



ANNO DUODECIMO

ELIZABETHAE II REGINAE

A.D. 1963

No. 28 of 1963

An Act to amend the Phylloxera Act, 1936-1948.

[Assented to 21st November, 1963.]

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, 1963".

(2) The Phylloxera Act, 1936-1948, as amended by this Act, may be cited as the "Phylloxera Act, 1936-1963".

(3) The Phylloxera Act, 1936-1948, is hereinafter referred to as "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 principal Act, s. 5

3. Section 5 of the principal Act is amended by striking out the definition of "up-rooted" therein.

Amendment of principal Act, s. 7.

4. Section 7 of the principal Act is amended by inserting at the end thereof the words "The board shall continue to be known as The Phylloxera Board of South Australia."

Amendment of principal Act, s. 16.

5. Section 16 of the principal Act is amended—

(a) by striking out subsection (1) thereof and inserting in lieu thereof the following subsection :—

(1) The chairman and each other member of the board shall be paid for every meeting of the board attended by him such fees as the Minister shall from time to time determine ; and

(b) by striking out the words “a fee of one pound” in subsection (2) thereof and inserting in lieu thereof the words “such fees as the Minister shall from time to time determine”.

6. Section 23 of the principal Act is struck out and the following section is inserted in the principal Act in lieu thereof :—

Amendment of principal Act, s. 23.

23. Subject to this Part, the board may from time to time by notice in the *Government Gazette* require persons comprised in the following classes of persons :—

Contributions to Phylloxera Fund.

- (a) persons whose names are on the vigneron's roll ;
- (b) winemakers ; or
- (c) distillers,

to pay to the board contributions in such amounts or at such rates as the Minister shall from time to time approve, and the Minister may approve of different amounts or rates in respect of each of those classes.

7. Sections 24 and 25 of the principal Act are repealed.

Repeal of ss. 24 and 25 of principal Act.

8. Section 26 of the principal Act is struck out and the following section is inserted in the principal Act in lieu thereof :—

Amendment of principal Act, s. 26.

26. The contributions shall be payable at the office of the Commissioner of Land Tax.

Contributions payable at Land Tax Office.

9. Sections 27 and 29a of the principal Act are amended by striking out the word “rate” therein and inserting in lieu thereof in each case the word “contribution”.

Amendments of principal Act, ss. 27 and 29a.

10. Sections 28 and 29 of the principal Act are amended—

Amendments of principal Act, ss. 28 and 29.

- (a) by striking out the words “Commissioner of Taxes” therein and inserting in lieu thereof in each case the words “Commissioner of Land Tax” ; and
- (b) by striking out the word “rates” therein and inserting in lieu thereof in each case the word “contributions”.

11. Section 36 of the principal Act is amended—

Amendment of principal Act, s. 36.

- (a) by striking out paragraph (a) thereof and inserting in lieu thereof the following paragraph :—

(a) quarantine or treat or quarantine and treat all or any such area or areas of the vineyard as the board deems necessary ; and

(b) by striking out all the words after the word "destroyed" in paragraph (c) thereof and inserting in lieu thereof the words "or otherwise treated".

Amendment of
principal Act,
s. 37—

12. Section 37 of the principal Act is amended to read as follows :—

Neglected
vineyards.

37. (1) If the board is of opinion that any vineyard or part thereof is unused or abandoned or has not been pruned or cultivated and has been neglected to such an extent that it is likely to facilitate the spread of disease the board shall with the approval of the Minister order the owner to destroy the whole or any part of the vineyard.

(2) An owner who fails to comply with an order of the board under subsection (1) within eight weeks shall be guilty of an offence against this Act.

Penalty : One hundred pounds.

(3) The board or any inspector or other person authorized by the board may destroy at the cost of the owner the whole or any part of a vineyard upon failure by the owner to comply with an order of the board under subsection (1).

Amendment of
principal Act,
s. 38.

13. Subsection (7) of section 38 of the principal Act is amended by striking out the words "phylloxera-resistant" in paragraph (a) thereof.

Amendment of
principal Act,
s. 42.

14. Section 42 of the principal Act is amended by striking out the word "rates" therein and inserting in lieu thereof the word "contributions".

Repeal of
s. 51 of
principal Act.

15. Section 51 of the principal Act is repealed.

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

EDRIC BASTYAN, Governor.