



ANNO TRICESIMO TERTIO

ELIZABETHAE II REGINAE

A.D. 1984

No. 63 of 1984

An Act to amend the Dog Fence Act, 1946.

[Assented to 27 September 1984]

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

Short title.

1. (1) This Act may be cited as the "Dog Fence Act Amendment Act, 1984".

(2) The Dog Fence Act, 1946, is in this Act referred to as "the principal Act".

Interpretation.

2. Section 4 of the principal Act is amended by inserting at the end of the definition of "inside the dog fence" the following passage "; and 'outside the dog fence' in relation to land means land that is outside that portion of the State:".

Amendment of
s. 24a—
Provisions as to
ownership of
fence.

3. Section 24a of the principal Act is amended—

(a) by striking out the word "Where" and substituting the passage "Subject to subsection (2), where";

and

(b) by inserting after its present contents as amended by this section (now to be designated as subsection (1)) the following subsection:

(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.

4. The following section is inserted after section 27 of the principal Act:

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

Insertion of new s. 28.

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

(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 Stock-owners 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.

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

D. B. DUNSTAN, Governor