition of rates on ratable land.

(2) The board may, by notice published in the *Gazette*, in respect of the financial year commencing on the first day of July, 1975, and each subsequent financial year, declare a rate upon ratable land and a minimum amount of rate payable by any person.

(3) The rate shall be expressed as an amount per square kilometre of ratable land, not exceeding twenty cents per square kilometre.

(4) Where the amount of rate payable by any person would be less than the minimum amount for the time being declared under this section, the amount payable by that person shall be that minimum amount.

26. (1) The board may, by notice published in the *Gazette*, in respect of the financial year commencing on the first day of July, 1975, and any subsequent financial year, declare a special rate upon separate holdings of more than sixty-five hectares that are situated within the area in relation to which a local board is established.

Special rate in respect of local board area.

(2) The special rate shall be expressed as an amount per square kilometre of the land upon which it is declared, not exceeding one dollar and fifty cents per square kilometre.

(3) The amount collected or recovered by the board in consequence of the declaration of a special rate upon land within the area in relation to which a local board is established, less the cost to the board of collection and recovery of that amount, shall be paid to the local board.

11. Section 29 of the principal Act is amended—

- (a) by striking out from paragraph (b) of subsection (1) the passage “section 26” and inserting in lieu thereof the passage “this Act”;
- and

Amendment of principal Act, s. 29—
Recovery of rates.

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

(3) In this section—

“rates” includes special rates.

Amendment of
principal Act,
s. 30—
Interest on
unpaid rates.

12. Section 30 of the principal Act is amended by inserting after subsection (4) the following subsection:—

(5) In this section—

“rates” includes special rates.

Enactment of
Part IVa of
principal Act.

13. The following heading and sections are enacted and inserted in the principal Act immediately after section 35 thereof:—

PART IVa

LOCAL DOG FENCE BOARDS

Local dog
fence boards.

35a. For the purpose of defraying the cost of erecting and maintaining part of the dog fence, or a fence that the board proposes to substitute as part of the dog fence in lieu of an existing part, the Governor may, upon the recommendation of the board, by proclamation, establish in relation to such area inside the dog fence as is specified in the proclamation a local dog fence board constituted of the persons specified in the proclamation and confer and impose upon the local board the powers and duties specified in the proclamation.

Liability of
certain local
boards.

35b. (1) Where a local board is established in relation to an area that immediately before the commencement of the Vertebrate Pests Act, 1975, was a vermin-fenced district within the meaning of the Vermin Act, 1931-1967, all property, rights, duties, obligations and liabilities vested at that time in the vermin board of that vermin-fenced district shall be hereby transferred to and vested in the local board.

(2) Payment of any annual instalment on a loan made to a vermin board under section 130 of the Vermin Act, 1931-1967, the liability for which is transferred to and vested in a local board by virtue of subsection (1) of this section, shall be a first charge on the rate imposed upon land situated within the area in relation to which the local board is established.

Variation and
abolition of
local boards.

35c. The Governor may, upon the recommendation of the board, by proclamation—

(a) amend or vary a proclamation made under section 35a of this Act;

or

(b) abolish a local board and in the proclamation make provision for any matters relating to such abolition.

Effect of
proclamations.

35d. A proclamation made under this Part shall have effect as if it were enacted in this Act.

14. Section 41 of the principal Act is amended by striking out subsection (2) and inserting in lieu thereof the following subsection:—

Amendment of
principal Act
s. 41—
Recovery of
amounts
payable to
board.

(2) If pursuant to section 23 of this Act any amount is payable to the board by a local board, that amount shall be set off against any amount payable to the local board by way of rates collected or recovered for that local board by the board under Part IVa of this Act.

15. The schedule to the principal Act is repealed.

Repeal of
schedule of
principal Act.

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

M. L. OLIPHANT, Governor