



ANNO DUODECIMO

GEORGII VI REGIS.

A.D. 1948.

No. 26 of 1948.

An Act to amend the Phylloxera Act, 1936-1937.

[Assented to 2nd December, 1948.]

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

Short titles.

1. (1) This Act may be cited as the "Phylloxera Act Amendment Act, 1948".

(2) The Phylloxera Act, 1936-1937, as amended by this Act, may be cited as the "Phylloxera Act, 1936-1948".

(3) The Phylloxera Act, 1936-1937, is hereinafter called "the principal Act".

Incorporation.

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

Amendment of
s. 5 of
principal Act—
Interpretation.

3. Section 5 of the principal Act is amended by inserting after the definitions of "board" and "up-rooted" respectively therein the following definitions:—

"cutting" means a portion of a grape vine cane which has not been planted in soil or permitted to develop roots :

"vehicle" means vehicle of any kind whether run on a road or rails and includes a vehicle owned or operated by or on behalf of the Crown or any public authority, and aircraft :

Enactment of
s. 16a of
principal Act—

4. The following section is enacted and inserted in the principal Act after section 16 thereof :—

Validity of
acts of
board.

16a. An act or proceeding of the board shall not be invalid solely on the ground that when it was done or

taken there was a vacancy in the office of any member or any defect in the appointment of any member.

5. Section 11 of the principal Act is amended—

Amendment of
s. 11 of the
principal Act—
Election.

(a) by adding at the end of paragraph II. thereof the words “ or, in the case of an extraordinary election, before noon on a day fixed by the board by notice in the *Gazette* as nomination day :”

(b) by inserting after the word “ following ” in paragraph III. the words “ or, in the case of an extraordinary election, before the day fixed by the board by notice in the *Gazette* as the last day for receiving votes in the election ”.

6. Subsection (1) of section 15 of the principal Act is amended and the following subsection inserted in its place :—

Amendment of
s. 15 of the
principal Act—
Extraordinary
vacancies.

(1) If a member—

(a) resigns by written notice given to the Minister :

(b) ceases to reside in South Australia :

(c) dies :

(d) absents himself without permission of the board from three consecutive meetings of the board and is declared by resolution of the board to have forfeited his seat ; or

(e) is removed from the board by the Governor on the ground of neglect of duty, incapacity to perform his duty, dishonourable conduct, or other cause deemed sufficient by the Governor,

his seat shall become vacant.

7. The following section is enacted and inserted in the principal Act after section 19 thereof.

Enactment of
s. 19a of
principal Act—

19a. For purposes of this Act the Secretary shall have the right without payment—

Power of
Secretary
to inspect
assessments.

(a) to make searches in the Lands Titles Registration Office ; and

(b) to inspect and take extracts from the assessment book of any municipal or district council or irrigation trust or the assessment book kept pursuant to the Land Tax Act, 1936.

Amendment of
s. 23 of
principal Act—
Rates.

8. Section 23 of the principal Act is amended by striking out paragraph (a) of subsection (1) and inserting in lieu thereof the following paragraph :—

- (a) of three pence on all vineyards exceeding one acre in extent which, at the time of the declaration of the rate, have been planted with vines for at least two years.

Amendment of
s. 30 of
principal Act—
Payments
out of fund.

9. Section 30 of the principal Act is amended—

- (a) by striking out the words “two members” in the fifth line and inserting in lieu thereof the word “member” ;
- (b) by adding after the word “board” at the end thereof the words “and the Secretary.”

Amendment of
s. 35 of
principal Act—
Powers of
inspectors.

10. Section 35 of the principal Act is amended—

- (a) by leaving out the words “between the hours of seven o'clock in the morning and five o'clock in the afternoon” and inserting in their place the words “at any reasonable time” ;
- (b) by adding at the end thereof the following passage :—

In this section the expression “a reasonable time”—

- (a) in relation to the inspection of any land or buildings, means any time between the hours of seven o'clock in the morning and five o'clock in the afternoon ;
- (b) in relation to the inspection of any vessel or vehicle, means any time of day or night.

Amendment of
s. 38 of
principal Act—
Nurseries for
resistant
stocks.

11. Section 38 of the principal Act is amended—

- (a) by leaving out the words “outside South Australia” in the second line of subsection (1) ;
- (b) by leaving out subsections (2) and (4) ;
- (c) by leaving out the words “Subject to subsection (4)” in subsection (5) ;
- (d) by leaving out the words “outside South Australia” in subsection (6) ;
- (e) by leaving out subsection (7) and inserting in its place the following subsection :—

(7) Notwithstanding any provision of the Vine, Fruit, and Vegetable Protection Act, 1885-1936, or any proclamation made under that Act, the board, with the consent of the Governor, may—

(a) introduce into South Australia any cuttings of phylloxera-resistant vines for the purpose of being planted in any nursery established by the board :

(b) introduce, dispose of or plant in any part of South Australia any vines or cuttings of vines which have been grown in any such nursery and have been therein for a sufficiently long time to ensure that they are free from phylloxera.

(f) by adding at the end thereof the following subsection :

(9) In establishing, controlling and managing nurseries and in conducting operations under this section the Board shall comply with any directions given by the Minister of Agriculture.

12. The following section is enacted and inserted in the principal Act after section 38 thereof:—

Enactment of
s. 38a of
principal Act—

38a. The Board may—

Research into
disease.

(a) conduct research into disease and problems connected with disease :

(b) enter into and carry out arrangements for the conduct of such research and for the training of officers to conduct such research.

(2) The Treasurer, on the recommendation of the Board, may make payments out of the fund to meet any expenses incurred by the Board in exercising its power under this section.

13. Section 43 of the principal Act is amended by adding at the end thereof the following subsection (the previous part of section 43 being read as subsection (1) thereof):—

Amendment of
s. 43 of
principal Act—
Powers of
Governor.

(2) A proclamation made under this section may contain provisions exempting the board either wholly or partly, or subject to conditions, from the operation of the proclamation or any part of it.

Amendment of
s. 49 of
principal Act—

14. Section 49 of the principal Act is amended so as to read as follows :—

Notice of
disease.

49. (1) If within a vineyard any sign appears which may reasonably be suspected to be caused by disease, the occupier of that vineyard shall immediately give written notice of that fact to an inspector, or to the board, or to the Minister.

(2) If an occupier fails to comply with this section he shall be guilty of an offence and liable to a fine not exceeding fifty pounds.

Amendment of
s. 50 of
principal Act—
Consequential
amendment.

15. Section 50 of the principal Act is amended by leaving out the words “between the hours of seven o’clock in the morning and five o’clock in the afternoon” and inserting in lieu thereof the words “in accordance with this Act”.

Repeal of
s. 53 of
principal Act—
Replanting
destroyed
vineyards.

16. Section 53 of the principal Act is repealed.

Repeal of
s. 56 of
principal Act.

17. Section 56 of the principal Act is repealed.

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

C. W. M. NORRIE, Governor.