**DOG FENCE ACT AMENDMENT BILL 1986**

**LEGISLATIVE COUNCIL, 4 March 1986, page 798-799**

Second reading

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

The Hon. C.J. SUMNER (Attorney-General): 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.

Explanation of Bill

This Bill amends the Dog Fence Act in two ways. Firstly, it rationalises the membership of the Dog Fence Board to reflect contemporary needs. Secondly, it clarifies that both the board and the local Dog Fence Boards can borrow funds with the approval of the Treasurer. The board is currently made up of four members:

* The Chairman, who must be the Chairman or mem­ber of the Pastoral Board at the time of appointment.
* Two members appointed on the nomination of the United Farmers and Stockowners of South Australia Inc.
* One member appointed on the nomination of the Vermin Districts Association.

The need for mandatory liaison between the Dog Fence and Pastoral Boards is anachronistic. Rapid advances in relevant technologies dictate the need for specialisation and separation. In this connection the Bill provides for the Director of Lands or his nominee to be a member and Chairman of the Dog Fence Board.

Local Dog Fence Boards established in terms of the pro­vision of the Dog Fence Act have taken over the rights, duties and obligations previously vested in the boards of the various vermin fenced districts. It follows that the Dog Fence Board should include a representative or nominee of the local Dog Fence Boards rather than a nominee of the Vermin Districts Association. The Vertebrate Pests Control Authority is responsible for the control of dingoes while the board is responsible for maintaining the fence in dog proof condition. The need for coordination between the two bod­ies is recognised and this Bill provides for the membership of the board to be increased to five, the fifth member being a nominee of the authority.

Turning now to the second question, section 32a of the Dog Fence Act deals with borrowings by the board. The wording of that section however is not clear and can be construed as precluding the board from obtaining finance from any source other than the Treasurer. In addition, there is no power for local Dog Fence Boards to borrow. On several occasions over the years funds have been borrowed from private financial institutions to facilitate works author­ised by the Dog Fence Act. The Bill provides for

amend­ments to the Act which clarify the situation and facilitate continuation of current practice in this regard. It also for­mally extends this authority to local boards in whose names such loans have historically been taken.

Clauses 1 and 2 are formal. Clause 3 substitutes section 6 of the Act and alters the constitution of the Dog Fence Board. The substituted section provides that the board shall consist of five members: the chairman (an ex officio mem­ber) being the Director of Lands or the director's nominee as approved by the Minister, and four other members appointed by the Governor as follows:

* 1. two (being occupiers of rateable land and at least one of the two being an occupier of rateable land adjoining the dog fence) on the nomination of the United Farmers and Stockowners Ltd Inc.;
  2. one (being an occupier of rateable land but not being an officer of the Public Service) on the nomination of the Vertebrate Pests Control Authority; and
  3. one on the nomination of the Minister from a panel to which each local dog fence board has nomi­nated a person.

Where a nominating body fails to make a nomination, there is provision for the Minister to nominate for appoint­ment such person as the Minister thinks fit. The section provides that the offices of all current members of the board are vacated on the commencement of the measure to enable new appointments to be made.

Clause 4 repeals section 9 of the Act which deals with the power of the Minister to nominate a member in default of nomination by any association. This matter is dealt with in the substituted section 6. Clauses 5 to 8 are consequential amendments. Clause 5 amends section 10 of the Act to make it clear that each nominating body is entitled to replace, in accordance with the Act, its nominated member when a vacancy in the office of that member occurs. Clause 6 amends section 11 (2) of the Act which gives power to any nominating association to request that the appointment of its nominated member be determined before the expi­ration of that member's term of office. The amendment provides that all nominating bodies except local boards have this power.

The amendments in clauses 6 to 8 also limit the appli­cation of the following sections to appointed members: section 11 (casual vacancies), section 12 (dismissal of mem­bers) and section 17 (member's remuneration, though both appointed members and the ex officio member receive out-of-pocket expenses pursuant to subsection (2)). Clause 9 substitutes section 32a of the Act. The section provides for the borrowing and investment powers of the board. It ensures that the board may, for the purposes of the Act, borrow both from the Treasurer or, with the Treasurer's approval, from any other person and it provides that loans on the latter basis are guaranteed by the Treasurer. The section also provides that the board may invest money in such manner as the Treasurer may approve. Clause 10 inserts a new section 35a. The section gives the local boards borrow­ing and investment powers similar to that of the board. There is an additional requirement that local boards obtain the consent of the board to each loan.

The Hon. J.C. IRWIN secured the adjournment of the debate.