



ANNO SECUNDO

# GEORGII V REGIS.

A.D. 1911.

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## No. 1060.

An Act to amend "The Phylloxera Act, 1899," and for other purposes.

[Assented to, December 23rd, 1911.]

**B**E 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 alone as "The Phylloxera Act Amendment Act, 1911." Short titles.
- (2) "The Phylloxera Act, 1899" (hereinafter called "the principal Act") and this Act may be cited together as "The Phylloxera Acts, 1899 and 1911." No. 724 of 1899.
2. This Act is incorporated with the principal Act, and that Act and this Act shall be read together as one Act. Incorporation with principal Act.
3. In the principal Act and in this Act—
  - "Fund" means the Phylloxera Fund;
  - "Owner" means owner in fee simple;
  - "Secretary" means Secretary of the Board.Interpretation.
4. Section 15 of the principal Act (providing for the compilation of the vigneron's roll) is amended by striking out all the words thereof after the word "returns" in the second line. Amendment of s. 15 of principal Act. Vigneron's roll.
5. Sections 16, 17, and 18 of the principal Act are repealed, and the provisions of sections 6, 7, and 8 of this Act are enacted in lieu thereof. Repeal of ss. 16, 17, and 18. Revision of roll.
6. (1) Every

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Returns to be  
furnished.

**6.** (1) Every person who—

- (a) At the time of the passing of this Act is the owner of a vineyard exceeding one acre in extent, as to which any return required by section 14 or section 18 of the principal Act has not been furnished before the passing of this Act, or
- (b) After the passing of this Act becomes the owner of a vineyard, whenever planted, exceeding one acre in extent, or
- (c) Being the owner of any land, plants or causes the same to be planted as a vineyard to an extent exceeding one acre, after the passing of this Act, or
- (d) After the passing of this Act increases the area of any vineyard which before such increase exceeded one acre in extent, or which by such increase becomes more than one acre in extent, of which vineyard he is the owner,

shall furnish the Secretary with a return in the form of Schedule II. to the principal Act, in which all the particulars indicated by the said form shall be correctly stated.

(2) Any person required by subsection (1) hereof to furnish a return shall furnish the same within such time in this subsection mentioned as is applicable to his case, namely, in a case—

- (a) Under subdivision (a), within four weeks after the passing of this Act:
- (b) Under subdivision (b), within three months after he becomes the owner:
- (c) Under subdivision (c), within three months after the commencement of the planting:
- (d) Under subdivision (d), within three months after the commencement of the increase in area.

Notice of transfer of  
vineyard.

**7.** When any person ceases to be the owner of any vineyard exceeding one acre in extent, he shall, within four weeks after he ceases to be such owner, furnish the Secretary with a return stating the name and address of the new owner, the area of the vineyard, and such particulars as to the situation thereof as are necessary in order to identify the vineyard.

Roll to be revised  
from time to time.

**8.** (1) The Secretary shall, from time to time, revise the vignerons' roll from the returns furnished under the provisions of sections 6 and 7 hereof, and from reports furnished to him by inspectors: Provided that—

- (a) No alteration in or addition to the roll affecting any owner shall be made, except in accordance with a return furnished by such owner, until—

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1. Notice in writing has been given to such owner setting forth the proposed alteration or addition, and
11. The Secretary has considered any notice of objection in writing given to him by such owner within fourteen days after the giving of such notice; and

(b) The Secretary may at any time revise the roll as to the particulars therein affecting any owner upon being satisfied by such owner that such particulars are incorrect.

(2) The said roll, as the same is revised for the time being by the Secretary, shall be the vignerons' roll for all purposes of the principal Act and of this Act.

**9.** Rates hereafter declared under the principal Act shall be paid on the first day of June, instead of the first day of May, in each year, and section 20 of the principal Act shall be read accordingly.

Alteration of date of payment of rates.

Section 20 amended.

**10.** Section 25 of the principal Act (which deals with the investment of the fund) is amended by adding thereto the following words:—"or if the fund or any part thereof or any of such interest is not so invested, then on the fund or such part or interest as the case may be, interest at the rate for the time being paid by the Treasurer on moneys deposited in the Treasury and payable at call, shall from time to time be paid to the credit of the fund."

Amendment of section 25.

Investment of the fund.

**11.** Section 31 of the principal Act (which deals with the destruction of unused or abandoned vineyards) is amended by adding thereto the following words:—

Amendment of s. 31.

Destruction of neglected vineyards.

"at the cost of the owner, by the Board or by any inspector or other person authorised by the Board in that behalf in respect of the particular vineyard. And the costs of and incidental to the destruction thereof may be sued for and recovered by the Secretary in his own name as a debt due to him as such Secretary. Any costs so recovered, less the costs of recovery, shall be paid to the Treasurer to the credit of the fund."

Cf. principal Act, s. 41.

**12.** When and so long as the fund amounts to a sum not less than Five Thousand Pounds, the Board may, without exercising the general power of reduction or suspension conferred by section 45 of the principal Act, at its own absolute discretion suspend, for such term as it deems expedient, the levy of the rate provided for by the principal Act in respect of any vineyard or any part of a vineyard, in respect of which vineyard or part all rates declared under that Act have, at the time of the suspension, been duly paid for a continuous period of not less than fifteen years.

Suspension of levy of rates after payment for fifteen years.

**13. (1) Every**

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Owners of vineyards less than one acre to notify the Secretary. See principal Act, s. 46.

**13.** (1) Every person who—

- (a) At the time of the passing of this Act, is the owner of any vineyard, or
- (b) After the passing of this Act becomes the owner of a vineyard, whenever planted, or
- (c) Being the owner of any land, plants or causes the same to be planted as a vineyard after the passing of this Act,

the vineyard in any such case being not more than one acre in extent, shall give to the Secretary a notice in writing, stating his name and address and such particulars as to the situation of the vineyard as are necessary in order to identify the vineyard.

(2) Any person required by subsection (1) hereof to give a notice shall give the same within such time in this section mentioned as is applicable to his case, namely, in a case—

- (a) Under subdivision (a), within three months after the passing of this Act:
- (b) Under subdivision (b), within three months after he becomes the owner:
- (c) Under subdivision (c), within three months after the commencement of the planting of the vineyard.

Penalty for failure to furnish return or notice.

**14.** Any person who—

- (a) Fails to furnish any return or to give any notice required by this Act, within the time prescribed in that behalf by this Act, or
- (b) Furnishes any return or gives any notice under this Act, which, to his knowledge, contains any incorrect statement,

shall be liable to a penalty not exceeding Twenty Pounds.

Secretary's office to be advertised.

**15.** (1) The Secretary shall have an office in, or within ten miles of, the city of Adelaide.

(2) Notice of the address of the Secretary and of any change in his address shall be published in the *Government Gazette* and in two daily newspapers published in the city of Adelaide.

Mode of delivering returns and notices.

**16.** (1) Any return or notice by the principal Act or this Act required to be furnished or given to the Secretary shall be deemed to be furnished or given when—

- (a) Delivered, at the last address published as required by section 15 of this Act, to the Secretary or any person employed by him, or
- (b) Sent by post and directed to the Secretary at such address.

(2) Any

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(2) Any notice to be given by the Secretary under the principal Act or this Act shall be deemed to be given when—

- (a) Delivered to the person to whom the same is to be given,  
or
- (b) Left at the last known place of business or residence in the said State of such person, or sent by post and directed to such person at such place.

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

DAY H. BOSANQUET, Governor.