

SOUTH AUSTRALIA

PHYLLOXERA ACT, 1936

This Act is reprinted pursuant to the Acts Republication Act, 1967, and incorporates all amendments in force as at 1 February 1993.

It should be noted that the Act was not revised (for obsolete references, etc.) by the Commissioner of Statute Revision prior to the publication of this reprint.

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PHYLLOXERA ACT, 1936

being

Phylloxera Act, 1936, No. 2269 of 1936
[Assented to 13 August 1936]¹

as amended by

Phylloxera Act Amendment Act, 1937, No. 2367 of 1937 [Assented to 8 December 1937]
Phylloxera Act Amendment Act, 1948, No. 26 of 1948 [Assented to 2 December 1948]
Phylloxera Act Amendment Act, 1963, No. 28 of 1963 [Assented to 21 November 1963]
Statute Law Revision Act, 1965, No. 39 of 1965 [Assented to 9 December 1965]
Phylloxera Act Amendment Act, 1966, No. 79 of 1966 [Assented to 1 December 1966]
Phylloxera Act Amendment Act, 1969, No. 8 of 1969 [Assented to 27 February 1969]
Statute Law Revision Act (No. 2), 1974, No. 84 of 1974 [Assented to 21 November 1974]
Statutes Amendment (Miscellaneous Metric Conversions) Act, 1975, No. 32 of 1975 [Assented to 3 April 1975]²
Phylloxera Act Amendment Act, 1984, No. 48 of 1984 [Assented to 24 May 1984]
Fruit and Plant Protection Act 1992 No. 67 of 1992 [Assented to 19 November 1992]³

¹ Came into operation 1 June 1937: *Gaz.* 25 March 1937, p. 645.

² Came into operation 15 January 1976: *Gaz.* 15 January 1976, p. 174.

³ Came into operation 1 February 1993: *Gaz.* 17 December 1992, p. 2192.

Note: 1. Asterisks indicate repeal or deletion of text.

2. For the legislative history of the Act see Appendix. Entries appearing in the Appendix in bold type indicate the amendments incorporated since the last reprint.

An Act to consolidate certain Acts relating to the protection of vineyards.

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

PART I

PRELIMINARY

Short title

1. The Act may be cited as the *Phylloxera Act, 1936*.

Commencement

2. This Act shall come into force on a day to be fixed by proclamation.

Consolidation and repeal

3. This Act is a consolidation of the Acts mentioned in the first schedule, and the said Acts are hereby repealed.

Arrangement

4. The provisions of this Act are arranged as follows:—

PART I—Preliminary.

PART II—The board.

PART III—The vignerons' roll.

PART IV—The fund.

PART V—Inspectors.

PART VI—Powers and duties of the board.

PART VII—Compensation.

PART VIII—Miscellaneous.

Interpretation

5. In this Act, unless the context or subject matter otherwise requires—

"board" means the board continued by this Act:

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

"disease" means the disease in grape vines known as phylloxera which is caused by *Viteus Vitifoliae* (Fitch.):

"diseased" means affected, or liable by reason of having been in contact to be affected, with disease:

"fund" means The Phylloxera Fund:

"inspector" means any inspector of vineyards appointed under or by this Act:

"Minister" means the Minister of Agriculture:

3.

"owner" means—

- (a) the owner in fee simple:
- (b) the purchaser under an agreement for sale and purchase of land with the Crown:
- (c) the lessee under a perpetual lease granted by the Crown:

"quarantine" means to isolate in any manner hereinafter provided:

"secretary" means secretary of the board:

* * * * *

"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:

"vine" means a grape vine, alive or dead, or any vine cutting or part of a vine:

"vineyard" means any parcel of land whereon one or more vines are planted, growing, or found.

Districts

6. For the purposes of this Act the State is divided into the districts defined in the second schedule.

PART II

THE BOARD

Continuance of board

7. (1) The board created by *The Phylloxera Act, 1899*, is hereby continued. The board shall continue to be known as The Phylloxera Board of South Australia.

(2) The board—

(a) shall be a body corporate with perpetual succession and a common seal;

(b) shall be capable of suing and being sued;

(c) shall be capable of acquiring, holding, dealing with and disposing of real and personal property;

and

(d) shall be capable of acquiring or incurring any other rights or liabilities.

(3) Where a document appears to bear the common seal of the board, it shall be presumed in any legal proceedings, in the absence of proof to the contrary, that the document has been duly executed by the board.

Constitution of board

8. The board shall consist of nine members, seven of whom shall be elected as provided by this Act, and two of whom shall be appointed by the Minister.

Term of office

9. The elective members of the board shall hold office for the term of two years: Provided that a member elected to fill a vacancy caused otherwise than by the retirement of a member on the expiration of his term of office shall be appointed only for the unexpired portion of the term of the member in whose place he is appointed.

Representatives

10. One member shall be elected for each district by the persons named in the vigneron's roll for that district.

Transitional provisions

10a. (1) The elective members of the board elected for District No. 1, District No. 2, District No. 3 and District No. 4 as defined in the second schedule to this Act as in force immediately prior to the commencement of the *Phylloxera Act Amendment Act, 1966*, whose terms of office are due to expire in the year 1967 shall remain in office until notice is published in the *Gazette* declaring the names of the elective members elected at the ordinary election to be held in that year for District No. 1, District No. 2, District No. 4 and District No. 5 as defined in the second schedule to this Act as amended by the *Phylloxera Act Amendment Act, 1966*.

(2) On the day of the commencement of the *Phylloxera Act Amendment Act, 1966*, the elective members of the board elected for District No. 5, District No. 6 and District No. 7 as defined in the second schedule to this Act as in force immediately prior to the commencement of the *Phylloxera Act Amendment Act, 1966*, shall, for the unexpired portion of their terms of office be deemed to have been elected for and to represent District No. 3, District No. 6 and District No. 7 respectively as defined in the second schedule to this Act as amended by that Act.

Election

11. The elective members of the board shall be elected when necessary, as follows:—

- I. Any three electors may nominate a candidate willing to act for and represent their district:
- II. The nomination shall be addressed to the secretary, and shall be in his hands on or before noon of the thirty-first day of January 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:
- III. The names of candidates shall be forthwith forwarded to every elector of the district, who may, before the first day of March following 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, vote for a representative from persons so nominated, and shall forward his voting paper to one of the scrutineers:
- IV. The two members appointed by the Minister shall be the scrutineers:
- V. Each elector shall only vote in respect of one district and shall have—
 - (a) one vote if the area in respect of which he is named in the vigneron's roll is not less than 0.4 hectare and does not exceed 4 hectares:
 - (b) two votes if the area exceeds 4 hectares and does not exceed 10 hectares:
 - (c) three votes if the area exceeds 10 hectares and does not exceed 20 hectares:
 - (d) one additional vote for every 20 hectares or portion of 20 hectares after the first 20 hectares of such area:
- VI. During the month of March, and so soon as practicable after every extraordinary election, the Minister shall, by notice in the *Government Gazette*, declare the names of the persons elected, and the notice shall be conclusive evidence of such election:
- VII. In case of equality of votes the Minister shall have a casting vote:
- VIII. Members of the board shall be eligible for re-election or re-appointment.

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Chairman

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.

6.

(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.

Quorum

14. A quorum of the board shall consist of not less than four members.

Extraordinary vacancies

15. (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.

(2) If any such person was originally appointed by the Minister, the Minister shall appoint some other person to act in his place.

(3) If any such person was elected by the vigneron, an extraordinary election shall take place.

(4) Elective members shall hold office until notification of the election of their successors.

Payment of members

16. (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.

(2) If any member of the board is by the direction of the board engaged upon any business of the board (other than at a meeting of the board) he shall be paid such fees as the Minister shall from time to time determine for every day or part thereof during which he is so engaged.

(3) Any member may be paid his actual and necessary travelling expenses whilst engaged upon any business of the board.

(4) All fees and expenses paid pursuant to this section shall be paid out of the fund.

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.

7.

Regulations

17. The board shall make such regulations concerning its internal management as shall be necessary.

Secretary

18. The board shall appoint a secretary, who shall not be a member of the board.

PART III

VIGNERONS' ROLL

Vignerons' roll

19. The vignerons' roll in existence at the commencement of this Act shall, as revised as provided by this Act, continue to be the vignerons' roll for the purposes of this Act.

Power of Secretary to inspect assessments

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

- (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*.

Returns to be furnished

20. (1) Every person who—

- (a) becomes the owner of a vineyard, whenever planted, exceeding 0.4 hectare in extent; or
- (b) being the owner of any land, plants or causes the same to be planted as a vineyard to an extent exceeding 0.4 hectare; or
- (c) increases the area of any vineyard which before the increase exceeded 0.4 hectare in extent, or which by the increase becomes more than 0.4 hectare in extent, of which vineyard he is the owner,

shall furnish the secretary with a return in the form of the third schedule, in which all the particulars indicated by the said form shall be correctly stated.

(2) Any person required by subsection (1) 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 paragraph (a) of subsection (1), within three months after he becomes the owner:
- (b) under paragraph (b) of subsection (1), within three months after the commencement of the planting:
- (c) under paragraph (c) of subsection (1), within three months after the commencement of the increase in area.

Notice of transfer of vineyard

21. When any person ceases to be the owner of any vineyard exceeding 0.4 hectare 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.

Revision of roll

22. (1) The secretary shall, from time to time, revise the vigneron's roll from the returns furnished under the provisions of sections 20 and 21, 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 the owner, or a report of an inspector countersigned by the owner:
- (b) the secretary may at any time revise the roll as to the particulars therein affecting any owner upon being satisfied by the owner that the particulars are incorrect.

(2) The said roll, as the same is revised for the time being by the secretary, shall be the vigneron's roll for all purposes of this Act.

PART IV

THE FUND

Contributions to Phylloxera Fund

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:—

- (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.

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Contributions payable at Land Tax Office

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

Exemption

27. No vineyard of less than 0.4 hectare shall be liable to any contribution.

Phylloxera Fund

28. The Commissioner of Land Tax shall pay the contributions when collected to the Treasurer to the credit of an account to be called "The Phylloxera Fund".

Recovery of rates

29. The contributions shall be collected and levied or recovered by the Commissioner of Land Tax in like manner as the land tax is, and shall be recoverable with and under the like penalties for delay or default in payment thereof.

Rates to be charged upon land

29a. Any contribution declared in respect of any vineyard shall, until payment, be a charge upon the land upon which the vineyard is situated.

Payment of expenses and compensation

30. The Treasurer is hereby authorized to pay out of the fund all such costs, charges, salaries, travelling and other expenses, and compensation which may arise in and about the administration of this Act. The said payments may be made on the warrant of the board, signed by any member of the board and the Secretary.

Investment of fund

31. (1) The fund and all interest thereon shall from time to time be invested in securities of the Commonwealth, Treasury bills, Government bonds, or bonds guaranteed by the Government. 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.

(2) The investment before the twelfth day of November, 1930, of any part of the fund and interest thereon in any Commonwealth securities shall be deemed to have been lawful and as valid as if the provisions of this section had been enacted before the said investment.

PART V

INSPECTORS

Members of board

32. Every member of the board shall be an inspector *ex officio*.

Appointment of inspectors

33. The board may appoint such other persons as the board thinks fit to be inspectors.

Notice of appointments

34. Notice of any such appointment shall be forthwith published in the *Government Gazette*.

Powers of inspectors

35. Every inspector at any reasonable time, may—

- (a) enter into or examine at any time, with or without assistants, any vessel, vehicle, building, land, or place suspected to contain any vine or grapes brought into the State, and search therein for disease, and may remove any such vines or grapes to a quarantine for a further examination, and may destroy such as may be found to be diseased:
- (b) with or without assistants enter any vineyard and examine any vine or grapes, and, by notice in the form of the fourth schedule, may temporarily quarantine any vineyard in which he finds any sign of disease pending report to the board and action thereon; the report shall be made forthwith.

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.

PART VI

POWERS AND DUTIES OF BOARD

General powers

36. Upon receipt of any report referred to in paragraph (b) of section 35, the board shall 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)—

- (a) quarantine or treat or quarantine and treat all or any such area or areas of the vineyard as the board deems necessary:
- (b) cause all quarantined areas to be clearly indicated by flags, fences, or other similar means:
- (c) cause all vines in the quarantined area to be destroyed or otherwise treated:
- (d) upon being satisfied that no disease exists immediately release the vineyards from quarantine.

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: Two hundred dollars.

(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).

Power to establish nurseries for propagation of resistant stocks

38. (1) The board may establish nurseries in any part of Australia for the purposes of the cultivation and propagation of vine plants, and may dispose of any such nurseries.

* * * * *

(3) The board may for the purpose of establishing any such nurseries purchase or otherwise acquire land in any part of Australia, and may do all things necessary to maintain and work such nurseries, and may appoint any inspectors, managers, and other persons for the purposes thereof at such salaries or wages and allowances as the board may think fit, and may dismiss any person so appointed.

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(5) The board shall have power to use any of the funds in its hands for the purposes of this section.

(6) The board may dispose of any of its rootlings or cuttings obtained in any such nurseries from the vines in any manner.

(7) Notwithstanding the *Fruit and Plant Protection Act 1992*, the board may, with the consent of the Minister—

- (a) introduce into the State any cuttings of vines for planting in a nursery established by the board;
- (b) introduce, dispose of or plant in any part of the State any vines or cuttings of vines that have been grown in a nursery established by the board and have been in the nursery for a sufficient time to ensure that they are free from phylloxera.

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(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.

Research into disease

38a. (1) The board may—

- (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:
- (c) undertake such research as in its opinion is necessary to develop and test virus free clonal selections of varieties of root stocks and scions and evaluate the material used for such research and make such of it as is appropriate available to the viticultural industry.

(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.

Regulations

39. (1) The board may make regulations for the due carrying out of the provisions and objects of this Act.

(2) All such regulations shall be submitted to the Minister, and, if approved by him, shall be published in the *Government Gazette*, and shall thereupon have the same force and effect as if embodied and forming part of this Act.

(3) All such regulations shall be laid before Parliament within fourteen days after such publication if Parliament be then sitting; if not, then within fourteen days after the opening of the next session of Parliament.

PART VII

COMPENSATION

Assessment of compensation

40. Compensation shall be paid on the recommendation of the board, but not otherwise, to the person or persons entitled thereto in respect of all vineyards and parts of vineyards destroyed under the provisions of this Act, and in respect of all persons, gardens, orchards, or produce injuriously affected by the performance of any of the powers and duties of the board. The compensation shall be assessed by the board on the basis of actual damage sustained by any person in consequence of the exercise of the powers and duties of the board.

Exceptions

41. No compensation shall be paid in respect of—

- (a) any vineyard which has been unused or abandoned for two years prior to destruction:
- (b) any loss sustained by reason of or in connection with the destruction of any diseased vine or grapes brought into the State, or any package containing or which may have contained or come into contact with any such vine or grapes.

Proportionate reduction of compensation

42. If the fund for the time being should prove to be insufficient for the payment of all claims for compensation in full, the Treasurer may, out of moneys to be provided by Parliament, advance the amount required, and all such advances shall be paid as soon as may be out of future accruing contributions. No compensation shall be claimed or payable except against or out of the fund.

PART VIII

MISCELLANEOUS

Powers of Governor

43. (1) The Governor may, from time to time, by proclamation—

- (a) prohibit the introduction into the State from any place outside the State of any vine, or any grapes, or packages containing or which has contained or been in contact with grapes or vines the introduction of which has been or may be prohibited:
- (b) prohibit the removal from any place within the State to any other place in the State of any vine, or of any grapes, package, implement, matter, or thing likely to convey disease:
- (c) declare any parcel of land or any building a quarantine for the reception of any vines or grapes diseased or suspected of being diseased:
- (d) quarantine any vineyard or any building, land, or place wherein or whereon any diseased vine or grapes may be found or may have recently been.

(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.

Vineyards of less area than 0.4 hectare

44. In the case of all vineyards or gardens containing vines which are less in extent than 0.4 hectare, the owners or occupiers thereof shall be exempt from registration and taxation under this Act, but shall nevertheless be subject to all the other provisions of this Act and the penalties for non-compliance therewith. Any such vineyard or garden containing vines may be declared a quarantine, and the vines therein destroyed.

Construction

45. In this Act a fraction of an hectare in excess of 0.4 hectare shall be deemed to be 0.4 hectare.

Secretary's office

46. (1) The secretary shall have an office in, or within 16 kilometres 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

47. (1) Any return or notice by 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 46, to the secretary or any person employed by him; or
- (b) sent by post and directed to the secretary at the said address.

(2) Any notice to be given by the secretary under 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 the said person, or sent by post and directed to that person at the said place.

Penalty for failure to furnish return or notice

48. 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 guilty of an offence against this Act and liable to a penalty not exceeding forty dollars.

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 one hundred dollars.

Interference with inspectors

50. If any person—

- (a) impedes, hinders, or attempts to impede or hinder the inspection by any inspector in accordance with this Act of any vessel, vehicle, vineyard, store, or other building, premises, or place, or any vine, grapes, case, box, barrel, or other receptacle or package; or
- (b) neglects to make a return in the prescribed form; or
- (c) makes a false return; or
- (d) violates any proclamation made under section 43 or any regulation made under the provisions of this Act,

he shall, in addition to any other penalty provided in this Act, be guilty of an offence against this Act and liable to a penalty not exceeding ten dollars for each offence; or if the offence is continuous, for every day during which the offence is continued.

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Penalty for selling diseased grapes, etc.

52. Any person who sells, or offers, or exposes for sale, any grapes or vines, or parts of vines, affected with disease, shall be guilty of an offence against this Act and liable to a penalty not exceeding one hundred dollars, unless he shows that it was not practicable to discover the fact by the exercise of reasonable diligence.

* * * * *

Recovery of penalties

54. All proceedings may be had and taken, and all penalties, fines, and sums of money incurred or imposed or payable under this Act, may be sued for and recovered at the suit of the Minister, or such officer or authorized person as the board from time to time in that behalf appoints. All moneys so recovered shall be paid to the Treasurer to the credit of the fund.

Summary proceedings

55. All proceedings in respect of offences against this Act shall be disposed of summarily.

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SCHEDULES

THE FIRST SCHEDULE

ACTS CONSOLIDATED AND REPEALED

Number and Year of Act	Short title
No. 724 of 1899	<i>The Phylloxera Act, 1899.</i>
No. 1060 of 1911	<i>The Phylloxera Act Amendment Act, 1911.</i>
No. 1533 of 1922	<i>Phylloxera Act Amendment Act, 1922.</i>
No. 1741 of 1926	<i>Phylloxera Act Amendment Act, 1926.</i>
No. 1969 of 1930	<i>Phylloxera Act Amendment Act, 1930.</i>
No. 2240 of 1935	<i>Phylloxera Act Amendment Act, 1935.</i>

THE SECOND SCHEDULE

PHYLLOXERA DISTRICTS

1. *Central District—District No. 1.*—Comprising the whole of the district council districts for the time being of East Torrens, Onkaparinga, Gumeracha, Munno Para, Mount Barker, Meadows, Stirling, Willunga, Strathalbyn, Port Elliot and Goolwa, Encounter Bay, Yankalilla, Noarlunga, the whole of the municipalities for the time being of Marion, West Torrens, Enfield, Salisbury, Mitcham, Payneham, Walkerville, Campbelltown, Tea Tree Gully, Strathalbyn, Victor Harbour, Adelaide, Port Adelaide, Prospect, Unley, Kensington and Norwood, St. Peters, Hindmarsh, Woodville, Burnside, Thebarton, Glenelg, Brighton, Henley and Grange, Elizabeth, the whole of the Garden Suburb and the whole of Kangaroo Island.

2. *Barossa District—District No. 2.*—Comprising the whole of the district council districts for the time being of Barossa, Tanunda, Mount Pleasant, Angaston, Kapunda, Freeling, Mudla Wirra, Mallala and Owen, those portions of the district council districts for the time being of Port Wakefield and Balaklava south of the River Wakefield, those portions of the district council districts for the time being of Truro and Sedan in the hundred of Dutton and the hundred of Jellicoe and the municipality of Gawler.

3. *Waikerie—Lower Murray District—District No. 3.*—Comprising the whole of the district council districts for the time being of Morgan, Waikerie, Marne, Mannum, Mobilong, Meningie, the whole of those portions of the district council districts for the time being of Truro and Sedan not included in the District No. 2 and the municipality of Murray Bridge.

4. *North Murray District—District No. 4.*—Comprising the whole of the counties of Young and Hamley except for those portions of the counties of Young and Hamley which lie in the district council districts for the time being of Morgan and Waikerie and the whole of the district council district for the time being of Paringa.

5. *South Murray District—District No. 5.*—Comprising the whole of the district council districts for the time being of Loxton, East Murray, Brown's Well, Karoonda, Peake, Lameroo and Pinnaroo.

6. *Northern District—District No. 6.*—Comprising the whole of that portion of the State north and west of District No. 2, District No. 3 and District No. 4 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 District No. 3 and District No. 5.

THE THIRD SCHEDULE

PHYLLOXERA ACT, 1936

Vinegrowers' Return

Return of the number of hectares planted with vines in the vineyard owned by the undersigned:—

Name and Address	Section No., District, and Hundred	Area Planted with Vines	Age of Vines

I, _____, of _____, do declare that I am the owner and occupier (*or owner, as the case may be*) of the vineyard above-named, and that the above return contains a just and true account of the several matters therein set forth respecting the same.

Dated this _____ day of _____, 19 ____.

[Signature].

22.

THE FOURTH SCHEDULE

PHYLLOXERA ACT, 1936

Notice of Temporary Quarantine

Notice is hereby given that I have from this day forth quarantined the vineyard owned or occupied by you, situated [*insert situation of vineyard*]. The vineyard will continue quarantined until released therefrom by order of the chairman of the Phylloxera Board.

Dated this day of , 19 .

Inspector.

APPENDIX

LEGISLATIVE HISTORY

- Legislative history prior to 3 February 1976 appears in marginal notes and footnotes included in the consolidation of this Act contained in Volume 8 of The Public General Acts of South Australia 1837-1975 at page 287.
- Legislative history since 3 February 1976 (**entries in bold type indicate amendments incorporated since the last reprint**) is as follows:

Section 7:	redesignated as s. 7(1) by 48, 1984, s. 2
Section 7(2) and (3):	inserted by 48, 1984, s. 2
Section 38(7):	substituted by 67, 1992, Sched. 2
Section 38(8):	repealed by 67, 1992, Sched. 2