**DOG FENCE BILL 1946**

**Legislative Council, 3 December 1946, page 1281**

Second reading

The Hon. R. J. RUDALL (Midland— Attorney-General)—The purpose of this Bill is to provide the necessary provisions to enable a continuous dog proof fence to be established across the northern area of the State and thus to provide protection against the ingress of wild dogs to the pastoral areas and other areas in the upper part of the State. In 1896 the first vermin fenced district was formed under the provisions of the Vermin Act; prior to that many landholders had erected vermin proof fences around their holdings to protect their flocks from the depredations of wild dogs. The enclosed areas were gradually extended further out from the closely settled country to the west, north-west and north mainly by the formation of districts under the Vermin Act and to the north-east principally by privately erected fences, until the present position was reached when there is an outside dog proof fence some 1,350 miles long from the New South Wales border, south and west of Lake Frome, around the Flinders Ranges, north of Lake Torrens, thence generally north westerly enclosing the sheep country along the East-West railway line, southerly to the western end of the Gawler Ranges and westerly along the far west coast enclosing Colona and Nullarbor Stations, and southerly to the sea coast. As the enclosed areas were extended further out many of the inside fences were allowed to fall into disrepair and a number of the districts were abolished.

As each new area was enclosed it was usual for the board or lessee to pay half the cost of any vermin fence on the boundary between an existing and new enclosed areas. In the case of the outside districts, however, as the country beyond is unfenced, the lessees of this country have not subscribed towards the cost of the fences and for many years representations have been made that monetary assistance should be given to the owners of the outside fences. Under legislation passed in 1935 several districts were granted remissions of interest for periods of three years to assist them over difficult periods. Following on representations in 1938 by the Stockowners’ Association that some assistance should be given to the owners of the outside fences the question has been given consideration by the Government and various bodies representing the persons affected. In June, 1943, at a meeting of the Vermin Districts Association it was resolved as follows:—

“That in the opinion of this meeting, the vermin fencing in many cases is in a bad condition, that the time is opportune for the commencement of inquiries concerning buffer fence proposals to protect the pastoral industry of South Australia, and this meeting urges that the position of danger be brought under the notice of the Government with the, view of preliminary investigation into buffer fence pro­posals being undertaken.

That a committee of four persons should be appointed to make further inquiries into buffer fence proposals and that one of such persons be nominated by each of the following:—

The Vermin Districts Association.

Stockowners’ Association of South Australia.

Stock Salesmen’s Association.

The Surveyor-General.

That this meeting requests the Hon. the Commissioner of Crown Lands to allow the Surveyor-General to act as a member of this committee.”

In August, 1943, the Stockowners’ Association of South Australia indorsed the proposal and the Government agreed that the Surveyor- General should assist the committee which comprised Messrs. I. McTaggart, B. H. McLachlan and W. H. Menjorsen representing the respective associations referred to.

The committee submitted and discussed various proposals with the Government and the associations they represented and finally submitted the scheme forming the basis of the proposed legislation. The representatives of the associations reported on 31/5/1946 as follows:—

“Meetings have been held by the Stockowners’ Association of South Australia, the Vermin Districts Association of South Australia and the Wool Brokers’ Association of South Australia relative to this matter, and in case it was practically unanimously decided in favour of the scheme.

All vermin boards and private lessees have been written to in order to ascertain their views on this matter. This has taken a considerable time and some replies have not been received. It is, however, considered that a sufficient number are in hand to give a fair indication of the feeling of those concerned.Results are as follows:—

Boards in favour .... 31 (37,561 sq. miles)

Boards not in favour . 4 (2,216 sq. miles)

In respect to private fence owners, all those on the outer areas have given their assent except one. The individual ratepayers have not been contacted so comprehensively, but the general impression that we have gained is that they are favourable towards the scheme.”

After this report the board of one vermin district comprising an area of 1,108 square miles formerly not in favour has reversed its decision and four others covering an area of 3,826 square miles which had not replied have now voted in favour. The position thus is that of the vermin boards approached, 36, the total area of whose districts is 42,495 square miles, have approved the proposal and four vermin boards whose districts total an area of 1,761 square miles have not approved. Of the lessees of land abutting the outer fence, six have approved and one has not approved the proposal. It follows that the request for the legislation in question is supported by a great majority of those concerned and the Bill gives effect to the wishes of this majority.

The provisions of the Bill are as follows:— Part II. provides for the establishment of a board to be known as the Dog Fence Board.: The board is to consist of four members to by appointed by the Governor. The person to be appointed chairman is to be either the chairman or a member of the Pastoral Board. Of the remaining three members, two are to be appointed on the nomination of the Stockowners’ Association and the other on nomination of the Vermin Districts Association The members, other than the chairman, are be occupiers of rateable land or shareholders in a company which is the occupier of rateable land, and, in the case of the members nominated by the. Stockowners’ Association, one is an to be an occupier or a shareholder in company which is the occupier of rateable land which adjoins the dog fence. Members are, in general, to hold office for four years and provision is made for the retirement of half the officers every two years. Members are to paid such remuneration as is from time to time fixed by the Minister. The board is to appoint its officers and servants who will not be subject to the Public Service Act. It is, however, provided that, with the consent of Minister administering any department, any public servant may be seconded for duty with the board but these officers will remain members of the Public Service. Other provisions of a usual nature relating to the establishment of aboard of this kind and their exercise of its powers are included in Part II.

Part III. sets out the procedure to be followed for the establishment and maintenance of the dog fence. The first duty of the board will be to recommend the site of the dog fence. So far as possible, the dog fence is to consist of existing dog-proof fences or of fences which are capable of being made dog-proof. After the board has recommended the site of the fence the Governor may, by proclamation made on the board’s recommendation, declare that the site described in the proclamation shall be the site of the fence. The plan exhibited in the Chamber sets out the result of the preliminary investigations as to the site of the fence and the probable site is shown on the plan together with the land which will be rateable under the provisions of the Bill. As already pointed out, the dog fence will, as far as may be, consist of existing fences. However, it may be necessary to construct a new fence to complete the line of the dog fence or to make alterations to existing fences to make them dog-proof. If such is the case, the board will give notice in writing under clause 20 to the occupier of the land in question requiring him to construct the new fence or to alter an existing fence and the occupier will be under an obligation to carry out the work as directed.

Clause 21 provides for the variation of the site of the dog fence and provides that another existing fence may be declared as part of the dog fence in substitution for any part of that fence. Clause 22 sets out that it shall be the duty of the owner of any part of the dog fence to inspect and maintain the fence in a proper dog-proof condition and to destroy wild dogs in the vicinity of the fence. Clause 23 sets out the general duties of the board which are to see that the obligations imposed on owners are properly carried out. If an owner fails to carry out any duty imposed on him the Bill, the board may carry out the work and recover the cost from the owner. Clause 24 provides that, for the purpose of enabling owners of the dog fence to carry out their obligations, the board is to pay to every owner in each financial year a uniform amount per mile of fence owned by each owner but not exceeding £8 a mile. This amount is to be expended by the owner in inspecting and maintaining the dog fence and in destroying wild dogs in the vicinity of the fence. With the consent of the board, any part of the amount so paid may be applied by the owner towards the payment of interest due on any capital liability incurred by him in respect of the fence.

If the board thinks fit, any payment may be in instalments. t is also provided that the payments must be applied by the owner during the financial year in which they are received or during such other period as is directed by the board and that payments must be applied in accordance with any directions which may be given by the board. If an owner has failed in his obligations and the board has carried out work on his default, the cost may be deducted from any future payments to the owner and, if thought fit by the board, the board may refuse to make any further payments to the owner. As a further safeguard, the board may at any time require an owner to supply a statement showing how payments to the owner have been expended. Thus, the scheme of the Part is as follows. The dog fence is to be established in the northern part of the State so as to pre­vent the ingress of wild dogs into the pastoral areas. The fence is to consist either of existing fences or other fences to be constructed which will in all cases be the property of landholders or vermin boards and these owners will be obliged to see that the fences are maintained as dog-proof fences and that wild dogs in the vicinity of the fence are destroyed. The duty of the board, apart from the duty of recommending the site of the fence, will be to see that the owners of the fences fulfil their obligations. On the other hand, the owners will receive regular annual payments in order to assist in the carrying out of their obligations, and the distribution and supervision of the expenditure of these pay­ments will be the duty of the board.

Part IV. enacts provisions for rating and other provisions relating to the finances of the board. It is provided that the board may, in every financial year, declare a rate on all rateable land. Rateable land is defined by clause 25 to mean all land inside the dog-proof fence except the land set out in paragraphs (a) to (f) of subclause (2) and the schedule. This definition of rateable land is substantially similar to the definition of rateable land in the Wild Dogs Act and thus all land which is rated under that Act will be rated under the Bill. The plan displayed in the Chamber shows the part of the State which will be rateable and it will be seen from the plan that the northern areas will be rateable but that the other parts of the State will be excluded from rating. Crown lands will not be rateable with the following exception:—If any land is at the commencement of the Bill held under Crown lease, agreement, or licence and is thus rateable , and if the land subsequently reverts to the Crown and becomes Crown lands, it will continue to be rateable . The amount to be declared as a rate in any financial year is to be fixed by the board but the rate is not to exceed 1s. 3d. per square mile of rateable land. In addition to this rate, clause 27 provides that an additional rate (which is not to exceed 1s. 3d. per square mile) may be declared on all rateable land situated within 10 miles of the dog fence and which abuts on the fence or is only separated there from by a road, reserve, or travelling stock route. The purpose of this provision is to provide that occupiers who, in effect, have the use of the dog fence as a boundary fence will make an additional contribution by way of rates. The machinery provisions contained in Part IV. as to the declaration and levying of rates are substantially similar to the provisions of the Wild Dogs Act as regards these matters.

Clause 31 provides for a Government subsidy and provides that the Treasurer is to pay in each financial year to the board an amount equal to the rates declared by the board for that financial year and payable in respect of rateable land. If the full rate of 1s. 3d. a mile is imposed, it is estimated that the resultant rate revenue will be approximately £7,300 a year and the Government subsidy will, of course, be a similar amount. In order to provide the board with sufficient funds to commence its operations, it is provided that the Treasurer may advance against future subsidy an amount equal to half the estimated amount of the subsidy for the first financial year of the board’s operations.

It is also provided that the Treasurer may from time to time make advances to the board for its temporary accommodation. Any advance of this kind is to bear interest at the rate fixed by the Treasurer and may be set off against any further subsidy payable to the Board. The moneys of the board are to be kept in a fund in the Treasury known as Dog Fence Fund and the fund is to be applied by the board for the purpose of administering the provisions of the Bill. The board is to present an annual report and balance-sheet which are to be laid before Parliament The balance-sheet is also required to be published in the “Gazette”. The accounts of the board are to be audited by the Auditor-General.

Part V. contains some miscellaneous provisions, many of which do not require special mention. It is provided that the board may arrange with the Department of Lands for the carrying out of the administration of the work. It is expected that arrangements of this nature will be made whereby the Department will keep the rate books of the board, send out rate notices, receive payment of rates, and perform other administrative duties of this nature. Clause 38 provides that where a fence, the property of a pastoral lessee, becomes part of the dog fence, it is to be valued and that value is to be the value of the fence for the purposes of the Pastoral Act when the pastoral lease expires and the lessee becomes entitled to payment for his improvements. Obviously, any extra value accruing to the fence by reason of payments from the Dog Fence Fund should not become the property of the lessee but the lessee will be entitled to payment of any enhanced value due to repairs and additions effected with other monies or with the approval of the Minister. Other provisions of Part V. deal with the services of notices, the imposition of penalties for breaches of duty with relation to the dog fence, and other matters.

This matter occupied my attention for many years when Minister of Lands and I pay a tribute to the work done by the Surveyor-General and the members of the committee I have mentioned. Nobody can realize the enormous amount of work done by them. The Bill will clear up the tremendous difficulties which have always existed, and I personally thank the Surveyor-General and the members of the committee for their work. I move the second reading.

The Hon. F. J. CONDON secured the adjournment of the debate.