



ANNO DECIMO TERTIO

**ELIZABETHAE II REGINAE**

**A.D. 1964**

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**No. 18 of 1964**

An Act to amend the Dog Fence Act, 1946-1962 and the Vermin Act, 1931-1962.

[Assented to 24th September, 1964.]

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

**PART I.**

**PRELIMINARY.**

Short title and arrangement.

1. (1) This Act may be cited as the “Statutes Amendment (Dog Fence and Vermin) Act, 1964”.

(2) This Act is arranged as follows:—

PART I.—Preliminary—Section 1.

PART II.—Amendment of Dog Fence Act, 1946-1962—Sections 2-3.

PART III.—Amendment of Vermin Act, 1931-1962—Sections 4-5.

**PART II.**

**AMENDMENT OF DOG FENCE ACT, 1946-1962.**

Short title and citation.

2. (1) The Dog Fence Act, 1946-1962, as amended by this Act, may be cited as the “Dog Fence Act, 1946-1964”.

(2) The Dog Fence Act, 1946-1962, is in this Part referred to as “the principal Act”.

3. Section 21 of the principal Act is repealed and re-enacted as follows :—

Repeal and  
re-enactment  
of s. 21 of  
principal Act—

21. (1) Upon the recommendation of the board, the Governor may by proclamation declare that any part of the dog fence shall cease to be part of the dog fence and that any other fence (being a dog-proof fence or a fence which is capable of being made a dog-proof fence) shall be substituted as part of the dog fence in lieu thereof.

Variation of  
site of dog  
fence.

(2) The Board shall not make any such recommendation unless—

(a) the owner of that part of the fence that will cease to be part of the dog fence (in this section referred to as the first-mentioned owner) and the owner of the fence to be substituted therefor (in this section referred to as the second-mentioned owner) have made satisfactory arrangements for the payment to the first-mentioned owner by the second-mentioned owner—

(i) of a reasonable part of the expenditure incurred by the first-mentioned owner in respect of that part of the fence that will cease to be part of the dog fence ; and

(ii) of such amount (if any) as is payable or would, if demanded, be payable to the first-mentioned owner by the second-mentioned owner by way of contribution under section 202 of the Vermin Act, 1931-1964, towards the cost of erecting that part of the fence that will cease to be part of the dog fence ; or

(b) upon failure of the owners to make such arrangements, the matter has been referred to arbitration as provided by subsection (3) of this section.

(3) Where the owners fail to make the arrangements referred to in paragraph (a) of subsection (2) of this section, the Minister may at the request of the owners or any of them refer the matter to arbitration by one or more arbitrators appointed by the Minister.

(4) In any such arbitration the Arbitration Act, 1891-1934, shall apply and have effect as if the reference to arbitration were made pursuant to a submission as defined in that Act entered into between the first-mentioned owner and the second-mentioned owner and the determination of the arbitrator or arbitrators shall have the same effect as an award under that Act.

### PART III.

#### AMENDMENT OF VERMIN ACT, 1931-1962.

Short title and citation.

4. (1) The Vermin Act, 1931-1962, as amended by this Act, may be cited as the "Vermin Act, 1931-1964".

(2) The Vermin Act, 1931-1962, is in this Part referred to as "the principal Act".

Amendment of principal Act, s. 202—  
Liability of occupiers to contribute to cost of fence.

5. Section 202 of the principal Act is amended by inserting at the end thereof the following subsection (the preceding part of the section being designated as subsection (1) thereof):—

(2) Where—

(a) a vermin fence or dog-proof fence erected upon the boundary or any part of the boundary of land referred to in subsection (1) of this section or any part of such fence forms part of the dog fence in respect of which The Dog Fence Board proposes to make or has made a recommendation under section 21 of the Dog Fence Act, 1946-1964; and

(b) an amount that is payable or would, if demanded, be payable by way of contribution under this section to the owner of that part of the fence that will cease to be part of the dog fence by the owner of the fence to be substituted therefor has been determined by arbitration in accordance with the provisions of section 21 of the Dog Fence Act, 1946-1964,

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payment of that amount by or on behalf of the second-mentioned owner to the first-mentioned owner shall be a discharge of the second-mentioned owner's liability to contribute under this section towards the cost of erecting the vermin fence or dog-proof fence or part thereof, as the case may be.

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

EDRIC BASTYAN, Governor.