



ANNO VICESIMO SEPTIMO

ELIZABETHAE II REGINAE

A.D. 1978

No. 105 of 1978

An Act to amend the Dog Fence Act, 1946-1975.

[Assented to 7th December, 1978]

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, 1978". Short titles.

(2) The Dog Fence Act, 1946-1975, 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, 1946-1978".

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

3. Section 4 of the principal Act is amended by striking out the definition of "occupier" and inserting in lieu thereof the following definition:— Amendment of principal Act, s. 4— Interpretation.

"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:.

Enactment of
s. 27 of
principal Act—

4. The following section is enacted and inserted in the principal Act immediately after section 26 thereof:—

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.

Repeal of
ss. 29 and
30 of
principal Act.

5. Sections 29 and 30 of the principal Act are repealed.

Amendment of
principal Act,
s. 34—
Annual report.

6. Section 34 of the principal Act is amended—

(a) by striking out from subsection (1) the word “balance-sheet” and inserting in lieu thereof the passage “statement of its receipts and payments”;

(b) by striking out from subsection (2) the word “balance-sheet”, twice occurring, and inserting in lieu thereof, in each case, the passage “statement of receipts and payments”;

and

(c) by striking out from subsection (3) the word “balance-sheet” twice occurring, and inserting in lieu thereof, in each case, the passage “statement of receipts and payments”.

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

K. D. SEAMAN, Governor