

DOG FENCE (MISCELLANEOUS) AMENDMENT BILL

Received from the House of Assembly and read a first time.

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I move:

That this bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

It is with great pleasure that I introduce the Dog Fence (Miscellaneous) Amendment Bill 2005.

As many Members will appreciate, the Dog Fence in this State is essential for protecting the sheep industry from the predation by dingoes. What Members may not realise is that the fence also provides a boundary outside of which the dingo is recognised as a legitimate wildlife species.

The Dog Fence in South Australia is two thousand, one hundred and seventy eight kilometres long, and is a part of a continuous fence that starts on the cliffs overlooking the Great Australian Bight, winding its way for more than five thousand, four hundred kilometres across South Australia, New South Wales and Queensland.

In this State, the Dog Fence consists of not only the traditional netting fence but also of five hundred kilometres of solar and/or solar-wind powered electric fence. This approved electric Dog Fence is an outcome of research carried out by the Board that tested various types of solar-powered electric fencing and demonstrated the efficacy of a 1200mm high 10-wire electric fence. Electric fences, because of their lower height, provide for easier migration of large native herbivores.

The Dog Fence today is owned and maintained by both Local Dog Fence Boards and private owners. Landowners on whose land the fence is situated may elect to form a local dog fence board, which owns and manages that designated section of the fence, or may elect to individually retain full ownership and management.

There are six Local Dog Fence Boards consisting of Fowlers Bay, Penong, Pureba, Central, Marree and Frome. Four station owners have decided to still own and maintain their sections of the fence. The State Dog Fence Board is constituted under the Act to ensure that the Fence is properly maintained and is kept in dog-proof condition, and that wild dogs in the vicinity of the fence are controlled. The entire fence is inspected at least every second week by patrolmen employed by the local boards or by the station owners themselves.

The South Australian Dog Fence is maintained by the State Dog Fence Board with an annual budget of \$800 000 for the 2 180 kilometres of fence (\$367 per kilometre). This compares favourable with the Fences in the other two states where the New South Wales Dog Fence of 584 kilometres has a budget of \$2 055 per kilometre, and Queensland's Fence of 2 600 kilometres has a budget of \$596 per kilometre.

As I have previously reported to this House, I had the privilege of joining the State Dog Fence Board and local dog fence board members recently for an inspection of some 342 kilometres of the dog fence stretching from Fowlers Bay through to Pureba. I was very impressed by the state of the fence and the work being done by the various dog fence boards and the community.

This Bill is the culmination of a review of the *Dog Fence Act 1946*, and advice was sought from stakeholders and the broader community on which, if any, sections of the Act should be replaced or rewritten to better reflect today's thinking, and whether any new provisions should be included.

Community consultation occurred through regional meetings, which were convened in Keith, Mannahill, Ceduna, Port Augusta and Adelaide. These well attended meetings helped shape the proposed amendments I am introducing today.

Landowner support and involvement is essential to maintain a dog-proof fence. The provisions of the *Dog Fence Act* must remain flexible enough to retain landowner participation given trying conditions for many on the land while still ensuring that the fences remain dog-proof.

The current provisions of the *Dog Fence Act* restrict activities to maintaining a dog fence in the northern areas of the State. The Bill will broaden the scope of the Dog Fence Board to enable it to maintain dog fences in other parts of the State. Landowners in some areas of the State have long been seeking the capacity for the Dog Fence Board to be involved in maintaining fences other than in the northern areas of the State, such as to keep wild dogs inside park areas.

Many of the amendments in the Bill are consequential to this.

The Bill will update the definition of a wild dog to include a dog that is any cross of a dingo or a feral dog.

The Bill will revise the term of appointment of Board members to be up to 4 years in lieu of the current fixed four-year term. This change will allow for the staggering of members' terms so that not all of the terms of office expire at the same time.

Although the Dog Fence Board has been consulting with stakeholders before moving or rebuilding a fence, the Act does not require the Board to consult at all. The Bill will now require the board to consult with the occupier of the land, or the owner of the fence, before making any changes to the fence.

To properly maintain a dog fence, the Bill will allow the Board or an authorised person, for the purposes of the Act, to remain on the land where a dog fence is situated. To provide further support to members and staff, the Bill will indemnify members of the board, a member of a local board or an authorised person when acting in good faith under the Act.

Where a local dog fence board is formed, the ownership of that part of the dog fence is vested in that local board. However, some landowners adjacent to the fence consider it more desirable that they manage their section of fence. The Bill will allow the local board to vest ownership of the fence back to the adjoining landowner with the agreement of that landowner. This amendment is in response to the specific request of some pastoralists.

The Dog Fence Board funds its operations, including the maintenance of the Dog Fence, from rates on land and this amount is matched dollar for dollar by Treasury. This scheme will continue but the Bill will update key aspects of the scheme. The maximum amount that the Dog Fence Board can pay to a fence owner to maintain a kilometre of fence will increase from the current \$225 to \$250. Where the Dog Fence Board imposes rates on land, the maximum amount will increase from \$1 to \$1.20 per square kilometre.

For a number of years the Dog Fence Board has adopted a policy of aggregating certain parcels of land into a single holding for rating purposes. The Bill will formalise this arrangement and provide that a holding will include parcels of land that are farmed as a single enterprise.

In recovering rates, there has been no mechanism that allows the Dog Fence Board to take into account extenuating circumstances for the payment of those rates by the occupier of that land. The Bill will provide the Board with the authority to extend the time for payment as it sees fit.

Consultation with local boards, the South Australian Farmers Federation and interested communities including indigenous groups has resulted in a Bill that retains community involvement and the commitment to maintaining dog-proof fences.

I commend the Bill to the House.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Dog Fence Act 1946*

4—Substitution of long title

This clause amends the long title of the principal Act to reflect changes made by this Bill.

5—Amendment of section 4—Interpretation

This clause amends or adds definitions of certain terms used in the provisions amended by this Bill. In particular the concept of primary and secondary dog fences is explained.

6—Amendment of section 6—Members of board

This clause makes a consequential amendment to section 6 of the principal Act to reflect the existence of primary and secondary dog fences.

7—Amendment of section 7—Term of office

This clause amends the term of office of a member of the board so that a term does not exceed 4 years rather than be 4 years.

8—Amendment of heading to Part 3

This clause is consequential.

9—Substitution of sections 18 and 19

This clause provides for the substitution of sections 18 and 19 of the principal Act, and allows for the creation of secondary dog fences to further restrict the movements of wild dogs within the area inside existing dog fence, which becomes the primary dog fence.

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

This clause makes a consequential amendment and also requires that the board consult with owners or occupiers of land prior to issuing a notice under section 20 of the principal Act.

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

This clause makes a consequential amendment.

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

This clause makes consequential amendments.

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

This clause amends section 23 of the principal Act to empower the board, or a person authorised by the board, to enter and remain on land on which a dog fence is situated in order to exercise the powers and functions referred to in the section. The clause also makes a number of consequential amendments.

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

This clause makes a consequential amendment.

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

This clause increases the amount payable to owners of the dog fence to \$250 per kilometre of fence, and makes a number of consequential amendments.

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

This clause amends section 24A of the principal Act to enable the Governor to vest (on the recommendation of the board and with the agreement of the owner) part of the fence in the owner of the land on which the fence is situated. The fence may also be vested in a local board, with the consent of the board. The clause also makes a number of consequential amendments.

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

This clause increases the rate payable by owners of certain land to \$1.20 per square kilometre, defines *holding* for the purposes of the section and makes a consequential amendment.

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

This clause enables the board to extend the time for payment of rates.

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

This clause amends an obsolete reference.

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

This clause makes a number of consequential amendments.

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

This clause makes a consequential amendment.

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

This clause makes a consequential amendment, and enables a government employee to enter and remain on premises for the purposes of the section.

23—Insertion of section 38

This clause inserts a provision shifting personal liability from the board, a member of a local board, and certain other people to the board (in the case of a member of the board, or a person acting at the direction of the board) or, in any other case, to the Crown.

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

This clause makes a consequential amendment.

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

This clause makes a consequential amendment.

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

This clause makes a consequential amendment.

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

This clause makes a consequential amendment.

The Hon. A.J. REDFORD secured the adjournment of the debate.