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ELIZABETHAE II REGINAE

A.D. 1960

No. 32 of 1960

An Act to amend the Dog Fence Act, 1946-1959.

[Assented to 3rd November, 1960.]

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

1. (1) This Act may be cited as the "Dog Fence Act Amendment Act, 1960". Short title.

(2) The Dog Fence Act, 1946-1959, as amended by this Act, may be cited as the "Dog Fence Act, 1946-1960".

(3) The Dog Fence Act, 1946-1959, is hereinafter referred to as "the principal Act".

2. This Act is incorporated with the principal Act and that Incorporation. Act and this Act shall be read as one Act.

3. Sections 43 and 44 of the principal Act are repealed and the following sections are enacted and inserted in lieu thereof :— Repeal of ss. 43 and 44 of principal Act and re-enactment of those sections with amendments—

43. (1) A person who without lawful excuse, the onus of proving which lies on him, damages or does any act or makes any omission of such a nature as to be likely to cause damage to, any part of the dog fence shall, whether or not he is the owner of that part of the fence, be guilty of an offence and liable on conviction to a penalty not

Penalty for damaging or removing dog fence.

exceeding one hundred pounds, or to imprisonment for a term not exceeding six months.

(2) A person who without the consent in writing of the board, the onus of proving which lies on him,

(a) removes any part of the dog fence ; or

(b) does any act whereby any part of the dog fence ceases to be a dog-fence

shall, whether or not he is the owner of that part of the fence, be guilty of an offence and liable to a penalty not exceeding one hundred pounds, or to imprisonment for a term not exceeding six months.

(3) Upon the conviction of a person of any offence involving the removal of or any damage whatsoever to any part of the dog fence, the court may, if the convicted person is not the person responsible for the maintenance of that part of the fence, in addition to or in lieu of any penalty imposable under this section, order the convicted person to pay to the person so responsible such sum as the court thinks proper by way of compensation for the removal or damage.

Employer
liable for
damage done
by employee.

44. (1) Where any act or omission constituting an offence involving damage to or the removal of any part of the dog fence is done or made by a person in the course and scope of his employment the employer of that person shall be liable to pay to the person responsible for the maintenance of that part of the fence such expenses as are or may be necessarily incurred in restoring that part of the fence as a dog-proof fence: But this section shall not be construed as limiting any other liability of the employer under this or any other act or otherwise.

(2) The expenses payable under subsection (1) of this section may be recovered in any court of competent jurisdiction.

(3) Where any act or omission referred to in subsection (1) of this section is done or made by the driver of a vehicle, the owner of the vehicle shall for the purposes of this section be deemed to be the employer of the driver unless the owner proves that at the time the act was done or omission was made the driver was not in the ordinary employment of the owner nor acting within the course and scope thereof.

44a. For the purposes of sections 43 and 44 of this Act, any gate or ramp pertaining to the dog fence shall be deemed to be part of the dog fence.

Gate or ramp
to be deemed
part of the
fence.

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

J. M. NAPIER, Lieutenant-Governor.