**DOG FENCE (SPECIAL RATE, ETC.) AMENDMENT BILL 1995**

**House of Assembly, 16 November 1995, pages 584-5**

Second reading

**The Hon. J.K.G. Oswald, for the Hon. D.S. BAKER (Minister for Primary Industries)** obtained leave and introduced a Bill for an Act to amend the Dog Fence Act 1946. Read a first time.

The Hon. J.K.G. OSWALD: 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.

This Bill contains three provisions. The first is intended to give ratepayers and prospective ratepayers of Local Dog Fence Boards greater autonomy in determining the way in which they will be rated. At present, the Act provides only one method of rating—a rate must be struck on the basis of the area of land held by each ratepayer. In some parts of South Australia, the people who constitute the rate base of a Local Dog Fence Board may decide that a different basis would be more equitable. This Bill provides for the flexibility for these people to make such a decision (subject to the final approval of the Minister) where there is unanimous agreement that an alternative rating method is appropriate for that area.

The second provision is intended to allow the Minister to appoint any member of the Dog Fence Board to chair the meetings of the Board. At present the Minister can nominate one member of the Board and the Act requires that member to chair the meetings. The other members of the Board are nominated by different interest groups that have a stake in the maintenance of the fence. This Bill will permit the Minister to appoint one of those other members as chairperson if the Minister wishes to do so and will allow the selection of the Minister’s nominee on the basis of the skills that he or she will bring to the Board without necessarily having to consider the need for that person to chair the Board’s meetings.

The third provision is a machinery matter. On 2 March 1995, the Parliament passed an amendment which provides that amounts owed to the Dog Fence Board in respect of a property may become a first charge on that property. The amendment now proposed is necessary to ensure that such a charge may be registered on the title.

I commend the Bill to the House.

Explanation of Clauses

Clause 1: Short title This clause is formal.

Clause 2: Commencement This clause provides for commencement on a day to be fixed by proclamation.

Clause 3: Amendment of s. 6—Members of board This clause amends section 6 of the principal Act, which deals with the membership of the Dog Fence Board. Section 6 currently provides for one member of the Board to be nominated by the Minister. Under subsection (1)(a) that member is automatically appointed to chair the meetings of the Board. This clause removes the requirement that the Minister’s nominee chair the meetings of the Board and empowers the Minister to select any member of the Board to chair the Board’s meetings.

Clause 4: Amendment of s. 26—Special rate in respect of local board areas. This clause amends section 26 of the principal Act. Section 26 empowers the Dog Fence Board to declare a special rate each financial year on holdings of more than one hundred hectares that are situated within the area in relation to which a local board is established. The amount recovered by the Dog Fence Board through the declaration of such a special rate is paid (after deducting the cost of recovery) to the local board.

At present section 26 requires any such special rate to be expressed as an amount per square kilometre of the land on which the rate is declared, not exceeding three dollars per square kilometre. This amendment provides that that requirement does not apply if the Minister and each occupier of land on which the special rate is declared agree otherwise.

Clause 5: Insertion of s. 41A This clause inserts section 41A into the principal Act. Section 41A provides for the registration of the charges on land that are created in favour of the Dog Fence Board under section 41 of the principal Act (section 41 provides that amounts due and payable to the Board under the Act are a first charge on the land to which the relevant amount relates).

Under section 41A, if there is a charge on land (under section 41) in favour of the Board, the Board can give notice to the Registrar-General (in a form determined by the Registrar-General) of the amount of the charge and of the land that is subject to the charge.

On receipt of such a notice, the Registrar-General is required to enter a note of the charge against the relevant records of title. If such a note is entered against the relevant records of title under this section and if default is made in the payment of an amount to which the charge relates, the Board has the same powers in respect of the relevant land as are given by the Real Property Act 1886 to a mortgagee under a mortgage in respect of which default has been made in the payment of money secured by the mortgage. That is so whether the charge is entered in the records before or after the default occurs.

If the amount to which the charge relates is paid or otherwise ceases to be payable, the Board is required to apply to the Registrar-General (in a form determined by the Registrar-General) for the discharge of that charge, and the Registrar-General must thereupon cancel the relevant entry in the records of title.

Unless the Board otherwise determines, any fee or duty that the Board is required to pay in connection with a charge under this section will be recoverable from the person whose land is subject to the charge and must be added to the amount to which the charge relates.

Ms HURLEY secured the adjournment of the debate.