

(Reprint No. 1)

SOUTH AUSTRALIA

DOG FENCE ACT, 1946

This Act is reprinted pursuant to the Acts Republication Act, 1967, and incorporates all amendments in force as at 1 July 1991.

It should be noted that the Act was not revised (for obsolete references, etc.) by the Commissioner of Statute Revision prior to the publication of this reprint.

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DOG FENCE ACT, 1946

being

Dog Fence Act, 1946, No. 34 of 1946 [Assented to 19 December 1946]¹

as amended by

Dog Fence Act Amendment Act, 1949, No. 43 of 1949 [Assented to 1 December 1949]
Dog Fence Act Amendment Act, 1953, No. 9 of 1953 [Assented to 8 October 1953]
Dog Fence Act Amendment Act, 1959, No. 29 of 1959 [Assented to 3 December 1959]
Dog Fence Act Amendment Act, 1960, No. 32 of 1960 [Assented to 3 November 1960]
Dog Fence Act Amendment Act, 1961, No. 14 of 1961 [Assented to 2 November 1961]
Dog Fence Act Amendment Act, 1962, No. 48 of 1962 [Assented to 15 November 1962]
Statutes Amendment (Dog Fence and Vermin) Act, 1964, No. 18 of 1964 [Assented to 24 September 1964]
Dog Fence Act Amendment Act, 1969, No. 43 of 1969 [Assented to 20 November 1969]
Dog Fence Act Amendment Act, 1975, No. 42 of 1975 [Assented to 10 April 1975]²
Dog Fence Act Amendment Act, 1978, No. 105 of 1978 [Assented to 7 December 1978]³
Dog Fence Act Amendment Act, 1982, No. 99 of 1982 [Assented to 23 December 1982]⁴
Dog Fence Act Amendment Act, 1984, No. 63 of 1984 [Assented to 27 September 1984]
Dog Fence Act Amendment Act, 1986, No. 22 of 1986 [Assented to 20 March 1986]⁵
Dog Fence Act Amendment Act, 1989, No. 63 of 1989 [Assented to 29 October 1989]⁶

Note: Asterisks indicate repeal or deletion of text. For further explanation see Appendix.

An Act to provide for the establishment and maintenance of a dog-proof fence in the northern part of the State in order to prevent the ingress of wild dogs into the pastoral areas of the State, and for purposes incidental thereto.

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

PART I

PRELIMINARY

Short title

1. This Act may be cited as the *Dog Fence Act, 1946*.

Commencement of Act

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

¹Came into operation 17 June 1947: *Gaz.* 12 June 1947, p. 1637.

²Came into operation 2 October 1975: *Gaz.* 2 October 1975, p. 1822.

³Came into operation 15 February 1979: *Gaz.* 15 February 1979, p. 348.

⁴Came into operation 3 February 1983: *Gaz.* 3 February 1983, p. 284.

⁵Came into operation 3 July 1986: *Gaz.* 3 July 1986, p. 2.

⁶Came into operation 1 January 1990: *Gaz.* 21 December 1989, p. 1844.

Arrangement of Act

3. The provisions of this Act are arranged as follows:—

- PART I—Preliminary.
- PART II—Constitution of the Board.
- PART III—Provisions as to the Dog Fence.
- PART IV—Financial Provisions.
- PART IVa—Local Dog Fence Boards.
- PART V—Miscellaneous.

Interpretation

4. In this Act, unless the context or subject matter otherwise requires—

“board” means The Dog Fence Board constituted pursuant to this Act:

“chairman” means chairman of the board:

“Crown lands” means Crown lands as defined in the *Crown Lands Act, 1929-1944*:

“dog-proof fence” means a dog-proof fence within the meaning of the *Vertebrate Pests Act, 1975*:

“financial year” means the period of twelve months ending on the thirtieth day of June:

“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; and “outside the dog fence” in relation to land means land that is outside that portion of the State:

“local board” means a local dog fence board established under Part IVa of this Act:

“member” means a member of the board and includes the chairman:

“Minister” means the Minister of the Crown to whom for the time being the administration of this Act is committed by the Governor:

“occupier” in relation to land means a person who has, or is entitled to, possession or control of the land and includes—

(a) where the land is alienated from the Crown by grant in fee simple, the owner of the estate in fee simple;

(b) where the land is held of the Crown by lease or licence, the lessee or licensee;

and

(c) where the land is held of the Crown under an agreement to purchase, the person on whom the right of purchase is conferred by the agreement:

*	*	*	*	*	*	*	*	*	*
*	*	*	*	*	*	*	*	*	*

“suburban land” means suburban lands as defined in the *Crown Lands Act, 1929-1944*:

Dog Fence Act, 1946

“town” means a township within the meaning of the *Local Government Act, 1934-1974*:

* * * * *

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

PART II

CONSTITUTION OF THE BOARD

Constitution of board

5. (1) There shall be established a board to be called "The Dog Fence Board".

(2) The board shall be a body corporate with perpetual succession and a common seal and, subject to this Act, shall have power in its corporate name to take, hold, and dispose of real and personal property of every kind and be a party to any legal proceedings.

(3) Every court and every person acting judicially shall take judicial notice of the seal of the board and when the seal appears on any document shall presume that it was properly affixed thereto.

Members of board

6. (1) The board shall consist of five members as follows:

(a) one (who shall be the chairman of the board) shall be the person for the time being holding or acting in the office of Director of Lands, or the nominee, approved by the Minister, of that person;

(b) two (each of whom is an occupier of ratable land and at least one of whom is an occupier of ratable land adjoining the dog fence) shall be appointed by the Governor on the nomination of the United Farmers and Stockowners of S.A. Inc.;

(c) one (who is an occupier of ratable land but who is not a person appointed to the Public Service) shall be appointed by the Governor on the nomination of the Animal and Plant Control Commission;

and

(d) one shall be appointed by the Governor on the nomination of the Far West Dog Fence Boards Association Incorporated.

(2) Where any of the nominating bodies referred to in subsection (1)(b), (c) or (d) fail to make a nomination for the purposes of that subsection within 60 days of being requested by the Minister to make the nomination, the Minister may nominate for appointment to the vacant position on the board such person as the Minister thinks fit.

(3) A person nominated by the Minister pursuant to subsection (2) may be appointed to the board by the Governor and, upon appointment, shall be deemed to have been duly nominated and appointed in accordance with subsection (1).

(4) In this section—

"occupier of ratable land" includes a shareholder of a company which is an occupier of ratable land.

(5) On the commencement of the *Dog Fence Act Amendment Act, 1986*, all members of the board shall vacate their respective offices for the purpose of enabling new appointments to those offices to be made.

Term of office

7. (1) Except as otherwise provided by this Act, a member shall, subject to this Act, hold office for four years.

(2) A member appointed to fill an extraordinary vacancy shall, subject to this Act, hold office only for the unexpired portion of the term of the member in whose place he is appointed.

(3) Any retiring member shall hold office until his successor is appointed.

(4) Any person ceasing to be a member by reason of the expiration of his term of office shall be eligible for re-appointment if otherwise eligible under this Act.

* * * * *

Method of filling vacancies

10. When any vacancy occurs on the board, whether by expiration of a member's term of office or otherwise, it shall be filled in manner provided by this Act by appointment on nomination by the person or body which nominated the member whose place it is desired to fill.

Casual vacancies

11. (1) In addition to the retirement of members by the expiration of their terms of office, the office of an appointed member shall be vacated on—

- (a) the death, lunacy, or bankruptcy of the member, or the execution by the member of a statutory deed of assignment for the benefit of his creditors, or his compounding with his creditors for less than one hundred cents in the dollar, or the conviction of the member of any indictable offence;
- (b) the absence of the member from three consecutive ordinary meetings of the board, without leave of the Minister;
- (c) the absence of the member from the State for three consecutive months without leave of the Minister; or
- (d) the resignation of the member by notice in writing, posted or delivered to the Minister.

(2) Any body on the nomination of which any member has been appointed by the Governor may, by notice in writing given to the Minister, request that the appointment of that member be determined before the expiration of his term of office. If satisfied that the appointment should be determined, the Governor may determine the appointment of the member.

Dismissal of member

12. The Governor may dismiss an appointed member from his office—

- (a) if in the opinion of the Governor he is, owing to mental or physical infirmity, incapable of discharging the duties of his office; or
- (b) if he has been guilty of serious misconduct which, in the opinion of the Governor, makes it undesirable that he should remain a member of the board.

Notification of appointment

13. Every appointment of a member shall be notified in the *Gazette* and shall take effect as from the date specified in the notification.

Meetings and quorum of board

14. (1) Meetings of the board shall be held at such times and at such place as is from time to time determined by the board but a meeting of the board shall be held not less than once in every three months.

(2) A quorum of the board shall consist of three members.

Chairman

15. (1) The chairman shall preside at all meetings of the board at which he is present.

(2) In the absence of the chairman from any meeting a member to be selected by the members present, shall preside at the meeting.

(3) The chairman when presiding at a meeting shall have a casting vote as well as a deliberative vote.

Appointment of officers

16. (1) The board may appoint a secretary and such other officers and servants as are necessary for the purposes of the board at such remuneration as the board from time to time fixes.

(2) A member or any officer or servant of the board shall not be subject, as such, to the *Public Service Act, 1967*.

(3) With the approval of the Minister administering any department of the public service, the board may employ or make use of the services of any person employed in that department upon any terms and conditions which are agreed upon between the Minister and the board. Notwithstanding subsection (2), any such person shall continue for all purposes to be a member of the public service.

Members' remuneration

17. (1) The appointed members shall be paid from the funds of the board such remuneration as is from time to time fixed by the Minister. Without limiting the discretion of the Minister given by this section, the Minister may fix as remuneration as aforesaid to be paid during such period after the commencement of this Act as the Minister thinks fit, a greater amount than is to be payable after the expiration of that period.

(2) There shall be paid to any member from the funds of the board, in payment of travelling or other expenses necessarily incurred by him on the business of the board, expenses at a rate from time to time fixed by the Minister.

PART III

PROVISIONS AS TO THE DOG FENCE

Establishment of dog fence

18. (1) For the purpose of preventing the ingress of wild dogs into the pastoral and agricultural areas of the State, a dog-proof fence shall be established and maintained in the northern areas of the State.

(2) The fence so established is in this Act referred to as the "dog fence".

Declaration of dog fence

19. (1) The board shall, as soon as may be, recommend to the Minister the site of the dog fence. So far as practicable the dog fence shall consist of dog-proof fences already in existence or of fences which are capable of being made dog-proof fences.

(2) The Governor may, upon the recommendation of the board made as aforesaid, declare that the site of the dog fence shall be the site described in the proclamation.

Construction of fence to complete dog fence

20. (1) If, in order to complete any portion of the dog fence, it is necessary to construct a new fence on any land or if in order to make dog-proof any part of the dog fence situated on any land, it is necessary that the fence be altered for that purpose, the board may, by notice in writing given to the occupier of the land, or, as the case may be, the owner of the fence require the occupier to construct the new fence or, as the case may be, the owner to alter the fence, within the time and in accordance with the directions specified in the notice.

(2) The occupier or, as the case may be, the owner shall thereupon comply with the requirements of the notice, and in default of such compliance, the board may erect the fence or, as the case may be, carry out the alterations, and may recover the cost of so doing from the occupier or, as the case may be, the owner as a debt due to the board by the occupier or owner.

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.

Variation of site of dog fence

21. (1) Upon the recommendation of the board, the Governor may by proclamation declare that any part of the dog fence shall cease to be part of the dog fence and that any other fence (being a dog-proof fence or a fence which is capable of being made a dog-proof fence) shall be substituted as part of the dog fence in lieu thereof.

(2) The board shall not make any such recommendation unless—

(a) the owner of that part of the fence that will cease to be part of the dog fence (in this section referred to as the first-mentioned owner) and the owner of the fence to be substituted therefor (in this section referred to as the second-mentioned owner) have made satisfactory arrangements for the payment to the first-mentioned owner by the second-mentioned owner—

(i) of a reasonable part of the expenditure incurred by the first-mentioned owner in respect of that part of the fence that will cease to be part of the dog fence; and

(ii) of such amount (if any) as is payable 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*, towards the cost of erecting that part of the fence that will cease to be part of the dog fence; or

(b) upon failure of the owners to make such arrangements, the matter has been referred to arbitration as provided by subsection (3) of this section.

(3) Where the owners fail to make the arrangements referred to in paragraph (a) of subsection (2) of this section, the Minister may at the request of the owners or any of them refer the matter to arbitration by one or more arbitrators appointed by the Minister.

(4) In any such arbitration the *Arbitration Act, 1891-1934*, shall apply and have effect as if the reference to arbitration were made pursuant to a submission as defined in that Act entered into between the first-mentioned owner and the second-mentioned owner and the determination of the arbitrator or arbitrators shall have the same effect as an award under that Act.

Duty of owner to maintain dog fence and destroy wild dogs

22. (1) The owner of any part of the dog fence—

(a) shall at all times keep it in a dog-proof condition and properly maintained as a dog-proof fence;

(b) shall, for the purpose of keeping it in such condition and so maintained, cause it to be inspected at intervals of not more than fourteen days; and

(c) shall take all reasonable steps to destroy all wild dogs in the vicinity of the dog fence by shooting or trapping the dogs or by laying poisoned baits for them.

(2) An owner of any part of the dog fence, who fails to comply with any of the provisions of subsection (1) of this section shall, in addition to any liability that may be incurred under subsection (2) of section 23 of this Act, be guilty of an offence and liable to a penalty of not less than one hundred dollars and not more than two hundred dollars.

Powers and duties of board as to dog fence

23. (1) The board shall have the following powers and duties with respect to the dog fence:—

I. The board shall see that the dog fence is properly maintained and that it is at all times dog-proof:

* * * * *

III. The board shall see that the dog fence is properly inspected:

IV. The board shall see that wild dogs are destroyed in the vicinity of the dog fence by the owners of the dog fence.

(2) If the board is satisfied that any owner of any part of the dog fence has failed to maintain or inspect any part of the dog fence owned by him or to keep the fence dog-proof or to destroy wild dogs in the vicinity thereof, the board may carry out any necessary work for the purpose of maintaining or inspecting the fence or making it dog-proof or of destroying wild dogs in the vicinity thereof, and may recover the cost of so doing from the said owner as a debt due to the board by the owner.

Dog fence on Crown lands

23a. (1) The board may—

- (a) for the purpose of completing any portion of the dog fence, erect any fence on any Crown land;
- (b) make dog-proof any fence upon any Crown land;
- (c) maintain any such fence.

(2) Without limitation of the powers conferred by this section, the board may, for the purpose of carrying out any work authorized by subsection (1), enter into any arrangement with the occupier of any land.

Payments to owners of dog fence

24. (1) The board shall, in each financial year, pay to each owner of part of the dog fence an amount (not exceeding two hundred and twenty-five dollars for each kilometre of fence owned by him) to enable him to maintain and inspect that part of the fence and to destroy wild dogs in the vicinity of that part of the fence.

(1aa) For the purpose of determining the amounts to be paid pursuant to subsection (1), the board may fix differential rates of payment in respect of different parts of the fence.

(1a) If any part of the dog fence is owned jointly by two or more owners, the board shall pay the amount aforesaid to such of the owners as the board is satisfied will undertake the liability of carrying out the work referred to in subsection (2), and for the purposes aforesaid the board may require the joint owners to enter into such agreement with respect to such liability as the board considers proper.

Nothing in this subsection shall limit any duty imposed by section 22 upon the owner of any part of the dog fence nor limit any powers of the board under section 23.

(2) Any amount paid as aforesaid to any owner shall be applied by the owner for the purpose of the maintenance and inspection of the fence and the destruction of wild dogs in the vicinity of the fence. With the consent in writing of the board, the owner may apply any such amount or any part thereof for the payment of any interest payable in respect of any capital liability incurred by the owner in respect of the fence. Any such consent may be given for such period and upon such conditions as the board thinks fit.

(3) The board may, in any case it thinks fit, pay any amount payable pursuant to this section in instalments.

(4) Any amounts paid to any owner pursuant to this section shall be applied as aforesaid during the financial year in respect of which it is paid or during such other period as may be directed in writing by the board and in accordance with any other directions in writing given by the board at the time of payment to the owner; and the board may give any such directions as are referred to in this subsection.

(5) If pursuant to section 20, or section 20a, or section 23 any amount is payable to the board by any owner, that amount shall be set off against any amount payable to the owner pursuant to this section. If satisfied that any owner will not properly carry out the duties imposed upon him by this Act the board may refuse to pay to the owner any balance of any amount payable to the owner under this section or any other amount payable to the owner under this section.

(6) The board may, by notice in writing given to any owner to whom any amount is paid pursuant to this section, at any time require the owner to supply to the board within the time specified in the notice, a statement in writing showing how any amounts so paid have been expended during any period specified in the notice and during the financial year in which the notice is given or during the preceding financial year.

Provisions as to ownership of fence

24a. (1) Subject to subsection (2), where any part of the dog fence stands or is erected or constructed on land comprised in a Crown lease as defined in section 147 of the *Crown Lands Act, 1929-1960*, the lessee of the land under the lease shall, for the purposes of this Part, be deemed to be the owner of such part of the fence on that land as is not vested in a local board.

(2) Where any part of the dog fence divides contiguous land of adjoining owners, the owner of the land inside the dog fence shall, for the purposes of this Part, be deemed to be—

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

and

(b) the owner of so much of that part of the fence as is not vested in a local board.

PART IV

FINANCIAL PROVISIONS

Imposition of rates on ratable land

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.

(2) With the approval of the Minister, the board may, by notice published in the *Gazette*, declare in respect of each financial year a rate upon ratable land and a minimum amount payable by way of rates.

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

Special rate in respect of local board area

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 one hundred hectares that are situated within the area in relation to which a local board is established.

(2) The special rate shall be expressed as an amount per square kilometre of the land upon which it is declared, not exceeding three dollars 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.

Payment and recovery of rates and special rates

27. (1) The board shall as soon as practicable after the declaration of a rate or special rate under this Part serve upon the occupier of ratable land or upon the occupier of land upon which the special rate is declared, as the case may be, a notice setting forth the amount he is liable to pay by way of rates or special rates, as the case may be.

(2) The amount of the rate or special rate imposed under this Part is due and payable upon the expiration of twenty-eight days from the day on which the notice is served under subsection (1) of this section.

(3) Subject to subsection (4) of this section, where a person fails to pay the amount of rate or special rate payable by him on or before the expiration of twenty-eight days from the day on which the rate or special rate is due and payable, that person, in addition to his liability to pay that rate or special rate, is liable to pay a fine of ten per centum upon the amount of rate or special rate that he has so failed to pay.

(4) The board may, in its discretion, remit the whole or part of any fine payable pursuant to subsection (3) of this section by any person.

(5) Any rate, special rate or fine imposed under this Part shall, when it becomes due and payable, be a debt due to the board and may be recovered in any court of competent jurisdiction.

(6) A document executed by the board stating the amount of any rate, special rate or fine payable by any person shall, in the absence of proof to the contrary, be accepted as proof of that amount in any legal proceedings for its recovery.

Charge to be payable by occupiers of land outside the dog fence

28. (1) The board may, in respect of a financial year, levy a charge on the occupier of land to which this section applies.

(2) The amount of a charge levied against an occupier under this section shall be calculated by multiplying the length of that part of the dog fence that is adjacent to his land (expressed in kilometres) by the prescribed rate.

(3) Subject to subsection (4), a charge under this section becomes due and payable upon the expiration of twenty-eight days from the day on which notice of the charge is served upon the occupier.

(4) The board may, in such cases as it thinks fit, extend the time for payment of the charge by such period as it considers the circumstances warrant.

(5) A charge under this section shall, when it becomes due and payable, be a debt due to the board and may be recovered in any court of competent jurisdiction.

(6) Amounts received by the board under this section shall be paid to the owners of those parts of the dog fence that are contiguous to land occupied by persons against whom the charges are levied.

(7) Payments made under subsection (6) shall be proportioned amongst the owners according to the length of dog fence that divides their land from the land occupied by the persons charged under this section, and are in addition to other payments that may be made by the board under other provisions of this Act.

(8) The board shall, at the expiration of each successive period of five years after the commencement of the *Dog Fence Act Amendment Act, 1984*, in consultation with the *United Farmers and Stockowners of S.A. Incorporated*, review the prescribed rate and may, upon the completion of the review, recommend to the Governor that the prescribed rate be increased or reduced.

(9) In this section—

“land to which this section applies” means land of one occupier (being land situated outside the dog fence) that is divided from land of another occupier by the dog fence:

“prescribed rate” means thirty-seven dollars and fifty cents per kilometre or such other amount per kilometre as may be fixed by regulation upon the recommendation of the board under subsection (8).

(10) This section applies in relation to the financial year commencing on the first day of July, 1984, and each subsequent financial year.

* * * * *

Subsidy

31. The Treasurer shall, out of moneys to be provided by Parliament for the purpose—

(a) as soon as may be after the day of commencement of the *Dog Fence Act Amendment Act, 1969*, pay to the board a subsidy which when aggregated with the subsidy, if any, paid pursuant to this section, as in force immediately before that day, in respect of the financial year commencing on the

first day of July, 1969, is equivalent to a rate of one dollar for every dollar of the rates declared by the board for that financial year and payable in respect of that financial year;

and

- (b) as soon as may be after the commencement of each financial year after that financial year, pay to the board a subsidy at the rate of one dollar for every dollar of the rates declared by the board for each such financial year and payable in respect of each such financial year.

Advance to board by Treasurer

32. For the temporary accommodation of the board, the Treasurer may, without any further appropriation than this section, from time to time advance to the board from the general revenue any amount deemed necessary by the Treasurer for the purpose aforesaid. Any such amount shall be advanced at such interest and on such conditions as the Treasurer thinks fit and may be set off against any future subsidy payable to the board pursuant to section 31. The general revenue is hereby appropriated for the purpose of any payment pursuant to this section.

Borrowing and investment powers of board

32a. (1) The board may, for the purposes of this Act, borrow money from the Treasurer or, with the consent of the Treasurer, from any other person.

(2) Liabilities incurred by the board under subsection (1) with the consent of the Treasurer are guaranteed by the Treasurer.

(3) A liability of the Treasurer under a guarantee arising by virtue of subsection (2) shall be satisfied out of the Consolidated Account which is appropriated by this section to the necessary extent.

(4) Any money of the board that is not immediately required for the purposes of this Act may be invested in such manner as the Treasurer may approve.

Dog Fence Fund

33. (1) The moneys of the board shall be held by the Treasurer in a fund called "The Dog Fence Fund".

(2) The fund shall consist of—

- (a) any moneys received by the board as rates;
- (b) any moneys paid to the board as a subsidy upon rates declared by the board;
- (c) any other moneys received by the board from whatever source arising.

(3) The said fund shall, without any further appropriation than this Act, be expended by the board for the purposes of the execution and administration of this Act.

Annual report

34. (1) The board shall within three months after the close of each financial year, prepare and present to the Minister a statement of its receipts and payments and a report on its operations during that financial year and the report shall as soon as practicable after the receipt thereof be laid before both Houses of Parliament.

(2) The board shall, within fourteen days after presenting its report and statement of receipts and payments to the Minister, file a copy thereof in the office of the Registrar of Companies, and the Registrar of Companies shall, without fee, permit any person to inspect the report and statement of receipts and payments at any time during office hours.

(3) The board shall, within fourteen days after presenting its report and statement of receipts and payments to the Minister, publish in the *Gazette* a copy of the statement of receipts and payments.

Audit

35. (1) The Auditor-General shall make an annual audit of the board's accounts and for the purpose of any audit may exercise any of the powers which he could exercise for the purpose of auditing the accounts of a Government department.

(2) For every such audit the board shall pay to the Treasurer a reasonable fee of an amount approved by the Treasurer.

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.

Borrowing and investment powers of local board

35ab. (1) A local board may, for the purposes of this Act, with the consent of the board—

(a) borrow money from the Treasurer;

or

(b) borrow money, with the additional consent of the Treasurer, from any other person.

(2) Liabilities incurred by a local board under subsection (1) with the consent of the Treasurer are guaranteed by the Treasurer.

(3) A liability of the Treasurer under a guarantee arising by virtue of subsection (2) shall be satisfied out of the Consolidated Account which is appropriated by this section to the necessary extent.

(4) Any money of a local board that is not immediately required for the purposes of this Act may be invested in such manner as the Treasurer may approve.

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.

PART V
MISCELLANEOUS

Administrative arrangements

36. (1) The board may arrange with the Minister on such terms as are mutually agreed upon, for the carrying out by officers of the Department of Lands of any administrative work on behalf of the board and of the compiling and keeping of any records necessary for the purposes of the board.

(2) Without limiting the generality of the foregoing provisions of this section, any such arrangements may provide that any measures or proceedings for the recovery of any rates under this Act may be taken on behalf of the board by officers of the Department of Lands and any measures or proceedings so taken shall for all purposes be deemed to be taken by the board.

Inspection of dog fence by Government employees

37. The Minister may arrange for the inspection of the dog fence by employees of the Government at such intervals as are determined by the Minister on the recommendation of the board.

Provision as to improvements under pastoral lease

38. (1) If any fence, being an improvement within the meaning of Part VI of the *Pastoral Act, 1936*, is included in the dog fence, the value of the fence at the time it is so included shall be ascertained by the Pastoral Board.

(2) If at any subsequent time, any lessee becomes entitled to payment under the said Part VI for the said improvement, the fence shall, for that purpose, be valued at not more than the amount ascertained as aforesaid except that the value may include the value of any repairs or additions to the fence carried out with the approval of the Minister and carried out other than from moneys paid to the lessee for that purpose pursuant to this Act.

Effect of notice

39. If any notice required to be given under this Act by the board is given to any occupier or to the owner of any fence, that notice shall be deemed to have been given to any successor in occupation or ownership of that occupier or owner.

Service of notice

40. Any notice required by this Act to be given by the board to any person may be given by post addressed to the place of business or residence of such person.

Recovery of amounts payable to board

41. (1) Any amount which is payable to the board pursuant to section 20 or section 23, may be recovered by the board in any court of competent jurisdiction or in any manner in which rates are recoverable by the board under this Act and for that purpose any such amount shall be deemed to be a rate payable by the person by whom it is payable.

(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 IV of this Act.

Penalty for failure to supply statement

42. (1) Any person who fails to supply to the board a statement in writing such as is referred to in section 24 when required so to do pursuant to the said section and within the time required pursuant to the said section shall be guilty of an offence and liable to a penalty not exceeding four hundred dollars.

(2) Any person who supplies any such statement to the board which is false in any material part thereof shall be guilty of an offence and liable to a penalty not exceeding one thousand dollars.

Penalty for damaging or removing dog fence

43. (1) A person who, without lawful excuse, the onus of proving which lies on him, damages or does any act or makes any omission of such a nature as to be likely to cause damage to, any part of the dog fence shall, whether or not he is the owner of that part of the fence, be guilty of an offence and liable on conviction to a penalty not exceeding two hundred dollars, or to imprisonment for a term not exceeding six months.

(2) A person who, without the consent in writing of the board, the onus of proving which lies on him—

(a) removes any part of the dog fence; or

(b) does any act whereby any part of the dog fence ceases to be a dog fence,

shall, whether or not he is the owner of that part of the fence, be guilty of an offence and liable to a penalty not exceeding two hundred dollars, or to imprisonment for a term not exceeding six months.

(3) Upon the conviction of a person of any offence involving the removal of or any damage whatsoever to any part of the dog fence, the court may, if the convicted person is not the person responsible for the maintenance of that part of the fence, in addition to or in lieu of any penalty imposable under this section, order the convicted person to pay to the person so responsible such sum as the court thinks proper by way of compensation for the removal or damage.

Employer liable for damage done by employee

44. (1) Where any act or omission constituting an offence involving damage to or the removal of any part of the dog fence is done or made by a person in the course and scope of his employment, the employer of that person shall be liable to pay to the person responsible for the maintenance of that part of the fence such expenses as are or may be necessarily incurred in restoring that part of the fence as a dog-proof fence: But this section shall not be construed as limiting any other liability of the employer under this or any other Act or otherwise.

(2) The expenses payable under subsection (1) of this section may be recovered in any court of competent jurisdiction.

(3) Where any act or omission referred to in subsection (1) of this section is done or made by the driver of a vehicle, the owner of the vehicle shall for the purposes of this section be deemed to be the employer of the driver unless the owner proves that at the time the act was done or omission was made the driver was not in the ordinary employment of the owner nor acting within the course and scope thereof.

Gate or ramp to be deemed part of the fence

44a. For the purposes of sections 43 and 44 of this Act, any gate or ramp pertaining to the dog fence shall be deemed to be part of the dog fence.

Penalty for leaving gate open

45. Any person who—

(a) passing through a gateway in the dog fence leaves the gate thereof open; or

(b) opens and leaves open a gate in the dog fence,

shall be guilty of an offence and liable to a penalty not exceeding two hundred dollars.

Penalty for failing to apply amounts paid for maintenance of dog fence

46. Any person to whom any amount is paid pursuant to section 24 who fails to apply that amount as required by or pursuant to the said section, shall be guilty of an offence and liable to a penalty not exceeding two hundred dollars.

Regulations

47. The Governor may make any regulations necessary or convenient for carrying this Act into effect.

Summary disposal of offences

48. All proceedings for offences against this Act shall be disposed of summarily.

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APPENDIX

Legislative History

Legislative history prior to 3 February 1976 appears in marginal notes and footnotes included in the consolidation of this Act contained in Volume 3 of The Public General Acts of South Australia 1837-1975 at page 487.

Section 4:	definition of "inside the dog fence" amended by 63, 1984, s. 2
Section 6:	definition of "occupier" substituted by 105, 1978, s. 3
Section 8:	amended by 99, 1982, s. 3; substituted by 22, 1986, s. 3
Section 9:	repealed by 99, 1982, s. 4
Section 10:	repealed by 22, 1986, s. 4
Section 11(1):	amended by 22, 1986, s. 5
Section 11(2):	amended by 22, 1986, s. 6(a)
Section 12:	amended by 22, 1986, s. 6(b)
Section 17(1):	amended by 22, 1986, s. 7
Section 22(1):	amended by 22, 1986, s. 8
Section 24(1):	amended by 99, 1982, s. 5
Section 24(1aa):	substituted by 99, 1982, s. 6
Section 24a:	inserted by 99, 1982, s. 6
Section 24a(2):	amended and redesignated as s. 24a(1) by 63, 1984, s. 3
Section 25(2):	inserted by 63, 1984, s. 3(b)
Section 25(3):	substituted by 99, 1982, s. 7(a)
Section 26(1):	amended by 99, 1982, s. 7(b)
Section 26(2):	amended by 99, 1982, s. 8(a)
Section 27:	amended by 99, 1982, s. 8(b)
Section 28:	inserted by 105, 1978, s. 4
Sections 29 and 30:	inserted by 63, 1984, s. 4
Section 32a:	repealed by 105, 1978, s. 5
Section 34(1):	substituted by 22, 1986, s. 9
Section 34(2):	amended by 105, 1978, s. 6(a)
Section 34(3):	amended by 105, 1978, s. 6(b)
Section 35ab:	amended by 105, 1978, s. 6(c)
Section 42(1):	inserted by 22, 1986, s. 10
Section 42(2):	amended by 99, 1982, s. 9(a)
	amended by 99, 1982, s. 9(b)