



ANNO VICESIMO SEXTO

GEORGII V REGIS.

A.D. 1935.

No. 2240.

An Act to amend the Phylloxera Acts, 1899 to 1930.

[Assented to, 19th December, 1935.]

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 "Phylloxera Act Amendment Act, 1935". Short title.
(2) The Phylloxera Acts, 1899 to 1930, and this Act may be cited together as the "Phylloxera Acts, 1899 to 1935".
(3) The Phylloxera Act, 1899, is hereinafter referred to as "the principal Act". No. 724 of 1899.
2. This Act is incorporated with the other Acts mentioned in section 1 of this Act, and those Acts and this Act shall be read as one Act. Incorporation.
3. Section 9 of the principal Act is amended by inserting after the word "before" in paragraph (b) thereof the words "noon of". Amendment of principal Act, s. 9—
Nominations.

Phylloxera Act Amendment Act.—1935.

Amendment of
principal Act,
s. 19—
Declaration of
rates.

4. Section 19 of the principal Act is amended—

(a) by inserting after the word “longer” in the seventh line thereof the following words:—“The board may declare for any year any rate of any less amount, but in any such case the amount of all of the rates so declared shall be the same fraction of the amounts hereinbefore mentioned”:

(b) by adding at the end thereof the following words:—
“If pursuant to this section the rate upon vineyards is reduced by any proportion of the amounts mentioned in this subsection, the amount of the said rate of six pence for every ton of grapes shall be reduced by the board proportionately.”

Amendment of
principal Act,
s. 24—
Expenditure.

5. Section 24 of the principal Act is amended by striking out the words “the chairman and any other member” in the last line thereof and by inserting in lieu thereof the words “any two members”.

Amendment of
principal Act,
s. 30—
Powers of
board.

6. Section 30 of the principal Act is amended—

(a) by inserting after the word “shall” in the second line thereof the words “take all precautionary measures as it may deem necessary to prevent the spread or continuation of the disease and may (without limiting the powers of the board hereinbefore contained)”; and

(b) by striking out paragraph (d) thereof.

Amendment of
principal Act,
s. 31—
Neglected vine-
yards.

7. Section 31 of the principal Act (as amended by section 11 of The Phylloxera Act Amendment Act, 1911) is amended by striking out all the words therein before the words “And the costs of and incidental to” and by inserting in lieu thereof the following passage:—

“If the board is of opinion—

(a) that any vineyard or part thereof has remained unused or abandoned for the preceding period of two years; or

(b) that any vineyard or part thereof has not been pruned or cultivated during the preceding period of two years,

the board or any inspector or other person authorised by the board may destroy at the cost of the owner the whole or any part of the vineyard”.

Phylloxera Act Amendment Act.—1935.

8. Schedule I. of the principal Act (as enacted by section 9 of the Phylloxera Act Amendment Act, 1922) is hereby repealed, and the following schedule is substituted therefor:—

Amendment of
principal Act—
First Schedule.

SCHEDULE I.

PHYLLOXERA DISTRICTS.

1. *Reynella District—District No. 1.*

Comprising the whole of the district council districts for the time being of Meadows, Stirling, Noarlunga, Willunga, Strathalbyn, Port Elliot, Encounter Bay, Yankalilla, the whole of the municipalities for the time being of Strathalbyn and Victor Harbour, and the whole of Kangaroo Island.

2. *Tanunda District—District No. 2.*

Comprising the whole of the district council districts for the time being of Tanunda, Freeling, Barossa, Mudla Wirra, Light, Kapunda, Owen, the whole of the municipality for the time being of Kapunda, and those portions of the district council districts for the time being of Balaklava and Port Wakefield south of the River Wakefield.

3. *Angaston District—District No. 3.*

Comprising the whole of the district council districts for the time being of Angaston, Keyneton and Swan Reach, Mount Pleasant, Truro, Marne, and Mannum.

4. *Central District—District No. 4.*

Comprising the whole of the district council districts for the time being of Marion, West Torrens, East Torrens, Enfield, Salisbury, Onkaparinga, Mitcham, Payneham, Walkerville, Campbelltown, Teatree Gully, Gumeracha, Munno Parra East, Mount Barker, and Mobilong, the whole of the municipalities for the time being of Adelaide, Port Adelaide, Prospect, Unley, Kensington and Norwood, St. Peters, Hindmarsh, Woodville, Burnside, Thebarton, Glenelg, Brighton, Henley and Grange, Gawler, and Murray Bridge, and the whole of the Garden Suburb.

5. *Murray District—District No. 5.*

Comprising the whole of the district council districts for the time being of Morgan, Waikerie, Loxton, Brown's Well, Renmark Town, Berri, Cobdogla, and Paringa,

Phylloxera Act Amendment Act.—1935.

together with the district for the time being of the Renmark Irrigation Trust No. 1, and the whole of the counties of Young and Hamley not otherwise included in this district.

6. *Northern District—District No. 6.*

Comprising the whole of that portion of the State north and west of districts numbered 2, 3, and 5, including Yorke Peninsula and Eyre Peninsula.

7. *South-Eastern District—District No. 7.*

Comprising the whole of that portion of the State south and south-east of districts numbered 1, 3, 4, and 5.

Amendment of
1060, 1911,
s. 8—
Vignerons
roll.

9. Section 8 of The Phylloxera Act Amendment Act, 1911, is amended—

(a) by striking out the word “until” in the seventh line thereof and by inserting in lieu thereof the words “or a report of an inspector countersigned by such owner”; and

(b) by striking out subdivisions I. and II. of paragraph (a) of subsection (1) thereof.

Amendment of
1060, 1911,
s. 9—
Payment of
rates.

10. Section 9 of The Phylloxera Act Amendment Act, 1911, is amended—

(a) by striking out the word “hereafter” in the first line thereof; and

(b) by striking out the words “June, instead of the first day of May” in the second line thereof and by inserting in lieu thereof the word “July”.

Repeal of
1060, 1911,
s. 13—
Notice to
board.

11. Section 13 of The Phylloxera Act Amendment Act, 1911, is repealed.

Amendment of
1533, 1922,
s. 8—
Nurseries.

12. Section 8 of the Phylloxera Act Amendment Act, 1922, is amended—

(a) by inserting therein after subsection (1) thereof the following subsection:—

(1A) After disease has broken out in any part of South Australia, and in the opinion of the board, it is impossible to eradicate the disease in such part, the board may, with the consent of the Governor, in any such part of South Australia as is defined by the Governor by proclamation establish nurseries for the purpose of the

Phylloxera Act Amendment Act.—1935.

cultivation and propagation of Phylloxera-resistant vine plants and may, with the consent of the Governor, dispose of any such nurseries.

- (b) by striking out the words "outside South Australia" in the second and third lines of subsection (2) thereof;
- (c) by striking out the words "introduce and dispose of or plant Phylloxera-resistant vines which have been grown in the said nurseries in such part of South Australia as is defined by the Governor by proclamation" in subsection (6) thereof and by inserting in lieu thereof the words "introduce into such part of South Australia as is defined by the Governor by proclamation any Phylloxera-resistant vines for the purpose of being planted in any nursery established in such part pursuant to subsection (1A) and may introduce and dispose of or plant in any such proclaimed part of South Australia any such vines which have been grown in any such nursery or any other nursery established pursuant to this section".

13. (1) At the first meeting of the board after any annual election the board shall elect a member to be chairman of the board. Chairman.

(2) At all meetings of the board at which he is present the chairman shall preside. In the absence of the chairman, a member chosen by the members present shall preside.

(3) The chairman or other member presiding at a meeting shall have both a deliberative and a casting vote.

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

W. DUGAN, Governor.