

South Australia

Dog Fence (Miscellaneous) Amendment Act 2005

An Act to amend the *Dog Fence Act 1946*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Dog Fence (Miscellaneous) Amendment Act 2005*.

2—Commencement

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

3—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Dog Fence Act 1946*

4—Substitution of long title

Long title—delete the long title and substitute:

An act to provide for the establishment and maintenance of dog-proof fences in the State in order to prevent the entry of wild dogs into pastoral areas, and for incidental purposes.

5—Amendment of section 4—Interpretation

- (1) Section 4(1)—after definition of *Crown lands* insert:

dog fence means the primary dog fence, or a secondary dog fence, established under this Act;

- (2) Section 4(1), definition of *inside the dog fence*—delete the definition and substitute:

inside a dog fence means—

- (a) in relation to the primary dog fence—land that is within the portion of the State bounded by the primary dog fence, the eastern border of the State and the coast of the State; or
- (b) in any other case—land within the State to which entry by wild dogs is further restricted by a secondary dog fence;

- (3) Section 4(1)—after definition of *occupier* insert:

outside a dog fence means—

- (a) in relation to the primary dog fence—land that is outside the portion of the State bounded by the primary dog fence, the eastern border of the State and the coast of the State; or
- (b) in any other case—land within the State outside of an area to which entry by wild dogs is further restricted by a secondary dog fence;

- (4) Section 4(1)—after definition of *owner* insert:

primary dog fence see section 18(2);

secondary dog fence means a dog fence other than the primary dog fence;

- (5) Section 4(1), definition of *wild dog*—delete the definition and substitute:

wild dog means—

- (a) a dingo or a dog that is any cross of a dingo; or
- (b) a feral dog.

6—Amendment of section 6—Members of board

Section 6(1)—delete "the dog fence" and substitute:

the primary dog fence

7—Amendment of section 7—Term of office

- (1) Section 7(1)—delete "four years" and substitute:

a term, not exceeding 4 years, specified in the instrument of appointment

- (2) Section 7(2)—delete subsection (2)

8—Amendment of heading to Part 3

Heading to Part 3—delete "the dog fence" and substitute:

dog fences

9—Substitution of sections 18 and 19

Sections 18 and 19—delete the sections and substitute:

18—Establishment of the primary dog fence

- (1) For the purpose of preventing the entry of wild dogs into the pastoral and agricultural areas of the State, a dog-proof fence (the *primary dog fence*) is to be established and maintained in the northern areas of the State.
- (2) The Governor may, by proclamation made on the recommendation of the board, declare that the site of the primary dog fence is the site described in the proclamation.

19—Establishment of secondary dog fences

- (1) For the purpose of further restricting the movement of wild dogs within the pastoral and agricultural areas of the State, further dog-proof fences (*secondary dog fences*) may be established and maintained in the area inside the primary dog fence.
- (2) The Governor may, by proclamation made on the recommendation of the board, declare that the site of a secondary dog fence is the site described in the proclamation.
- (3) The Governor may, by subsequent proclamation made on the recommendation of the board, vary or revoke a proclamation made under this section.

10—Amendment of section 20—Construction of fence to complete dog fences

- (1) Section 20(1)—delete "the dog fence" wherever occurring and substitute:
a dog fence
- (2) Section 20—after subsection (2) insert:
 - (3) The board must not issue a notice under subsection (1) except after consultation with the occupier of the land, or the owner of the fence, as the case may require.

11—Amendment of section 21—Replacement of parts of dog fences

Section 21—delete "the dog fence" wherever occurring and substitute:
a dog fence

12—Amendment of section 22—Duty of owner to maintain dog fence and destroy wild dogs

- (1) Section 21(1)—delete "the dog fence" first occurring and substitute:
a dog fence
- (2) Section 21(1)(c)—delete "the dog fence" and substitute:
the part of a dog fence owned by the owner
- (3) Section 21(2)—delete "the dog fence" and substitute:
a dog fence

13—Amendment of section 23—Powers and duties of board as to dog fences

- (1) Section 23(1)—delete "the dog fence" first occurring and substitute:
dog fences
- (2) Section 23(1)(a)—delete "the dog fence is properly maintained and that it is" and substitute:
all dog fences are properly maintained and are
- (3) Section 23(1)(b)—delete "the dog fence is" and substitute:
dog fences are
- (4) Section 23(1)(c)—delete "the dog fence" first occurring and substitute:
a dog fence
- (5) Section 23(2)—delete "the dog fence" first occurring and substitute:
a dog fence
- (6) Section 23—After subsection (2) insert:
 - (3) For the purposes of this section, the board, or a person authorised by the board, may enter and remain on land on which a dog fence is situated.

14—Amendment of section 23A—Dog fences on Crown land

Section 23A(1)(a)—delete "the dog fence" and substitute:
a dog fence

15—Amendment of section 24—Payments to owners of dog fences

- (1) Section 24(1)—delete "the dog fence" wherever occurring and substitute:
a dog fence
- (2) Section 24(1)—delete "\$225" and substitute:
\$250
- (3) Section 24(1aa)—delete "the fence" and substitute:
a fence
- (4) Section 24(1a)—delete "the dog fence" and substitute:
a dog fence
- (5) Section 24(2)—delete "the fence" first occurring and substitute:
a fence
- (6) Section 24(2a)—delete "the fence" and substitute:
a fence

16—Amendment of section 24A—Provisions as to ownership of dog fences

- (1) Section 24A(1)—delete "the dog fence" and substitute:
a dog fence
- (2) Section 24A(2)—delete "the dog fence" first occurring and substitute:
a dog fence
- (3) Section 24A(3)—delete "the dog fence" first occurring and substitute:
a dog fence
- (4) Section 24A—after subsection (3) insert:
 - (4) However, the Governor may, by proclamation made on the recommendation of the board and with the agreement of the relevant owner of the land, vest part of the fence vested by subsection (3) in the owner of the land on which the fence is situated.
 - (5) The Governor may, by subsequent proclamation made on the recommendation of the board, revest any part of the fence vested by subsection (4) in a local board.

17—Amendment of section 25—Imposition of rates on ratable land

- (1) Section 25(1)—delete "the dog fence" and substitute:
a dog fence
- (2) Section 25(3)—delete "\$1" and substitute:
\$1.20

(3) Section 25—after subsection (4) insert:

(5) In this section—

holding includes 2 or more parcels of land that—

- (a) are farmed as a single enterprise; and
- (b) are occupied by the same person or persons, whether or not the pieces of land are contiguous.

18—Amendment of section 27—Payment and recovery of rates and special rates

(1) Section 27(2)—delete "The" and substitute:

Subject to subsection (3), the

(2) Section 27—after subsection (2) insert:

- (3) The board may, in such cases and with such conditions as it thinks fit, extend the time for payment of the rate or special rate.

19—Amendment of section 27A—Contribution by councils as alternative to rating by board

Section 27A(5)—delete "*Local Government Act 1934*" wherever occurring and substitute in each case:

Local Government Act 1999

20—Amendment of section 28—Charge to be payable by occupiers of land outside dog fence

(1) Section 28(2)—delete "the dog fence" and substitute:

a dog fence

(2) Section 28(6)—delete "the dog fence" and substitute:

a dog fence

(3) Section 28(9)—delete "the dog fence" and substitute:

a dog fence

21—Amendment of section 35A—Local dog fence boards

Section 35A—delete "the dog fence" wherever occurring and substitute:

a dog fence

22—Amendment of section 37—Inspection of dog fences by Government employees

(1) Section 37—delete "the dog fence" first occurring and substitute:

a dog fence

(2) Section 37—after its present contents (now to be designated as subsection (1)) insert:

- (2) For the purposes of subsection (1), the government employee may enter and remain on land on which the fence is situated.

23—Insertion of section 38

After section 37 insert:

38—Immunity from liability

- (1) No personal liability attaches to a member of the board, a member of a local board, a person acting at the direction of the board or a local board, or any other person involved in the administration of this Act for an act or omission done or made in good faith and in the exercise or performance, or purported exercise or performance, of a power or function under this Act.
- (2) A liability that would, but for subsection (1), attach to a person attaches instead—
 - (a) in the case of a member of the board, or a person acting at the direction of the board—to the board; or
 - (b) in any other case—to the Crown.

24—Amendment of section 43—Penalty for damaging or removing a dog fence

Section 43—delete "the dog fence" wherever occurring and substitute:

a dog fence

25—Amendment of section 44—Employer liable for damage done by employee

Section 44(1)—delete "the dog fence" and substitute:

a dog fence

26—Amendment of section 44A—Gate or ramp is part of a dog fence

Section 44A—delete "the dog fence" and substitute:

a dog fence

27—Amendment of section 45—Penalty for leaving gate open

Section 45—delete "the dog fence" wherever occurring and substitute:

a dog fence