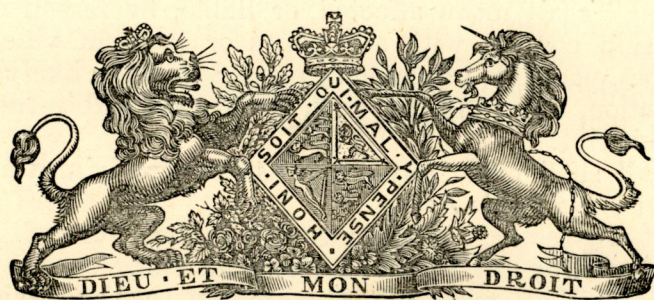


New South Wales.



ANNO QUINQUAGESIMO SEXTO

VICTORIÆ REGINÆ.

No. XXII.

An Act relating to Vine Diseases ; to prevent the introduction into this Colony, or removal from place to place in this Colony, of diseased grapes or grape vines ; and to eradicate a certain disease affecting grapes, grape vines, or vineyards ; to proclaim Vine Districts ; to appoint Boards ; to make assessments and levy rates ; and for other purposes incidental thereto. [Assented to, 7th June, 1893.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the "Vine Diseases Act of 1893," and shall come into operation on the first day of June, one thousand eight hundred and ninety-three. Short title and commencement.

2. Notwithstanding the expiration of the "Vine Diseases Act, 1886," and the "Vine Diseases Act Amendment Act of 1888," anything done or suffered after the thirty-first day of December, one thousand Indemnity to officers.

Vine Diseases.

thousand eight hundred and ninety-two, by or by the direction of the persons who, at the time of the expiration of the said Acts, constituted the Board appointed under the said Acts, or who were inspectors, assistant inspectors, or persons authorised to Act or lawfully acting by or under the authority of the said Acts, or either of them, shall be as valid and effectual as if the said Acts had been in force when the said things were done or suffered. And no suit or action shall be brought against those persons in respect of anything done or suffered by them as aforesaid.

Interpretation.

3. In the construction and for the purposes of this Act, or any regulation or proclamation thereunder, the following words in inverted commas shall have the meaning hereinafter assigned to them respectively, that is to say:—

“Board” shall mean the Board of any vine district proclaimed under the provisions of this Act.

“Disease” shall mean the disease in grape-vines caused by the insect called *Phylloxera vastatrix*.

“Diseased” shall mean affected, or liable, by reason of having been in contact with any vines or parts of vines, or any grapes, package, implement, matter, or thing likely to convey infection, to be affected, with the disease within the meaning of this Act.

“District” shall mean any vine district proclaimed under the provisions of this Act.

“District Inspector” shall mean an inspector of vineyards appointed by any Board of a vine district.

“Governor” shall mean the Governor with the advice of the Executive Council.

“Inspector” shall mean any inspector of vineyards appointed by the Minister.

“Minister” shall mean the Secretary for Mines and Agriculture.

“Prescribed” shall mean prescribed by this Act, or by any regulation made thereunder.

“Quarantine”—To isolate in any prescribed manner.

“Ratable Value”—The value of any vineyard as entered in the assessment roll of any district.

“Vine” shall mean a grape-vine, alive or dead, or any vine cutting.

“Vineyard” shall mean and include any parcel of land whereon one or more grape-vines may be planted or growing.

“Root or rooted-up” shall mean the removal of the whole of the original cutting, layer, or stock with at least six inches of the roots attached.

Powers of the Governor.

4. The Governor may from time to time, by proclamation in the *Gazette*, do any of the following acts:—

Declare any portion of the Colony a vine district, and assign to such district a specific name.

Alter the boundaries or name of any such district.

Divide a vine district into two or more such districts.

Unite two or more vine districts into one vine district.

Abolish any vine district.

Dissolve any Board.

Prohibit the introduction into this Colony from any place outside the Colony of any vine or part thereof, or any grapes or any package containing, or which has contained or been in contact with grapes or vines, the introduction of which has been or may be prohibited.

Prohibit the removal from any place within this Colony to any other place in this Colony of any vine or part thereof, or any grapes, package, implement, matter, or thing, likely to convey disease

Declare

Vine Diseases.

Declare any parcel of land or any building a quarantine for the reception of any vines or parts of vines or grapes known or supposed to be diseased.

Quarantine any vineyard, or any building, land, or place wherein or whereon any diseased vine or part thereof or grapes may be or may have recently been.

5. The following vine districts, the respective boundaries of which Vine districts. are set out in the Schedule hereto numbered One, are hereby created, Schedule I. namely—(1) The Cumberland Vine District; (2) The Murray River Vine District; (3) The Hunter River Vine District. Forthwith after this Act comes into operation steps shall be taken as hereafter provided in regard to proclaimed districts to prepare a list of vinegrowers and to elect a Board for each of the three districts aforesaid, and the whole of the provisions relating to Boards of vine districts shall apply to these districts as if they had been proclaimed under this Act.

6. (I) The Minister may appoint any such person or persons as Inspectors. he may think fit to be an inspector or inspectors of vineyards, and any inspector so appointed may exercise in any part of the Colony any of the powers conferred by this Act upon such Inspectors.

(II) Any Board of a vine district may appoint, subject to the approval of the Governor, one or more district inspectors of vineyards, and such last-mentioned inspectors may within such district exercise any of the powers conferred by this Act upon an inspector.

7. Every inspector may, with or without notice,—

Powers of inspectors.

- (a) Enter into at any time, with or without assistants, any vessel, building, land, or place, containing any vine or part of a vine, or any grapes imported or brought into this Colony, and search therein for diseased vines, parts of vines or grapes, and may remove such vines or parts of vines or grapes to a quarantine for further examination, and may destroy any such as may be found to be diseased.
- (b) May, with or without assistants, enter any vineyard and examine any vine or part of a vine, or any grapes therein, and by notice in the form of Schedule hereto numbered Two, Schedule II. temporarily quarantine any vineyard in which he finds the disease, or any sign thereof, pending report to the Minister and action thereon.
- (c) Periodically inspect the vineyards in any vine district, and report to the Minister when the Board of such District, or its officers, are failing to give effect to the provisions of this Act, and in what respect they are so failing.
- (d) Every district inspector may, within the district to which he is appointed, exercise similar powers to those hereinbefore conferred upon an Inspector by subsections (a) and (b), except that any temporary quarantine notified by him shall continue, pending his report to the Board of such district, and action thereon.

8. Upon the report of any inspector that disease, or sign of Destruction of vines, &c. disease, is found in any vineyard not within a vine district, or within a vine district pending the appointment of a district inspector for such district, the Minister may cause inquiry to be made into the truth of such report, and upon proof that disease actually exists therein, the Governor may—

- (a) Quarantine such vineyard, and every vineyard within a radius of one mile therefrom.
- (b) Prohibit the removal therefrom of any vine, part of vine, grapes, package, implement, matter, or thing.

(c)

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- (c) Cause all the vines in such vineyard, and in any vineyard within a radius of one mile therefrom, to be rooted up, the land thoroughly trenched, and every vine or part thereof, destroyed by fire, and such other precautionary measures taken as may be deemed necessary to prevent the spread of the disease.
- (d) Declare a vine district, including such vineyard.
- (e) Take such steps as hereinafter prescribed to secure the election of a Board.

The Minister shall upon proof that no disease exists in the vineyard mentioned in such report, immediately release such vineyard from quarantine.

Powers of Board to deal with diseased vines.

9. Upon the election or appointment of any Board, all the powers conferred by the last preceding section upon the Governor and the Minister are hereby *mutatis mutandis* conferred upon such Board for the District for which such Board was elected or appointed. And such Board shall exercise all the said powers within the said District.

Board may be dissolved, or officers dismissed, for neglect.

10. Upon receipt of a report from an inspector that any Board or its officers are failing to carry out the provisions of this Act, the Minister may call upon such Board to show cause why it should not be dissolved or its officers dismissed; and if the Board fail to show cause to the satisfaction of the Minister, he may recommend to the Governor that such Board be dissolved or the officers dismissed, and the Governor may dissolve such Board and dismiss such officers accordingly: Provided that if the vinegrowers of the district take action in terms of section twenty-nine hereof, the Minister may stay his action till the result of the meeting of vinegrowers shall be known.

Neglected vineyard may be destroyed.

11. If the owner, lessee, or occupier, having ceased for two years to cultivate his vineyard, shall, within three months after service of notice from an inspector or district inspector, omit to root up all vines therein, the Minister or District Board may cause such vines to be rooted up, and may recover the cost thereof from the owner in any Court of summary jurisdiction upon proof that the sum claimed has been expended in rooting up vines upon such owner's land.

Appearance of disease to be notified.

12. If within any vineyard any sign shall appear which may reasonably be suspected to be caused by disease, the owner, tenant, lessee, or person in charge thereof shall immediately notify the fact in writing to an inspector or district inspector, or to the Minister; and in the event of his wilfully neglecting so to do, all claim by any person to any compensation under the provisions of the Act in respect of such vineyard shall be forfeited, and such owner, tenant, lessee, or person shall on conviction thereof pay a penalty not exceeding one hundred pounds, or be imprisoned for any term not exceeding six months.

Compensation.

13. Compensation may be claimed—

- (i) In respect of any vineyard (in which there is no disease) which has been rooted up to an amount not exceeding the ratable value thereof.
- (ii) In respect of any vineyard, except as provided in sections eleven and twelve, in which any vines shall have been rooted up on account of being diseased, an amount not exceeding fifty pounds per centum of the ratable value thereof.

But no compensation shall be recovered—

- (iii) In respect of any loss sustained by reason of or in connection with the destruction of any diseased vine, part of vine, or grapes brought into this Colony, or any package containing, or which may have contained, or come into contact with any such vine or grapes.

(iv)

Vine Diseases.

- (iv) In respect of any loss sustained by reason of or in connection with the destruction of any vine, part of vine, grapes, package, or implements introduced into this Colony from any place outside the Colony or removed from any place within this Colony to any other place in this Colony contrary to or in violation of any prohibition proclaimed as aforesaid.

14. Claims for compensation shall be made in the prescribed form within six months after the vineyard was rooted up— Claims for compensation how made.

- (i) In respect of any vineyard rooted up by an inspector acting under the direction of the Minister to the Minister.
 (ii) In respect to any vineyard rooted up by a district inspector to the Board of the district.

15. (i) Every such claim shall be referred to an inspector or a district inspector, who shall estimate the amount of compensation to which the claimant is entitled. Compensation how determined.

(ii) If the claimant and the inspector cannot agree upon the amount to be awarded, the matter in contention between the claimant and the inspector shall be referred to the Minister to determine. If the claimant and the district inspector cannot so agree, the matter in contention between the claimant and the district inspector shall be referred to the Board of the vine district to determine. In either case, instead of a reference to the Minister or the District Board, the claimant may cause a reference to arbitration according to the provisions of the Acts for the time being in force for the settlement of disputes by arbitration.

(iii) In dealing with any such matter the Minister or the Board may take evidence on oath, and for that purpose the chairman for the time being of any such Board is hereby empowered to administer an oath.

(iv) The decision of the Minister or the Board of the district, or the arbitrators, as to the amount of compensation to be paid shall be final.

16. No member of a Board, and no inspector or district inspector interested directly or indirectly in any claim for compensation, or in any vineyard, the subject of such claim shall take part in determining the amount of compensation to be awarded in satisfaction of such claim. Persons interested not to act.

17. In the event of a lump sum having been awarded in satisfaction of the damage done by rooting up a vineyard, and such vineyard be let, leased, or mortgaged, or any person have a lien over the crop thereof, the sum awarded may be apportioned and paid to the landlord, tenant, lessee, mortgagee, or lienee in such proportions as may be agreed upon with the inspector or district inspector, or as may be determined by the Minister, or the Board of the vine district, or the arbitrators. Apportionment of compensation.

18. (i) When the amount of compensation shall have been agreed upon between the inspector and the claimant, or determined by the Minister or the arbitrators, the same shall be paid out of the Consolidated Revenue within three months. Compensation how paid.

(ii) When the amount of compensation shall have been agreed upon between the district inspector and the claimant, or determined by the Board of the vine district, or the arbitrators, the same shall be paid out of the funds at the disposal of such Board.

19. The Minister may cause to be paid out of the Consolidated Revenue in any year to any Board by way of subsidy such sum of money as may in his opinion be necessary for carrying out the provisions of this Act not exceeding in amount the sum collected as rates by such Board during such year. Subsidy to Boards.

Vine Diseases.

Replanting of
vineyards.

20. No vines shall be planted in any land from which any diseased vines have been removed for a period of four years after such removal, and any person who shall commit any breach of this section shall, on conviction thereof, pay a penalty not exceeding one hundred pounds; and all vines planted on any such land within such period shall be destroyed by an inspector or district inspector, as the case may be.

Agreements with
landlords void.

21. No tenant or lessee shall be bound by any agreement or lease to contravene the provisions of this Act.

Vine district and
list of vinegrowers.

22. Forthwith, after the proclamation of a vine district, the Minister shall cause a list to be made containing the names in full and address of each vinegrower in such district, and the extent of the vineyard owned by him, and such list when complete, or a copy thereof, shall be exhibited for a period of seven days at the petty sessions court-house, or at each such court-house within such district, and notice thereof shall be published in one or more newspapers circulating in the district.

Revision of list.

23. Any person may, within seven days after such list shall be first exhibited, lodge with any police magistrate or clerk of petty sessions within such district a notice requiring the insertion in the list of the name of any vinegrower omitted from such list, or the striking out from such list any name improperly inserted therein and requiring the correction of any error, or alleged error, in such list.

Revision court,
vinegrowers' roll.

24. At any time after the expiration of the seven days referred to in the last preceding section, the Minister may cause a police magistrate to hold a court for the purpose of hearing evidence on oath in support or in opposition to any such insertion, striking out, or correction as aforesaid, and such magistrate shall thereupon determine the questions raised by every such notice, and revise the list of vinegrowers accordingly, and such list shall thereupon become and be the vinegrowers' roll for the district.

Vinegrowers to elect
board.

25. (I) In every district the vinegrowers shall elect annually a Board, consisting of five members, being vinegrowers on the roll, and the first election in each district proclaimed under this Act, shall be held at such place in the district, and at such time as the Governor shall appoint.

(II) All elections of a Board subsequent to the first election shall be held in the month of September in every year, and retiring members shall (if not disqualified) be eligible for re-election.

(III) The Governor may appoint a returning officer to conduct such elections in any district.

Nomination and
election of Board.

26. (I) For the purposes of the first or any subsequent election the returning officer shall appoint a time and place for receipt of nominations, of which not less than fourteen days' notice shall be given in one or more newspapers published or circulating in the district.

(II) Every nomination shall be in writing, signed by two or more vinegrowers on the roll, and shall contain the consent of the person nominated.

(III) If, within the time appointed, the number of qualified persons nominated for election do not exceed the number of members to be elected at any election, the returning officer shall, at the expiration of the time appointed for receiving nominations, declare the persons so nominated to be elected as members of the Board.

(IV) If the number of members so elected be less than the required number, but more than a quorum, the vacancies shall be regarded as extraordinary vacancies, and be filled up as hereinafter provided; but, if the number elected be less than a quorum, the returning officer shall hold another election to fill the vacant seats.

(v)

Vine Diseases.

(v) If the number of qualified persons nominated be in excess of the number to be elected at any election, the returning officer shall appoint a day for taking a poll, and shall appoint one or more polling-places, and shall notify the time and place, or places, in manner aforesaid, and may appoint a deputy returning officer to preside at each polling-place.

(vi) When a poll is taken the voting shall be by ballot, at which each vinegrower shall be entitled to the prescribed number of votes.

(vii) As soon as convenient after the poll has been taken, the returning officer shall declare elected as many of the candidates who have received the highest number of votes as shall be required to fill the vacant seats.

(viii) The name of every member elected shall be published in the *Gazette*.

27. (i) The first meeting of the Board after a general election shall be held within fourteen days after such election. If any Board fail to meet within such period, or fail at any time to act, any seven or more vinegrowers on the roll may convene a meeting of vinegrowers, and call upon the members of the Board to attend thereat and show cause why such Board should not be dissolved. Meetings of Board and election of chairman.

(ii) At the first meeting of the Board after a general election, the members present shall elect from their number a chairman, who shall (when present) preside at all meetings of the Board.

(iii) If the chairman be absent from any meeting at which there is a quorum, the members present shall appoint an acting chairman, who shall, at such meeting, exercise all the powers of the chairman.

(iv) A quorum shall consist of not less than three members. All questions considered at any meeting shall be decided by a majority of the votes, and if the votes on any question be equal, the chairman shall have a casting vote in addition to his deliberative vote.

(v) If a quorum be not present within half an hour of the time appointed for any meeting, any member or any officer of the Board present may adjourn the meeting to another hour on the same day, or to any hour on another day, and notice of such adjournment shall be given, as far as practicable, to every absent member.

28. If any Board, having failed to meet within fourteen days after a general election, or having failed or refused to carry out the provisions of this Act, also fails (when called upon) to show cause to the satisfaction of a meeting of vinegrowers convened for that purpose why such Board should not be dissolved, such meeting of vinegrowers may declare the seats of the several members of the Board vacant, and may call upon the returning officer to hold another election. Board may be dissolved if it fail to meet within fourteen days.

29. (i) If any member of a Board be absent from three consecutive meetings of the Board without leave of absence duly granted by the Board, he shall forfeit his seat. Extraordinary vacancies, how caused and how filled.

(ii) If any member of a Board die, or resign, or refuse to act, or from any cause whatever become incapable of acting, his seat may be declared vacant by the Board.

(iii) Any extraordinary vacancy caused as provided in section twenty-six, subsection (iv), or by the forfeiture or vacating of a seat as hereinbefore provided, shall be filled by the Board from the vinegrowers on the roll.

30. (i) If at any election as aforesaid no candidates be nominated or elected, the Governor may appoint any five vinegrowers on the roll of the district a Board; and every Board so appointed shall be the Board of such district until the next general election subject to the foregoing provisions relating to extraordinary vacancies and to failure to meet and act. If no Board elected, Governor may appoint Board or officers in lieu thereof.

(ii)

Vine Diseases.

(II) If a Board of any district fail or refuse to meet, or to carry out the provisions of this Act, and the vinegrowers of such district fail to convene a meeting as hereinbefore provided to inquire into the cause thereof, and, if necessary, to move for the election of another Board, the Governor may appoint officers to carry out the provisions of this Act, and such officers shall have and may exercise within such district all the powers of a Board under this Act.

Appointment and
payment of district
officers.

31. Every Board may, subject to the approval of the Governor, appoint one district inspector, and the Board may appoint such other officers as it shall consider necessary, and may out of the funds at its disposal pay all salaries and allowances of such district inspector and other officers, and no member of a Board shall be paid for his services.

Return of acreage of
vineyards.

32. (I) Every owner or occupier of a vineyard within a district shall on or before the first day of December in each year deliver or forward by registered letter to the chairman of the Board, or, if there be no Board, to the officers appointed by the Governor, a return in the form in the Schedule hereto numbered Three, stating the number of acres planted with vines owned or occupied by him.

Schedule III.

(II) Every owner or occupier who refuses or neglects to make such return within the prescribed time shall forfeit and pay a penalty not exceeding five pounds.

(III) For the purpose aforesaid any fraction of an acre shall be deemed an acre.

(IV) Any owner or occupier who shall make a false return shall forfeit and pay a penalty not exceeding five pounds.

Vinegrowers' roll.

33. (I) From the returns made as provided in the last preceding section, the Board shall compile a roll of vinegrowers for the district.

(II) Every roll so compiled shall be revised as hereinbefore provided in regard to the list of vinegrowers of a newly-proclaimed district, and shall thereupon become the roll of the district, and a copy thereof shall be forthwith forwarded to the returning officer.

(III) Until a roll shall have been compiled and revised for the current year, the existing roll shall be and be used as the roll for the district.

Power of Board to
levy rate.

34. (I) Every Board shall have power to impose and levy annually a rate according to the value of every vineyard within the district not exceeding one pound per centum of the value of each such vineyard as entered in the assessment roll: Provided that if necessary to liquidate claims for compensation or to meet other liabilities, the Board shall within any year levy a rate to the full amount of one pound per centum, or two or more equal rates, amounting in the aggregate to one pound per centum.

Assessment roll.

(II) Forthwith after imposing any rate, the Board shall have prepared an assessment roll, which shall set out the amount of such rate payable in respect of every vineyard in the district; and such roll, after careful revision and consideration of any appeal from such rating shall be signed by the chairman and treasurer of the Board, and shall be *prima facie* evidence of the amount payable as rate on each vineyard named therein, and of the person liable to pay such rate.

Date when rate is
payable to be fixed.

35. The Board shall, when imposing a rate, fix the date on which such rate shall be payable, not being less than fourteen days after the rate has been imposed, and every owner or occupier of any such vineyard shall, within the period named by the Board, pay such rate to the treasurer or collector of the Board.

Notice of rate to
be published.

36. (I) A notice of every rate imposed by any Board under this Act, signed by the chairman and treasurer of such Board, shall, within fourteen days after the rate was imposed, be published in the *Government Gazette*, and also in one or more newspapers circulating in the district.

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(II) Every such notice shall specify the amount of the rate per pound, and the date on which the same is payable.

(III) No proceedings shall be commenced against any person for the recovery of such rate until the expiration of one month after the date in such notice aforesaid on which such rate is payable.

37. Every rate imposed under this Act shall be payable, in the first instance, by the occupier of the vineyard; but unless otherwise expressly provided in any lease or agreement, such occupier, if a tenant, may recover from his landlord one-half the amount of the rate paid by or recovered from him as money paid to the use of the landlord, or the same may be deducted from, or set off against, the rent then due or thereafter to become due. Occupier liable to pay rate in the first instance.

38. The owner of any unoccupied vineyard shall be deemed the occupier, and any rate due in respect thereof shall be paid by or be recovered from such owner. Unoccupied vineyards.

39. The collector or other officer of the board authorised in that behalf by the chairman may sue for and recover any rate which shall, after the expiration of one month from the date on which such rate became payable, remain due and unpaid. Recovery of unpaid rates.

40. All moneys received by any collector or other officer of any Board shall in the time and manner prescribed be paid over to the treasurer, and all moneys received by the treasurer of any Board shall in the time and manner prescribed be paid by him into a bank to the credit of an account in the name of the Board of which he is treasurer. Treasurer to pay all moneys into bank.

41. All moneys disbursed by the Board shall be paid by cheques drawn upon the bank account aforesaid, and all cheques shall be signed by the chairman, or acting-chairman, and the treasurer. Disbursement of moneys.

42. The accounts of every Board shall at least once in each year be audited by an officer appointed by the Governor, or by a competent accountant, and a statement of such accounts, when audited, shall be forthwith published in the *Government Gazette* and in one or more newspapers circulating in the district. Accounts to be audited and published.

43. All proceedings of any meeting of a Board, together with the names of all the members present thereat, shall be entered in a book to be kept for that purpose, and shall be signed by the chairman of the meeting at which such proceedings are confirmed, and all entries of any such proceedings so confirmed and signed shall be received in all courts as *prima facie* evidence of the matters recorded. Proceedings of Board to be recorded.

44. The Board of any district may make regulations for regulating its own proceedings and the powers and duties of its officers, and generally for enforcing and giving effect to the provisions of the Act in relation to all matters within the district to which it belongs, and all such regulations after publication in the *Government Gazette* shall, if not inconsistent with this Act, have the same force and effect as if embodied in and forming part of this Act. Power of Board to make regulations.

45. In the event of any district being divided, abolished, or united with another district the liabilities duly incurred by the Board of any such district shall be transferred in such proportions as the Governor shall direct to the Board or Boards of the district or districts in which the area or part of the area of the district so divided, abolished, or united is contained: Provided that if the abolished district be not included in any other district the liabilities as aforesaid of such district shall be dealt with as the Governor shall direct. Transfer of liabilities.

46. (I) When any vine district is divided into two or more districts, all moneys in any bank to the credit of the Board of such district, or in the hands of such Board, or any officer thereof, and any moneys and rates due or becoming due to such Board, and any property

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of any kind belonging to such Board shall be apportioned between the Boards of the several districts into which such first-mentioned district has been divided, in such manner as the Governor shall direct.

(II) When any vine district is abolished, and the area thereof is included in another or other districts, the moneys and properties of every description of the Board of the abolished district shall be transferred to the district, or apportioned amongst the districts as the Governor shall direct, and the Board of any such last-mentioned district or districts shall have power to collect or recover any rates or moneys due to the Board of the abolished district in respect of any property within the area assigned to it.

(III) When any vine district is abolished, and the area thereof is not included in any other district or districts, the moneys and property of every description of the Board of the abolished district, shall be dealt with as the Governor shall direct.

(IV) When any vine district is united to any other district, all moneys or properties of every description of the Board of the first-mentioned district, and all moneys and rates due to it shall be transferred to the Board of the district, to which the first-mentioned district is united, and such Board shall have power to collect and recover all moneys and rates due as aforesaid.

Infected grapes or vines.

47. Every person who sells or offers or exposes for sale any grapes or vines infected with the disease, shall be liable, in addition to any other penalty provided in this Act, to a penalty not exceeding five pounds.

Penalty for obstructing any officer.

48. If any person refuses to allow any inspector or district inspector, on the production of his authority, to enter at any reasonable time his vineyard, ship, boat, store, or other building, premises, or place to examine any vine, part of vine, grapes, case, box, barrel, or other receptacle or package, or impedes, hinders, or attempts to impede or hinder any inspector or district inspector from inspecting or examining the same shall, in addition to any other penalty provided in this Act, be liable to pay a penalty not exceeding five pounds for each offence; or, if the offence be continuous, for each day during which the offence is continued.

Penalty on inspector or other officer.

49. If any inspector or any other officer of a Board wilfully violates or omits to comply with, or neglects or refuses to enforce any provisions of this Act or any regulations thereunder which he is required to comply with or enforce, he shall be liable to a penalty not exceeding fifty pounds.

Recovery of penalties.

50. All sums of money recoverable from any person under this Act, and all penalties imposed or made payable under this Act, may be recovered in any court of petty sessions.

Appropriation of penalties.

51. (I) All penalties and sums of money recovered by any officer appointed by the Governor, or authorised by the Minister shall be paid into the public revenue.

(II) All penalties and sums of money recovered by any officer of a Board shall be paid to the treasurer of the Board to which such officer belongs.

Power of Governor to make regulations.

52. The Governor may make all such regulations as may from time to time appear to him necessary for carrying into effect the several provisions of this Act, and all regulations so made shall, after publication in the *Government Gazette*, have the same force and effect as if embodied in and forming part of this Act: Provided that all such regulations shall be laid before Parliament within fourteen days after publication if Parliament be then sitting; if not, then within fourteen days after the commencement of the next Session of Parliament.

Vine Diseases.

53. Any error in any proclamation made under this Act may be rectified by any subsequent proclamation, and after the rectification of the error the original proclamation shall be deemed to have been made, and shall be read as corrected. And no misnomer, inaccurate description or omission in any such proclamation shall in any wise suspend or impair the operation of this Act with respect to the matter so misdescribed or omitted.

SCHEDULES.

SCHEDULE I.

Boundaries of the Cumberland, Murray River, and Hunter River Vine Districts.

1. The Cumberland Vine District comprises the counties of Cumberland and Camden.
2. The Murray River Vine District comprises the counties of Denison, Hume, and Goulburn.
3. The Hunter River Vine District comprises the counties of Northumberland, Durham, and Gloucester.

SCHEDULE II.

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*]. Such vineyard will continue quarantined until released therefrom by order of the [*insert Minister, or chairman of the board, as the case may require.*]

(Signed)

Inspector (or District Inspector).

SCHEDULE III.

Vine District.

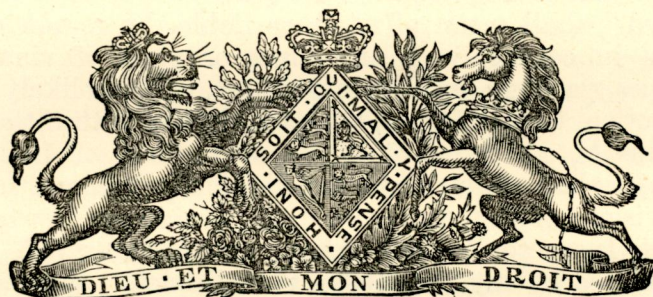
RETURN of the number of acres planted with vines in the vineyard owned or occupied by the undersigned.

Name and Address.	Portion No. and Parish.	Area planted with Vines.	Remarks.

I, _____, of _____, do solemnly and sincerely declare that I am the [*owner and occupier, or occupier, 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 vineyard.

(Signature.)

New South Wales.



ANNO QUINQUAGESIMO SEXTO

VICTORIÆ REGINÆ.

No. XXII.

An Act relating to Vine Diseases ; to prevent the introduction into this Colony, or removal from place to place in this Colony, of diseased grapes or grape vines ; and to eradicate a certain disease affecting grapes, grape vines, or vineyards ; to proclaim Vine Districts ; to appoint Boards ; to make assessments and levy rates ; and for other purposes incidental thereto. [Assented to, 7th June, 1893.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the "Vine Diseases Act of 1893," Short title and commencement. and shall come into operation on the first day of June, one thousand eight hundred and ninety-three.

2. Notwithstanding the expiration of the "Vine Diseases Act, Indemnity to officers. 1886," and the "Vine Diseases Act Amendment Act of 1888," anything done or suffered after the thirty-first day of December, one

Vine Diseases.

thousand eight hundred and ninety-two, by or by the direction of the persons who, at the time of the expiration of the said Acts, constituted the Board appointed under the said Acts, or who were inspectors, assistant inspectors, or persons authorised to Act or lawfully acting by or under the authority of the said Acts, or either of them, shall be as valid and effectual as if the said Acts had been in force when the said things were done or suffered. And no suit or action shall be brought against those persons in respect of anything done or suffered by them as aforesaid.

Interpretation.

3. In the construction and for the purposes of this Act, or any regulation or proclamation thereunder, the following words in inverted commas shall have the meaning hereinafter assigned to them respectively, that is to say :—

“Board” shall mean the Board of any vine district proclaimed under the provisions of this Act.

“Disease” shall mean the disease in grape-vines caused by the insect called *Phylloxera vastatrix*.

“Diseased” shall mean affected, or liable, by reason of having been in contact with any vines or parts of vines, or any grapes, package, implement, matter, or thing likely to convey infection, to be affected, with the disease within the meaning of this Act.

“District” shall mean any vine district proclaimed under the provisions of this Act.

“District Inspector” shall mean an inspector of vineyards appointed by any Board of a vine district.

“Governor” shall mean the Governor with the advice of the Executive Council.

“Inspector” shall mean any inspector of vineyards appointed by the Minister.

“Minister” shall mean the Secretary for Mines and Agriculture.

“Prescribed” shall mean prescribed by this Act, or by any regulation made thereunder.

“Quarantine”—To isolate in any prescribed manner.

“Ratable Value”—The value of any vineyard as entered in the assessment roll of any district.

“Vine” shall mean a grape-vine, alive or dead, or any vine cutting.

“Vineyard” shall mean and include any parcel of land whereon one or more grape-vines may be planted or growing.

“Root or rooted-up” shall mean the removal of the whole of the original cutting, layer, or stock with at least six inches of the roots attached.

Powers of the Governor.

4. The Governor may from time to time, by proclamation in the *Gazette*, do any of the following acts :—

Declare any portion of the Colony a vine district, and assign to such district a specific name.

Alter the boundaries or name of any such district.

Divide a vine district into two or more such districts.

Unite two or more vine districts into one vine district.

Abolish any vine district.

Dissolve any Board.

Prohibit the introduction into this Colony from any place outside the Colony of any vine or part thereof, or any grapes or any package containing, or which has contained or been in contact with grapes or vines, the introduction of which has been or may be prohibited.

Prohibit the removal from any place within this Colony to any other place in this Colony of any vine or part thereof, or any grapes, package, implement, matter, or thing, likely to convey disease.

Declare

Vine Diseases.

Declare any parcel of land or any building a quarantine for the reception of any vines or parts of vines or grapes known or supposed to be diseased.

Quarantine any vineyard, or any building, land, or place wherein or whereon any diseased vine or part thereof or grapes may be or may have recently been.

5. The following vine districts, the respective boundaries of which are set out in the Schedule hereto numbered One, are hereby created, namely—(1) The Cumberland Vine District; (2) The Murray River Vine District; (3) The Hunter River Vine District. Forthwith after this Act comes into operation steps shall be taken as hereafter provided in regard to proclaimed districts to prepare a list of vinegrowers and to elect a Board for each of the three districts aforesaid, and the whole of the provisions relating to Boards of vine districts shall apply to these districts as if they had been proclaimed under this Act.

6. (I) The Minister may appoint any such person or persons as he may think fit to be an inspector or inspectors of vineyards, and any inspector so appointed may exercise in any part of the Colony any of the powers conferred by this Act upon such inspectors.

(II) Any Board of a vine district may appoint, subject to the approval of the Governor, one or more district inspectors of vineyards, and such last-mentioned inspectors may within such district exercise any of the powers conferred by this Act upon an inspector.

7. Every inspector may, with or without notice,—

Powers of inspectors.

(a) Enter into at any time, with or without assistants, any vessel, building, land, or place, containing any vine or part of a vine, or any grapes imported or brought into this Colony, and search therein for diseased vines, parts of vines or grapes, and may remove such vines or parts of vines or grapes to a quarantine for further examination, and may destroy any such as may be found to be diseased.

(b) May, with or without assistants, enter any vineyard and examine any vine or part of a vine, or any grapes therein, and by notice in the form of Schedule hereto numbered Two, temporarily quarantine any vineyard in which he finds the disease, or any sign thereof, pending report to the Minister and action thereon.

(c) Periodically inspect the vineyards in any vine district, and report to the Minister when the Board of such District, or its officers, are failing to give effect to the provisions of this Act, and in what respect they are so failing.

(d) Every district inspector may, within the district to which he is appointed, exercise similar powers to those hereinbefore conferred upon an Inspector by subsections (a) and (b), except that any temporary quarantine notified by him shall continue, pending his report to the Board of such district, and action thereon.

8. Upon the report of any inspector that disease, or sign of disease, is found in any vineyard not within a vine district, or within a vine district pending the appointment of a district inspector for such district, the Minister may cause inquiry to be made into the truth of such report, and upon proof that disease actually exists therein, the Governor may—

Destruction of vines, &c.

(a) Quarantine such vineyard, and every vineyard within a radius of one mile therefrom.

(b) Prohibit the removal therefrom of any vine, part of vine, grapes, package, implement, matter, or thing.

(c)

Vine Diseases.

- (c) Cause all the vines in such vineyard, and in any vineyard within a radius of one mile therefrom, to be rooted up, the land thoroughly trenched, and every vine or part thereof, destroyed by fire, and such other precautionary measures taken as may be deemed necessary to prevent the spread of the disease.
- (d) Declare a vine district, including such vineyard.
- (e) Take such steps as hereinafter prescribed to secure the election of a Board.

The Minister shall upon proof that no disease exists in the vineyard mentioned in such report, immediately release such vineyard from quarantine.

Powers of Board to deal with diseased vines.

9. Upon the election or appointment of any Board, all the powers conferred by the last preceding section upon the Governor and the Minister are hereby *mutatis mutandis* conferred upon such Board for the District for which such Board was elected or appointed. And such Board shall exercise all the said powers within the said District.

Board may be dissolved, or officers dismissed, for neglect.

10. Upon receipt of a report from an inspector that any Board or its officers are failing to carry out the provisions of this Act, the Minister may call upon such Board to show cause why it should not be dissolved or its officers dismissed; and if the Board fail to show cause to the satisfaction of the Minister, he may recommend to the Governor that such Board be dissolved or the officers dismissed, and the Governor may dissolve such Board and dismiss such officers accordingly: Provided that if the vinegrowers of the district take action in terms of section twenty-nine hereof, the Minister may stay his action till the result of the meeting of vinegrowers shall be known.

Neglected vineyard may be destroyed.

11. If the owner, lessee, or occupier, having ceased for two years to cultivate his vineyard, shall, within three months after service of notice from an inspector or district inspector, omit to root up all vines therein, the Minister or District Board may cause such vines to be rooted up, and may recover the cost thereof from the owner in any Court of summary jurisdiction upon proof that the sum claimed has been expended in rooting up vines upon such owner's land.

Appearance of disease to be notified.

12. If within any vineyard any sign shall appear which may reasonably be suspected to be caused by disease, the owner, tenant, lessee, or person in charge thereof shall immediately notify the fact in writing to an inspector or district inspector, or to the Minister; and in the event of his wilfully neglecting so to do, all claim by any person to any compensation under the provisions of the Act in respect of such vineyard shall be forfeited, and such owner, tenant, lessee, or person shall on conviction thereof pay a penalty not exceeding one hundred pounds, or be imprisoned for any term not exceeding six months.

Compensation.

13. Compensation may be claimed—

- (i) In respect of any vineyard (in which there is no disease) which has been rooted up to an amount not exceeding the ratable value thereof.
- (ii) In respect of any vineyard, except as provided in sections eleven and twelve, in which any vines shall have been rooted up on account of being diseased, an amount not exceeding fifty pounds per centum of the ratable value thereof.

But no compensation shall be recovered—

- (iii) In respect of any loss sustained by reason of or in connection with the destruction of any diseased vine, part of vine, or grapes brought into this Colony, or any package containing, or which may have contained, or come into contact with any such vine or grapes.

(iv)

Vine Diseases.

- (IV) In respect of any loss sustained by reason of or in connection with the destruction of any vine, part of vine, grapes, package, or implements introduced into this Colony from any place outside the Colony or removed from any place within this Colony to any other place in this Colony contrary to or in violation of any prohibition proclaimed as aforesaid.

14. Claims for compensation shall be made in the prescribed form within six months after the vineyard was rooted up— Claims for compensation how made.

- (I) In respect of any vineyard rooted up by an inspector acting under the direction of the Minister to the Minister.
(II) In respect to any vineyard rooted up by a district inspector to the Board of the district.

15. (I) Every such claim shall be referred to an inspector or a district inspector, who shall estimate the amount of compensation to which the claimant is entitled. Compensation how determined.

(II) If the claimant and the inspector cannot agree upon the amount to be awarded, the matter in contention between the claimant and the inspector shall be referred to the Minister to determine. If the claimant and the district inspector cannot so agree, the matter in contention between the claimant and the district inspector shall be referred to the Board of the vine district to determine. In either case, instead of a reference to the Minister or the District Board, the claimant may cause a reference to arbitration according to the provisions of the Acts for the time being in force for the settlement of disputes by arbitration.

(III) In dealing with any such matter the Minister or the Board may take evidence on oath, and for that purpose the chairman for the time being of any such Board is hereby empowered to administer an oath.

(IV) The decision of the Minister or the Board of the district, or the arbitrators, as to the amount of compensation to be paid shall be final.

16. No member of a Board, and no inspector or district inspector interested directly or indirectly in any claim for compensation, or in any vineyard, the subject of such claim shall take part in determining the amount of compensation to be awarded in satisfaction of such claim. Persons interested not to act.

17. In the event of a lump sum having been awarded in satisfaction of the damage done by rooting up a vineyard, and such vineyard be let, leased, or mortgaged, or any person have a lien over the crop thereof, the sum awarded may be apportioned and paid to the landlord, tenant, lessee, mortgagee, or lienee in such proportions as may be agreed upon with the inspector or district inspector, or as may be determined by the Minister, or the Board of the vine district, or the arbitrators. Apportionment of compensation.

18. (I) When the amount of compensation shall have been agreed upon between the inspector and the claimant, or determined by the Minister or the arbitrators, the same shall be paid out of the Consolidated Revenue within three months. Compensation how paid.

(II) When the amount of compensation shall have been agreed upon between the district inspector and the claimant, or determined by the Board of the vine district, or the arbitrators, the same shall be paid out of the funds at the disposal of such Board.

19. The Minister may cause to be paid out of the Consolidated Revenue in any year to any Board by way of subsidy such sum of money as may in his opinion be necessary for carrying out the provisions of this Act not exceeding in amount the sum collected as rates by such Board during such year. Subsidy to Boards.

Vine Diseases.

Replanting of
vineyards.

20. No vines shall be planted in any land from which any diseased vines have been removed for a period of four years after such removal, and any person who shall commit any breach of this section shall, on conviction thereof, pay a penalty not exceeding one hundred pounds; and all vines planted on any such land within such period shall be destroyed by an inspector or district inspector, as the case may be.

Agreements with
landlords void.

21. No tenant or lessee shall be bound by any agreement or lease to contravene the provisions of this Act.

Vine district and
list of vinegrowers.

22. Forthwith, after the proclamation of a vine district, the Minister shall cause a list to be made containing the names in full and address of each vinegrower in such district, and the extent of the vineyard owned by him, and such list when complete, or a copy thereof, shall be exhibited for a period of seven days at the petty sessions court-house, or at each such court-house within such district, and notice thereof shall be published in one or more newspapers circulating in the district.

Revision of list.

23. Any person may, within seven days after such list shall be first exhibited, lodge with any police magistrate or clerk of petty sessions within such district a notice requiring the insertion in the list of the name of any vinegrower omitted from such list, or the striking out from such list any name improperly inserted therein and requiring the correction of any error, or alleged error, in such list.

Revision court,
vinegrowers' roll.

24. At any time after the expiration of the seven days referred to in the last preceding section, the Minister may cause a police magistrate to hold a court for the purpose of hearing evidence on oath in support or in opposition to any such insertion, striking out, or correction as aforesaid, and such magistrate shall thereupon determine the questions raised by every such notice, and revise the list of vinegrowers accordingly, and such list shall thereupon become and be the vinegrowers' roll for the district.

Vinegrowers to elect
board.

25. (I) In every district the vinegrowers shall elect annually a Board, consisting of five members, being vinegrowers on the roll, and the first election in each district proclaimed under this Act, shall be held at such place in the district, and at such time as the Governor shall appoint.

(II) All elections of a Board subsequent to the first election shall be held in the month of September in every year, and retiring members shall (if not disqualified) be eligible for re-election.

(III) The Governor may appoint a returning officer to conduct such elections in any district.

Nomination and
election of Board.

26. (I) For the purposes of the first or any subsequent election the returning officer shall appoint a time and place for receipt of nominations, of which not less than fourteen days' notice shall be given in one or more newspapers published or circulating in the district.

(II) Every nomination shall be in writing, signed by two or more vinegrowers on the roll, and shall contain the consent of the person nominated.

(III) If, within the time appointed, the number of qualified persons nominated for election do not exceed the number of members to be elected at any election, the returning officer shall, at the expiration of the time appointed for receiving nominations, declare the persons so nominated to be elected as members of the Board.

(IV) If the number of members so elected be less than the required number, but more than a quorum, the vacancies shall be regarded as extraordinary vacancies, and be filled up as hereinafter provided; but, if the number elected be less than a quorum, the returning officer shall hold another election to fill the vacant seats.

(v)

Vine Diseases.

(v) If the number of qualified persons nominated be in excess of the number to be elected at any election, the returning officer shall appoint a day for taking a poll, and shall appoint one or more polling-places, and shall notify the time and place, or places, in manner aforesaid, and may appoint a deputy returning officer to preside at each polling-place.

(vi) When a poll is taken the voting shall be by ballot, at which each vinegrower shall be entitled to the prescribed number of votes.

(vii) As soon as convenient after the poll has been taken, the returning officer shall declare elected as many of the candidates who have received the highest number of votes as shall be required to fill the vacant seats.

(viii) The name of every member elected shall be published in the *Gazette*.

27. (i) The first meeting of the Board after a general election shall be held within fourteen days after such election. If any Board fail to meet within such period, or fail at any time to act, any seven or more vinegrowers on the roll may convene a meeting of vinegrowers, and call upon the members of the Board to attend thereat and show cause why such Board should not be dissolved. Meetings of Board and election of chairman.

(ii) At the first meeting of the Board after a general election, the members present shall elect from their number a chairman, who shall (when present) preside at all meetings of the Board.

(iii) If the chairman be absent from any meeting at which there is a quorum, the members present shall appoint an acting chairman, who shall, at such meeting, exercise all the powers of the chairman.

(iv) A quorum shall consist of not less than three members. All questions considered at any meeting shall be decided by a majority of the votes, and if the votes on any question be equal, the chairman shall have a casting vote in addition to his deliberative vote.

(v) If a quorum be not present within half an hour of the time appointed for any meeting, any member or any officer of the Board present may adjourn the meeting to another hour on the same day, or to any hour on another day, and notice of such adjournment shall be given, as far as practicable, to every absent member.

28. If any Board, having failed to meet within fourteen days after a general election, or having failed or refused to carry out the provisions of this Act, also fails (when called upon) to show cause to the satisfaction of a meeting of vinegrowers convened for that purpose why such Board should not be dissolved, such meeting of vinegrowers may declare the seats of the several members of the Board vacant, and may call upon the returning officer to hold another election. Board may be dissolved if it fail to meet within fourteen days.

29. (i) If any member of a Board be absent from three consecutive meetings of the Board without leave of absence duly granted by the Board, he shall forfeit his seat. Extraordinary vacancies, how caused and how filled.

(ii) If any member of a Board die, or resign, or refuse to act, or from any cause whatever become incapable of acting, his seat may be declared vacant by the Board.

(iii) Any extraordinary vacancy caused as provided in section twenty-six, subsection (iv), or by the forfeiture or vacating of a seat as hereinbefore provided, shall be filled by the Board from the vinegrowers on the roll.

30. (i) If at any election as aforesaid no candidates be nominated or elected, the Governor may appoint any five vinegrowers on the roll of the district a Board; and every Board so appointed shall be the Board of such district until the next general election subject to the foregoing provisions relating to extraordinary vacancies and to failure to meet and act. If no Board elected, Governor may appoint Board or officers in lieu thereof.

(ii)

Vine Diseases.

(II) If a Board of any district fail or refuse to meet, or to carry out the provisions of this Act, and the vinegrowers of such district fail to convene a meeting as hereinbefore provided to inquire into the cause thereof, and, if necessary, to move for the election of another Board, the Governor may appoint officers to carry out the provisions of this Act, and such officers shall have and may exercise within such district all the powers of a Board under this Act.

Appointment and
payment of district
officers.

31. Every Board may, subject to the approval of the Governor, appoint one district inspector, and the Board may appoint such other officers as it shall consider necessary, and may out of the funds at its disposal pay all salaries and allowances of such district inspector and other officers, and no member of a Board shall be paid for his services.

Return of acreage of
vineyards.

32. (I) Every owner or occupier of a vineyard within a district shall on or before the first day of December in each year deliver or forward by registered letter to the chairman of the Board, or, if there be no Board, to the officers appointed by the Governor, a return in the form in the Schedule hereto numbered Three, stating the number of acres planted with vines owned or occupied by him.

Schedule III.

(II) Every owner or occupier who refuses or neglects to make such return within the prescribed time shall forfeit and pay a penalty not exceeding five pounds.

(III) For the purpose aforesaid any fraction of an acre shall be deemed an acre.

(IV) Any owner or occupier who shall make a false return shall forfeit and pay a penalty not exceeding five pounds.

Vinegrowers' roll.

33. (I) From the returns made as provided in the last preceding section, the Board shall compile a roll of vinegrowers for the district.

(II) Every roll so compiled shall be revised as hereinbefore provided in regard to the list of vinegrowers of a newly-proclaimed district, and shall thereupon become the roll of the district, and a copy thereof shall be forthwith forwarded to the returning officer.

(III) Until a roll shall have been compiled and revised for the current year, the existing roll shall be and be used as the roll for the district.

Power of Board to
levy rate.

34. (I) Every Board shall have power to impose and levy annually a rate according to the value of every vineyard within the district not exceeding one pound per centum of the value of each such vineyard as entered in the assessment roll: Provided that if necessary to liquidate claims for compensation or to meet other liabilities, the Board shall within any year levy a rate to the full amount of one pound per centum, or two or more equal rates, amounting in the aggregate to one pound per centum.

Assessment roll.

(II) Forthwith after imposing any rate, the Board shall have prepared an assessment roll, which shall set out the amount of such rate payable in respect of every vineyard in the district; and such roll, after careful revision and consideration of any appeal from such rating shall be signed by the chairman and treasurer of the Board, and shall be *prima facie* evidence of the amount payable as rate on each vineyard named therein, and of the person liable to pay such rate.

Date when rate is
payable to be fixed.

35. The Board shall, when imposing a rate, fix the date on which such rate shall be payable, not being less than fourteen days after the rate has been imposed, and every owner or occupier of any such vineyard shall, within the period named by the Board, pay such rate to the treasurer or collector of the Board.

Notice of rate to
be published.

36. (I) A notice of every rate imposed by any Board under this Act, signed by the chairman and treasurer of such Board, shall, within fourteen days after the rate was imposed, be published in the *Government Gazette*, and also in one or more newspapers circulating in the district.

(II)

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(II) Every such notice shall specify the amount of the rate per pound, and the date on which the same is payable.

(III) No proceedings shall be commenced against any person for the recovery of such rate until the expiration of one month after the date in such notice aforesaid on which such rate is payable.

37. Every rate imposed under this Act shall be payable, in the first instance, by the occupier of the vineyard; but unless otherwise expressly provided in any lease or agreement, such occupier, if a tenant, may recover from his landlord one-half the amount of the rate paid by or recovered from him as money paid to the use of the landlord, or the same may be deducted from, or set off against, the rent then due or thereafter to become due. Occupier liable to pay rate in the first instance.

38. The owner of any unoccupied vineyard shall be deemed the occupier, and any rate due in respect thereof shall be paid by or be recovered from such owner. Unoccupied vineyards.

39. The collector or other officer of the board authorised in that behalf by the chairman may sue for and recover any rate which shall, after the expiration of one month from the date on which such rate became payable, remain due and unpaid. Recovery of unpaid rates.

40. All moneys received by any collector or other officer of any Board shall in the time and manner prescribed be paid over to the treasurer, and all moneys received by the treasurer of any Board shall in the time and manner prescribed be paid by him into a bank to the credit of an account in the name of the Board of which he is treasurer. Treasurer to pay all moneys into bank.

41. All moneys disbursed by the Board shall be paid by cheques drawn upon the bank account aforesaid, and all cheques shall be signed by the chairman, or acting-chairman, and the treasurer. Disbursement of moneys.

42. The accounts of every Board shall at least once in each year be audited by an officer appointed by the Governor, or by a competent accountant, and a statement of such accounts, when audited, shall be forthwith published in the *Government Gazette* and in one or more newspapers circulating in the district. Accounts to be audited and published.

43. All proceedings of any meeting of a Board, together with the names of all the members present thereat, shall be entered in a book to be kept for that purpose, and shall be signed by the chairman of the meeting at which such proceedings are confirmed, and all entries of any such proceedings so confirmed and signed shall be received in all courts as *prima facie* evidence of the matters recorded. Proceedings of Board to be recorded.

44. The Board of any district may make regulations for regulating its own proceedings and the powers and duties of its officers, and generally for enforcing and giving effect to the provisions of the Act in relation to all matters within the district to which it belongs, and all such regulations after publication in the *Government Gazette* shall, if not inconsistent with this Act, have the same force and effect as if embodied in and forming part of this Act. Power of Board to make regulations.

45. In the event of any district being divided, abolished, or united with another district the liabilities duly incurred by the Board of any such district shall be transferred in such proportions as the Governor shall direct to the Board or Boards of the district or districts in which the area or part of the area of the district so divided, abolished, or united is contained: Provided that if the abolished district be not included in any other district the liabilities as aforesaid of such district shall be dealt with as the Governor shall direct. Transfer of liabilities.

46. (I) When any vine district is divided into two or more districts, all moneys in any bank to the credit of the Board of such district, or in the hands of such Board, or any officer thereof, and any moneys and rates due or becoming due to such Board, and any property of Transfer of funds, &c., in case of the division, abolition, or union of districts.

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of any kind belonging to such Board shall be apportioned between the Boards of the several districts into which such first-mentioned district has been divided, in such manner as the Governor shall direct.

(II) When any vine district is abolished, and the area thereof is included in another or other districts, the moneys and properties of every description of the Board of the abolished district shall be transferred to the district, or apportioned amongst the districts as the Governor shall direct, and the Board of any such last-mentioned district or districts shall have power to collect or recover any rates or moneys due to the Board of the abolished district in respect of any property within the area assigned to it.

(III) When any vine district is abolished, and the area thereof is not included in any other district or districts, the moneys and property of every description of the Board of the abolished district, shall be dealt with as the Governor shall direct.

(IV) When any vine district is united to any other district, all moneys or properties of every description of the Board of the first-mentioned district, and all moneys and rates due to it shall be transferred to the Board of the district, to which the first-mentioned district is united, and such Board shall have power to collect and recover all moneys and rates due as aforesaid.

Infected grapes or vines.

47. Every person who sells or offers or exposes for sale any grapes or vines infected with the disease, shall be liable, in addition to any other penalty provided in this Act, to a penalty not exceeding five pounds.

Penalty for obstructing any officer.

48. If any person refuses to allow any inspector or district inspector, on the production of his authority, to enter at any reasonable time his vineyard, ship, boat, store, or other building, premises, or place to examine any vine, part of vine, grapes, case, box, barrel, or other receptacle or package, or impedes, hinders, or attempts to impede or hinder any inspector or district inspector from inspecting or examining the same shall, in addition to any other penalty provided in this Act, be liable to pay a penalty not exceeding five pounds for each offence; or, if the offence be continuous, for each day during which the offence is continued.

Penalty on inspector or other officer.

49. If any inspector or any other officer of a Board wilfully violates or omits to comply with, or neglects or refuses to enforce any provisions of this Act or any regulations thereunder which he is required to comply with or enforce, he shall be liable to a penalty not exceeding fifty pounds.

Recovery of penalties.

50. All sums of money recoverable from any person under this Act, and all penalties imposed or made payable under this Act, may be recovered in any court of petty sessions.

Appropriation of penalties.

51. (I) All penalties and sums of money recovered by any officer appointed by the Governor, or authorised by the Minister shall be paid into the public revenue.

(II) All penalties and sums of money recovered by any officer of a Board shall be paid to the treasurer of the Board to which such officer belongs.

Power of Governor to make regulations.

52. The Governor may make all such regulations as may from time to time appear to him necessary for carrying into effect the several provisions of this Act, and all regulations so made shall, after publication in the *Government Gazette*, have the same force and effect as if embodied in and forming part of this Act: Provided that all such regulations shall be laid before Parliament within fourteen days after publication if Parliament be then sitting; if not, then within fourteen days after the commencement of the next Session of Parliament.

Vine Diseases.

53. Any error in any proclamation made under this Act may be rectified by any subsequent proclamation, and after the rectification of the error the original proclamation shall be deemed to have been made, and shall be read as corrected. And no misnomer, inaccurate description or omission in any such proclamation shall in any wise suspend or impair the operation of this Act with respect to the matter so misdescribed or omitted. Rectification of errors.

SCHEDULES.

SCHEDULE I.

Boundaries of the Cumberland, Murray River, and Hunter River Vine Districts.

1. The Cumberland Vine District comprises the counties of Cumberland and Camden.
2. The Murray River Vine District comprises the counties of Denison, Hume, and Goulburn.
3. The Hunter River Vine District comprises the counties of Northumberland, Durham, and Gloucester.

SCHEDULE II.

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*]. Such vineyard will continue quarantined until released therefrom by order of the [*insert Minister, or chairman of the board, as the case may require.*]

(Signed)

Inspector (or District Inspector).

SCHEDULE III.

Vine District.

RETURN of the number of acres planted with vines in the vineyard owned or occupied by the undersigned.

Name and Address.	Portion No. and Parish.	Area planted with Vines.	Remarks.

I, _____, of _____, do solemnly and sincerely declare that I am the [*owner and occupier, or occupier, 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 vineyard.

(Signature.)

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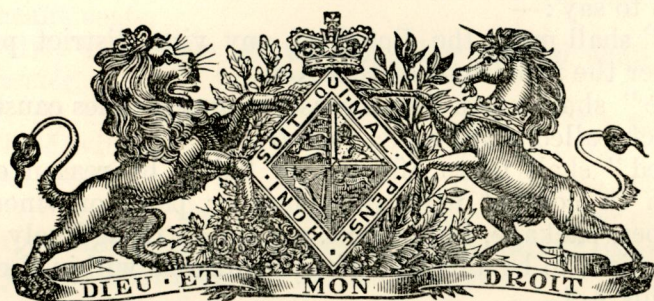
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I Certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

*Legislative Assembly Chamber,
Sydney, 1 June, 1893, A.M. }*

*F. W. WEBB,
Clerk of the Legislative Assembly.*

New South Wales.



ANNO QUINQUAGESIMO SEXTO

VICTORIÆ REGINÆ.

No. XXII.

An Act relating to Vine Diseases ; to prevent the introduction into this Colony, or removal from place to place in this Colony, of diseased grapes or grape vines ; and to eradicate a certain disease affecting grapes, grape vines, or vineyards ; to proclaim Vine Districts ; to appoint Boards ; to make assessments and levy rates ; and for other purposes incidental thereto. [Assented to, 7th June, 1893.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the "Vine Diseases Act of 1893," Short title and commencement. and shall come into operation on the first day of June, one thousand eight hundred and ninety-three.

2. Notwithstanding the expiration of the "Vine Diseases Act, Indemnity to officers. 1886," and the "Vine Diseases Act Amendment Act of 1888," anything done or suffered after the thirty-first day of December, one thousand

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

*NINIAN MELVILLE,
Chairman of Committees of the Legislative Assembly.*

Vine Diseases.

thousand eight hundred and ninety-two, by or by the direction of the persons who, at the time of the expiration of the said Acts, constituted the Board appointed under the said Acts, or who were inspectors, assistant inspectors, or persons authorised to Act or lawfully acting by or under the authority of the said Acts, or either of them, shall be as valid and effectual as if the said Acts had been in force when the said things were done or suffered. And no suit or action shall be brought against those persons in respect of anything done or suffered by them as aforesaid.

Interpretation.

3. In the construction and for the purposes of this Act, or any regulation or proclamation thereunder, the following words in inverted commas shall have the meaning hereinafter assigned to them respectively, that is to say:—

“Board” shall mean the Board of any vine district proclaimed under the provisions of this Act.

“Disease” shall mean the disease in grape-vines caused by the insect called *Phylloxera vastatrix*.

“Diseased” shall mean affected, or liable, by reason of having been in contact with any vines or parts of vines, or any grapes, package, implement, matter, or thing likely to convey infection, to be affected, with the disease within the meaning of this Act.

“District” shall mean any vine district proclaimed under the provisions of this Act.

“District Inspector” shall mean an inspector of vineyards appointed by any Board of a vine district.

“Governor” shall mean the Governor with the advice of the Executive Council.

“Inspector” shall mean any inspector of vineyards appointed by the Minister.

“Minister” shall mean the Secretary for Mines and Agriculture.

“Prescribed” shall mean prescribed by this Act, or by any regulation made thereunder.

“Quarantine”—To isolate in any prescribed manner.

“Ratable Value”—The value of any vineyard as entered in the assessment roll of any district.

“Vine” shall mean a grape-vine, alive or dead, or any vine cutting.

“Vineyard” shall mean and include any parcel of land whereon one or more grape-vines may be planted or growing.

“Root or rooted-up” shall mean the removal of the whole of the original cutting, layer, or stock with at least six inches of the roots attached.

Powers of the Governor.

4. The Governor may from time to time, by proclamation in the *Gazette*, do any of the following acts:—

Declare any portion of the Colony a vine district, and assign to such district a specific name.

Alter the boundaries or name of any such district.

Divide a vine district into two or more such districts.

Unite two or more vine districts into one vine district.

Abolish any vine district.

Dissolve any Board.

Prohibit the introduction into this Colony from any place outside the Colony of any vine or part thereof, or any grapes or any package containing, or which has contained or been in contact with grapes or vines, the introduction of which has been or may be prohibited.

Prohibit the removal from any place within this Colony to any other place in this Colony of any vine or part thereof, or any grapes, package, implement, matter, or thing, likely to convey disease.

Declare

Vine Diseases.

Declare any parcel of land or any building a quarantine for the reception of any vines or parts of vines or grapes known or supposed to be diseased.

Quarantine any vineyard, or any building, land, or place wherein or whereon any diseased vine or part thereof or grapes may be or may have recently been.

5. The following vine districts, the respective boundaries of which are set out in the Schedule hereto numbered One, are hereby created, namely—(1) The Cumberland Vine District; (2) The Murray River Vine District; (3) The Hunter River Vine District. Forthwith after this Act comes into operation steps shall be taken as hereafter provided in regard to proclaimed districts to prepare a list of vinegrowers and to elect a Board for each of the three districts aforesaid, and the whole of the provisions relating to Boards of vine districts shall apply to these districts as if they had been proclaimed under this Act.

6. (i) The Minister may appoint any such person or persons as he may think fit to be an inspector or inspectors of vineyards, and any inspector so appointed may exercise in any part of the Colony any of the powers conferred by this Act upon such Inspectors.

(ii) Any Board of a vine district may appoint, subject to the approval of the Governor, one or more district inspectors of vineyards, and such last-mentioned inspectors may within such district exercise any of the powers conferred by this Act upon an inspector.

7. Every inspector may, with or without notice,—

- (a) Enter into at any time, with or without assistants, any vessel, building, land, or place, containing any vine or part of a vine, or any grapes imported or brought into this Colony, and search therein for diseased vines, parts of vines or grapes, and may remove such vines or parts of vines or grapes to a quarantine for further examination, and may destroy any such as may be found to be diseased.
- (b) May, with or without assistants, enter any vineyard and examine any vine or part of a vine, or any grapes therein, and by notice in the form of Schedule hereto numbered Two, temporarily quarantine any vineyard in which he finds the disease, or any sign thereof, pending report to the Minister and action thereon.
- (c) Periodically inspect the vineyards in any vine district, and report to the Minister when the Board of such District, or its officers, are failing to give effect to the provisions of this Act, and in what respect they are so failing.
- (d) Every district inspector may, within the district to which he is appointed, exercise similar powers to those hereinbefore conferred upon an Inspector by subsections (a) and (b), except that any temporary quarantine notified by him shall continue, pending his report to the Board of such district, and action thereon.

8. Upon the report of any inspector that disease, or sign of disease, is found in any vineyard not within a vine district, or within a vine district pending the appointment of a district inspector for such district, the Minister may cause inquiry to be made into the truth of such report, and upon proof that disease actually exists therein, the Governor may—

- (a) Quarantine such vineyard, and every vineyard within a radius of one mile therefrom.
- (b) Prohibit the removal therefrom of any vine, part of vine, grapes, package, implement, matter, or thing.

(c)

Vine Diseases.

- (c) Cause all the vines in such vineyard, and in any vineyard within a radius of one mile therefrom, to be rooted up, the land thoroughly trenched, and every vine or part thereof, destroyed by fire, and such other precautionary measures taken as may be deemed necessary to prevent the spread of the disease.
- (d) Declare a vine district, including such vineyard.
- (e) Take such steps as hereinafter prescribed to secure the election of a Board.

The Minister shall upon proof that no disease exists in the vineyard mentioned in such report, immediately release such vineyard from quarantine.

Powers of Board
to deal with
diseased vines.

9. Upon the election or appointment of any Board, all the powers conferred by the last preceding section upon the Governor and the Minister are hereby *mutatis mutandis* conferred upon such Board for the District for which such Board was elected or appointed. And such Board shall exercise all the said powers within the said District.

Board may be
dissolved, or officers
dismissed, for
neglect.

10. Upon receipt of a report from an inspector that any Board or its officers are failing to carry out the provisions of this Act, the Minister may call upon such Board to show cause why it should not be dissolved or its officers dismissed; and if the Board fail to show cause to the satisfaction of the Minister, he may recommend to the Governor that such Board be dissolved or the officers dismissed, and the Governor may dissolve such Board and dismiss such officers accordingly: Provided that if the vinegrowers of the district take action in terms of section twenty-nine hereof, the Minister may stay his action till the result of the meeting of vinegrowers shall be known.

Neglected vineyard
may be destroyed.

11. If the owner, lessee, or occupier, having ceased for two years to cultivate his vineyard, shall, within three months after service of notice from an inspector or district inspector, omit to root up all vines therein, the Minister or District Board may cause such vines to be rooted up, and may recover the cost thereof from the owner in any Court of summary jurisdiction upon proof that the sum claimed has been expended in rooting up vines upon such owner's land.

Appearance of
disease to be
notified.

12. If within any vineyard any sign shall appear which may reasonably be suspected to be caused by disease, the owner, tenant, lessee, or person in charge thereof shall immediately notify the fact in writing to an inspector or district inspector, or to the Minister; and in the event of his wilfully neglecting so to do, all claim by any person to any compensation under the provisions of the Act in respect of such vineyard shall be forfeited, and such owner, tenant, lessee, or person shall on conviction thereof pay a penalty not exceeding one hundred pounds, or be imprisoned for any term not exceeding six months.

Compensation.

13. Compensation may be claimed—

- (I) In respect of any vineyard (in which there is no disease) which has been rooted up to an amount not exceeding the ratable value thereof.
- (II) In respect of any vineyard, except as provided in sections eleven and twelve, in which any vines shall have been rooted up on account of being diseased, an amount not exceeding fifty pounds per centum of the ratable value thereof.

But no compensation shall be recovered—

- (III) In respect of any loss sustained by reason of or in connection with the destruction of any diseased vine, part of vine, or grapes brought into this Colony, or any package containing, or which may have contained, or come into contact with any such vine or grapes.

(IV)

Vine Diseases.

- (IV) In respect of any loss sustained by reason of or in connection with the destruction of any vine, part of vine, grapes, package, or implements introduced into this Colony from any place outside the Colony or removed from any place within this Colony to any other place in this Colony contrary to or in violation of any prohibition proclaimed as aforesaid.

14. Claims for compensation shall be made in the prescribed form within six months after the vineyard was rooted up— Claims for compensation how made.

- (I) In respect of any vineyard rooted up by an inspector acting under the direction of the Minister to the Minister.
 (II) In respect to any vineyard rooted up by a district inspector to the Board of the district.

15. (I) Every such claim shall be referred to an inspector or a district inspector, who shall estimate the amount of compensation to which the claimant is entitled. Compensation how determined.

(II) If the claimant and the inspector cannot agree upon the amount to be awarded, the matter in contention between the claimant and the inspector shall be referred to the Minister to determine. If the claimant and the district inspector cannot so agree, the matter in contention between the claimant and the district inspector shall be referred to the Board of the vine district to determine. In either case, instead of a reference to the Minister or the District Board, the claimant may cause a reference to arbitration according to the provisions of the Acts for the time being in force for the settlement of disputes by arbitration.

(III) In dealing with any such matter the Minister or the Board may take evidence on oath, and for that purpose the chairman for the time being of any such Board is hereby empowered to administer an oath.

(IV) The decision of the Minister or the Board of the district, or the arbitrators, as to the amount of compensation to be paid shall be final.

16. No member of a Board, and no inspector or district inspector interested directly or indirectly in any claim for compensation, or in any vineyard, the subject of such claim shall take part in determining the amount of compensation to be awarded in satisfaction of such claim. Persons interested not to act.

17. In the event of a lump sum having been awarded in satisfaction of the damage done by rooting up a vineyard, and such vineyard be let, leased, or mortgaged, or any person have a lien over the crop thereof, the sum awarded may be apportioned and paid to the landlord, tenant, lessee, mortgagee, or lienee in such proportions as may be agreed upon with the inspector or district inspector, or as may be determined by the Minister, or the Board of the vine district, or the arbitrators. Apportionment of compensation.

18. (I) When the amount of compensation shall have been agreed upon between the inspector and the claimant, or determined by the Minister or the arbitrators, the same shall be paid out of the Consolidated Revenue within three months. Compensation how paid.

(II) When the amount of compensation shall have been agreed upon between the district inspector and the claimant, or determined by the Board of the vine district, or the arbitrators, the same shall be paid out of the funds at the disposal of such Board.

19. The Minister may cause to be paid out of the Consolidated Revenue in any year to any Board by way of subsidy such sum of money as may in his opinion be necessary for carrying out the provisions of this Act not exceeding in amount the sum collected as rates by such Board during such year. Subsidy to Boards.

Vine Diseases.

Replanting of
vineyards.

20. No vines shall be planted in any land from which any diseased vines have been removed for a period of four years after such removal, and any person who shall commit any breach of this section shall, on conviction thereof, pay a penalty not exceeding one hundred pounds; and all vines planted on any such land within such period shall be destroyed by an inspector or district inspector, as the case may be.

Agreements with
landlords void.

21. No tenant or lessee shall be bound by any agreement or lease to contravene the provisions of this Act.

Vine district and
list of vinegrowers.

22. Forthwith, after the proclamation of a vine district, the Minister shall cause a list to be made containing the names in full and address of each vinegrower in such district, and the extent of the vineyard owned by him, and such list when complete, or a copy thereof, shall be exhibited for a period of seven days at the petty sessions court-house, or at each such court-house within such district, and notice thereof shall be published in one or more newspapers circulating in the district.

Revision of list.

23. Any person may, within seven days after such list shall be first exhibited, lodge with any police magistrate or clerk of petty sessions within such district a notice requiring the insertion in the list of the name of any vinegrower omitted from such list, or the striking out from such list any name improperly inserted therein and requiring the correction of any error, or alleged error, in such list.

Revision court,
vinegrowers' roll.

24. At any time after the expiration of the seven days referred to in the last preceding section, the Minister may cause a police magistrate to hold a court for the purpose of hearing evidence on oath in support or in opposition to any such insertion, striking out, or correction as aforesaid, and such magistrate shall thereupon determine the questions raised by every such notice, and revise the list of vinegrowers accordingly, and such list shall thereupon become and be the vinegrowers' roll for the district.

Vinegrowers to elect
board.

25. (I) In every district the vinegrowers shall elect annually a Board, consisting of five members, being vinegrowers on the roll, and the first election in each district proclaimed under this Act, shall be held at such place in the district, and at such time as the Governor shall appoint.

(II) All elections of a Board subsequent to the first election shall be held in the month of September in every year, and retiring members shall (if not disqualified) be eligible for re-election.

(III) The Governor may appoint a returning officer to conduct such elections in any district.

Nomination and
election of Board.

26. (I) For the purposes of the first or any subsequent election the returning officer shall appoint a time and place for receipt of nominations, of which not less than fourteen days' notice shall be given in one or more newspapers published or circulating in the district.

(II) Every nomination shall be in writing, signed by two or more vinegrowers on the roll, and shall contain the consent of the person nominated.

(III) If, within the time appointed, the number of qualified persons nominated for election do not exceed the number of members to be elected at any election, the returning officer shall, at the expiration of the time appointed for receiving nominations, declare the persons so nominated to be elected as members of the Board.

(IV) If the number of members so elected be less than the required number, but more than a quorum, the vacancies shall be regarded as extraordinary vacancies, and be filled up as hereinafter provided; but, if the number elected be less than a quorum, the returning officer shall hold another election to fill the vacant seats.

(V)

Vine Diseases.

(v) If the number of qualified persons nominated be in excess of the number to be elected at any election, the returning officer shall appoint a day for taking a poll, and shall appoint one or more polling-places, and shall notify the time and place, or places, in manner aforesaid, and may appoint a deputy returning officer to preside at each polling-place.

(vi) When a poll is taken the voting shall be by ballot, at which each vinegrower shall be entitled to the prescribed number of votes.

(vii) As soon as convenient after the poll has been taken, the returning officer shall declare elected as many of the candidates who have received the highest number of votes as shall be required to fill the vacant seats.

(viii) The name of every member elected shall be published in the *Gazette*.

27. (i) The first meeting of the Board after a general election shall be held within fourteen days after such election. If any Board fail to meet within such period, or fail at any time to act, any seven or more vinegrowers on the roll may convene a meeting of vinegrowers, and call upon the members of the Board to attend thereat and show cause why such Board should not be dissolved. Meetings of Board and election of chairman.

(ii) At the first meeting of the Board after a general election, the members present shall elect from their number a chairman, who shall (when present) preside at all meetings of the Board.

(iii) If the chairman be absent from any meeting at which there is a quorum, the members present shall appoint an acting chairman, who shall, at such meeting, exercise all the powers of the chairman.

(iv) A quorum shall consist of not less than three members. All questions considered at any meeting shall be decided by a majority of the votes, and if the votes on any question be equal, the chairman shall have a casting vote in addition to his deliberative vote.

(v) If a quorum be not present within half an hour of the time appointed for any meeting, any member or any officer of the Board present may adjourn the meeting to another hour on the same day, or to any hour on another day, and notice of such adjournment shall be given, as far as practicable, to every absent member.

28. If any Board, having failed to meet within fourteen days after a general election, or having failed or refused to carry out the provisions of this Act, also fails (when called upon) to show cause to the satisfaction of a meeting of vinegrowers convened for that purpose why such Board should not be dissolved, such meeting of vinegrowers may declare the seats of the several members of the Board vacant, and may call upon the returning officer to hold another election. Board may be dissolved if it fail to meet within fourteen days.

29. (i) If any member of a Board be absent from three consecutive meetings of the Board without leave of absence duly granted by the Board, he shall forfeit his seat. Extraordinary vacancies, how caused and how filled.

(ii) If any member of a Board die, or resign, or refuse to act, or from any cause whatever become incapable of acting, his seat may be declared vacant by the Board.

(iii) Any extraordinary vacancy caused as provided in section twenty-six, subsection (iv), or by the forfeiture or vacating of a seat as hereinbefore provided, shall be filled by the Board from the vinegrowers on the roll.

30. (i) If at any election as aforesaid no candidates be nominated or elected, the Governor may appoint any five vinegrowers on the roll of the district a Board; and every Board so appointed shall be the Board of such district until the next general election subject to the foregoing provisions relating to extraordinary vacancies and to failure to meet and act. If no Board elected, Governor may appoint Board or officers in lieu thereof.

(ii)

Vine Diseases.

(II) If a Board of any district fail or refuse to meet, or to carry out the provisions of this Act, and the vinegrowers of such district fail to convene a meeting as hereinbefore provided to inquire into the cause thereof, and, if necessary, to move for the election of another Board, the Governor may appoint officers to carry out the provisions of this Act, and such officers shall have and may exercise within such district all the powers of a Board under this Act.

Appointment and
payment of district
officers.

31. Every Board may, subject to the approval of the Governor, appoint one district inspector, and the Board may appoint such other officers as it shall consider necessary, and may out of the funds at its disposal pay all salaries and allowances of such district inspector and other officers, and no member of a Board shall be paid for his services.

Return of acreage of
vineyards.

32. (I) Every owner or occupier of a vineyard within a district shall on or before the first day of December in each year deliver or forward by registered letter to the chairman of the Board, or, if there be no Board, to the officers appointed by the Governor, a return in the form in the Schedule hereto numbered Three, stating the number of acres planted with vines owned or occupied by him.

Schedule III.

(II) Every owner or occupier who refuses or neglects to make such return within the prescribed time shall forfeit and pay a penalty not exceeding five pounds.

(III) For the purpose aforesaid any fraction of an acre shall be deemed an acre.

(IV) Any owner or occupier who shall make a false return shall forfeit and pay a penalty not exceeding five pounds.

Vinegrowers' roll.

33. (I) From the returns made as provided in the last preceding section, the Board shall compile a roll of vinegrowers for the district.

(II) Every roll so compiled shall be revised as hereinbefore provided in regard to the list of vinegrowers of a newly-proclaimed district, and shall thereupon become the roll of the district, and a copy thereof shall be forthwith forwarded to the returning officer.

(III) Until a roll shall have been compiled and revised for the current year, the existing roll shall be and be used as the roll for the district.

Power of Board to
levy rate.

34. (I) Every Board shall have power to impose and levy annually a rate according to the value of every vineyard within the district not exceeding one pound per centum of the value of each such vineyard as entered in the assessment roll: Provided that if necessary to liquidate claims for compensation or to meet other liabilities, the Board shall within any year levy a rate to the full amount of one pound per centum, or two or more equal rates, amounting in the aggregate to one pound per centum.

Assessment roll.

(II) Forthwith after imposing any rate, the Board shall have prepared an assessment roll, which shall set out the amount of such rate payable in respect of every vineyard in the district; and such roll, after careful revision and consideration of any appeal from such rating shall be signed by the chairman and treasurer of the Board, and shall be *prima facie* evidence of the amount payable as rate on each vineyard named therein, and of the person liable to pay such rate.

Date when rate is
payable to be fixed.

35. The Board shall, when imposing a rate, fix the date on which such rate shall be payable, not being less than fourteen days after the rate has been imposed, and every owner or occupier of any such vineyard shall, within the period named by the Board, pay such rate to the treasurer or collector of the Board.

Notice of rate to
be published.

36. (I) A notice of every rate imposed by any Board under this Act, signed by the chairman and treasurer of such Board, shall, within fourteen days after the rate was imposed, be published in the *Government Gazette*, and also in one or more newspapers circulating in the district.

(II)

Vine Diseases.

(II) Every such notice shall specify the amount of the rate per pound, and the date on which the same is payable.

(III) No proceedings shall be commenced against any person for the recovery of such rate until the expiration of one month after the date in such notice aforesaid on which such rate is payable.

37. Every rate imposed under this Act shall be payable, in the first instance, by the occupier of the vineyard; but unless otherwise expressly provided in any lease or agreement, such occupier, if a tenant, may recover from his landlord one-half the amount of the rate paid by or recovered from him as money paid to the use of the landlord, or the same may be deducted from, or set off against, the rent then due or thereafter to become due.

Occupier liable to pay rate in the first instance.

38. The owner of any unoccupied vineyard shall be deemed the occupier, and any rate due in respect thereof shall be paid by or be recovered from such owner.

Unoccupied vineyards.

39. The collector or other officer of the board authorised in that behalf by the chairman may sue for and recover any rate which shall, after the expiration of one month from the date on which such rate became payable, remain due and unpaid.

Recovery of unpaid rates.

40. All moneys received by any collector or other officer of any Board shall in the time and manner prescribed be paid over to the treasurer, and all moneys received by the treasurer of any Board shall in the time and manner prescribed be paid by him into a bank to the credit of an account in the name of the Board of which he is treasurer.

Treasurer to pay all moneys into bank.

41. All moneys disbursed by the Board shall be paid by cheques drawn upon the bank account aforesaid, and all cheques shall be signed by the chairman, or acting-chairman, and the treasurer.

Disbursement of moneys.

42. The accounts of every Board shall at least once in each year be audited by an officer appointed by the Governor, or by a competent accountant, and a statement of such accounts, when audited, shall be forthwith published in the *Government Gazette* and in one or more newspapers circulating in the district.

Accounts to be audited and published.

43. All proceedings of any meeting of a Board, together with the names of all the members present thereat, shall be entered in a book to be kept for that purpose, and shall be signed by the chairman of the meeting at which such proceedings are confirmed, and all entries of any such proceedings so confirmed and signed shall be received in all courts as *prima facie* evidence of the matters recorded.

Proceedings of Board to be recorded.

44. The Board of any district may make regulations for regulating its own proceedings and the powers and duties of its officers, and generally for enforcing and giving effect to the provisions of the Act in relation to all matters within the district to which it belongs, and all such regulations after publication in the *Government Gazette* shall, if not inconsistent with this Act, have the same force and effect as if embodied in and forming part of this Act.

Power of Board to make regulations.

45. In the event of any district being divided, abolished, or united with another district the liabilities duly incurred by the Board of any such district shall be transferred in such proportions as the Governor shall direct to the Board or Boards of the district or districts in which the area or part of the area of the district so divided, abolished, or united is contained: Provided that if the abolished district be not included in any other district the liabilities as aforesaid of such district shall be dealt with as the Governor shall direct.

Transfer of liabilities.

46. (I) When any vine district is divided into two or more districts, all moneys in any bank to the credit of the Board of such district, or in the hands of such Board, or any officer thereof, and any moneys and rates due or becoming due to such Board, and any property of

Transfer of funds, &c., in case of the division, abolition, or union of districts.

Vine Diseases.

of any kind belonging to such Board shall be apportioned between the Boards of the several districts into which such first-mentioned district has been divided, in such manner as the Governor shall direct.

(II) When any vine district is abolished, and the area thereof is included in another or other districts, the moneys and properties of every description of the Board of the abolished district shall be transferred to the district, or apportioned amongst the districts as the Governor shall direct, and the Board of any such last-mentioned district or districts shall have power to collect or recover any rates or moneys due to the Board of the abolished district in respect of any property within the area assigned to it.

(III) When any vine district is abolished, and the area thereof is not included in any other district or districts, the moneys and property of every description of the Board of the abolished district, shall be dealt with as the Governor shall direct.

(IV) When any vine district is united to any other district, all moneys or properties of every description of the Board of the first-mentioned district, and all moneys and rates due to it shall be transferred to the Board of the district, to which the first-mentioned district is united, and such Board shall have power to collect and recover all moneys and rates due as aforesaid.

Infected grapes or vines.

47. Every person who sells or offers or exposes for sale any grapes or vines infected with the disease, shall be liable, in addition to any other penalty provided in this Act, to a penalty not exceeding five pounds.

Penalty for obstructing any officer.

48. If any person refuses to allow any inspector or district inspector, on the production of his authority, to enter at any reasonable time his vineyard, ship, boat, store, or other building, premises, or place to examine any vine, part of vine, grapes, case, box, barrel, or other receptacle or package, or impedes, hinders, or attempts to impede or hinder any inspector or district inspector from inspecting or examining the same shall, in addition to any other penalty provided in this Act, be liable to pay a penalty not exceeding five pounds for each offence; or, if the offence be continuous, for each day during which the offence is continued.

Penalty on inspector or other officer.

49. If any inspector or any other officer of a Board wilfully violates or omits to comply with, or neglects or refuses to enforce any provisions of this Act or any regulations thereunder which he is required to comply with or enforce, he shall be liable to a penalty not exceeding fifty pounds.

Recovery of penalties.

50. All sums of money recoverable from any person under this Act, and all penalties imposed or made payable under this Act, may be recovered in any court of petty sessions.

Appropriation of penalties.

51. (I) All penalties and sums of money recovered by any officer appointed by the Governor, or authorised by the Minister shall be paid into the public revenue.

(II) All penalties and sums of money recovered by any officer of a Board shall be paid to the treasurer of the Board to which such officer belongs.

Power of Governor to make regulations.

52. The Governor may make all such regulations as may from time to time appear to him necessary for carrying into effect the several provisions of this Act, and all regulations so made shall, after publication in the *Government Gazette*, have the same force and effect as if embodied in and forming part of this Act: Provided that all such regulations shall be laid before Parliament within fourteen days after publication if Parliament be then sitting; if not, then within fourteen days after the commencement of the next Session of Parliament.

Vine Diseases.

53. Any error in any proclamation made under this Act may be rectified by any subsequent proclamation, and after the rectification of the error the original proclamation shall be deemed to have been made, and shall be read as corrected. And no misnomer, inaccurate description or omission in any such proclamation shall in any wise suspend or impair the operation of this Act with respect to the matter so misdescribed or omitted. Rectification of errors.

SCHEDULES.

SCHEDULE I.

Boundaries of the Cumberland, Murray River, and Hunter River Vine Districts.

1. The Cumberland Vine District comprises the counties of Cumberland and Camden.
2. The Murray River Vine District comprises the counties of Denison, Hume, and Goulburn.
3. The Hunter River Vine District comprises the counties of Northumberland, Durham, and Gloucester.

SCHEDULE II.

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*]. Such vineyard will continue quarantined until released therefrom by order of the [*insert Minister, or chairman of the board, as the case may require.*]

(Signed)

Inspector (or District Inspector).

SCHEDULE III.

Vine District.

RETURN of the number of acres planted with vines in the vineyard owned or occupied by the undersigned.

Name and Address.	Portion No. and Parish.	Area planted with Vines.	Remarks.

I, _____, of _____, do solemnly and sincerely declare that I am the [*owner and occupier, or occupier, 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 vineyard.

(Signature.)

In the name and on the behalf of Her Majesty I assent to this Act.

R. W. DUFF.

Government House,
Sydney, 7th June, 1893.

THE STATE OF NEW YORK
IN SENATE
January 1, 1891.

REPORT
OF THE
COMMISSIONER OF THE LAND OFFICE
IN RESPONSE TO A RESOLUTION PASSED BY THE SENATE
MAY 1, 1890.

ALBANY:
J. B. LEECH, STATE PRINTER,
1891.

THE LAND OFFICE OF THE STATE OF NEW YORK
HAS THE HONOR TO ACKNOWLEDGE THE RECEIPT OF
A COPY OF THE REPORT OF THE COMMISSIONER OF THE
LAND OFFICE, IN RESPONSE TO A RESOLUTION PASSED BY
THE SENATE MAY 1, 1890, AND TO STATE THAT THE
SAME HAS BEEN FILED IN THE OFFICE OF THE
COMMISSIONER OF THE LAND OFFICE, AND THAT THE
SAME IS NOW AVAILABLE FOR THE USE OF THE
PUBLIC.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET
MY HAND AND SEAL OF OFFICE, AT ALBANY,
THIS 10TH DAY OF JANUARY, 1891.

JOHN W. ALLEN,
COMMISSIONER OF THE LAND OFFICE.

THE STATE OF NEW YORK
IN SENATE
January 1, 1891.

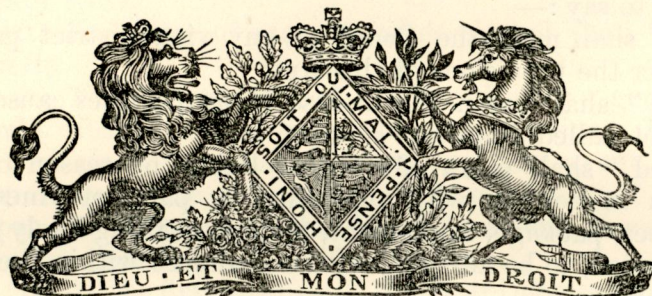
REPORT
OF THE
COMMISSIONER OF THE LAND OFFICE
IN RESPONSE TO A RESOLUTION PASSED BY THE SENATE
MAY 1, 1890.

I Certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

*Legislative Assembly Chamber,
Sydney, 1 June, 1893, A.M. }*

*F. W. WEBB,
Clerk of the Legislative Assembly.*

New South Wales.



ANNO QUINQUAGESIMO SEXTO

VICTORIÆ REGINÆ.

No. XXII.

An Act relating to Vine Diseases ; to prevent the introduction into this Colony, or removal from place to place in this Colony, of diseased grapes or grape vines ; and to eradicate a certain disease affecting grapes, grape vines, or vineyards ; to proclaim Vine Districts ; to appoint Boards ; to make assessments and levy rates ; and for other purposes incidental thereto. [Assented to, 7th June, 1893.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the "Vine Diseases Act of 1893," Short title and commencement. and shall come into operation on the first day of June, one thousand eight hundred and ninety-three.

2. Notwithstanding the expiration of the "Vine Diseases Act, 1886," and the "Vine Diseases Act Amendment Act of 1888," anything done or suffered after the thirty-first day of December, one thousand Indemnity to officers.

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

NINIAN MELVILLE,
Chairman of Committees of the Legislative Assembly.

Vine Diseases.

thousand eight hundred and ninety-two, by or by the direction of the persons who, at the time of the expiration of the said Acts, constituted the Board appointed under the said Acts, or who were inspectors, assistant inspectors, or persons authorised to Act or lawfully acting by or under the authority of the said Acts, or either of them, shall be as valid and effectual as if the said Acts had been in force when the said things were done or suffered. And no suit or action shall be brought against those persons in respect of anything done or suffered by them as aforesaid.

Interpretation.

3. In the construction and for the purposes of this Act, or any regulation or proclamation thereunder, the following words in inverted commas shall have the meaning hereinafter assigned to them respectively, that is to say :—

- “Board” shall mean the Board of any vine district proclaimed under the provisions of this Act.
- “Disease” shall mean the disease in grape-vines caused by the insect called *Phylloxera vastatrix*.
- “Diseased” shall mean affected, or liable, by reason of having been in contact with any vines or parts of vines, or any grapes, package, implement, matter, or thing likely to convey infection, to be affected, with the disease within the meaning of this Act.
- “District” shall mean any vine district proclaimed under the provisions of this Act.
- “District Inspector” shall mean an inspector of vineyards appointed by any Board of a vine district.
- “Governor” shall mean the Governor with the advice of the Executive Council.
- “Inspector” shall mean any inspector of vineyards appointed by the Minister.
- “Minister” shall mean the Secretary for Mines and Agriculture.
- “Prescribed” shall mean prescribed by this Act, or by any regulation made thereunder.
- “Quarantine”—To isolate in any prescribed manner.
- “Ratable Value”—The value of any vineyard as entered in the assessment roll of any district.
- “Vine” shall mean a grape-vine, alive or dead, or any vine cutting.
- “Vineyard” shall mean and include any parcel of land whereon one or more grape-vines may be planted or growing.
- “Root or rooted-up” shall mean the removal of the whole of the original cutting, layer, or stock with at least six inches of the roots attached.

Powers of the Governor.

4. The Governor may from time to time, by proclamation in the *Gazette*, do any of the following acts :—

Declare any portion of the Colony a vine district, and assign to such district a specific name.

Alter the boundaries or name of any such district.

Divide a vine district into two or more such districts.

Unite two or more vine districts into one vine district.

Abolish any vine district.

Dissolve any Board.

Prohibit the introduction into this Colony from any place outside the Colony of any vine or part thereof, or any grapes or any package containing, or which has contained or been in contact with grapes or vines, the introduction of which has been or may be prohibited.

Prohibit the removal from any place within this Colony to any other place in this Colony of any vine or part thereof, or any grapes, package, implement, matter, or thing, likely to convey disease.

Declare

Vine Diseases.

Declare any parcel of land or any building a quarantine for the reception of any vines or parts of vines or grapes known or supposed to be diseased.

Quarantine any vineyard, or any building, land, or place wherein or whereon any diseased vine or part thereof or grapes may be or may have recently been.

5. The following vine districts, the respective boundaries of which are set out in the Schedule hereto numbered One, are hereby created, namely—(1) The Cumberland Vine District; (2) The Murray River Vine District; (3) The Hunter River Vine District. Forthwith after this Act comes into operation steps shall be taken as hereafter provided in regard to proclaimed districts to prepare a list of vinegrowers and to elect a Board for each of the three districts aforesaid, and the whole of the provisions relating to Boards of vine districts shall apply to these districts as if they had been proclaimed under this Act.

6. (I) The Minister may appoint any such person or persons as he may think fit to be an inspector or inspectors of vineyards, and any inspector so appointed may exercise in any part of the Colony any of the powers conferred by this Act upon such inspectors.

(II) Any Board of a vine district may appoint, subject to the approval of the Governor, one or more district inspectors of vineyards, and such last-mentioned inspectors may within such district exercise any of the powers conferred by this Act upon an inspector.

7. Every inspector may, with or without notice,—

(a) Enter into at any time, with or without assistants, any vessel, building, land, or place, containing any vine or part of a vine, or any grapes imported or brought into this Colony, and search therein for diseased vines, parts of vines or grapes, and may remove such vines or parts of vines or grapes to a quarantine for further examination, and may destroy any such as may be found to be diseased.

(b) May, with or without assistants, enter any vineyard and examine any vine or part of a vine, or any grapes therein, and by notice in the form of Schedule hereto numbered Two, temporarily quarantine any vineyard in which he finds the disease, or any sign thereof, pending report to the Minister and action thereon.

(c) Periodically inspect the vineyards in any vine district, and report to the Minister when the Board of such District, or its officers, are failing to give effect to the provisions of this Act, and in what respect they are so failing.

(d) Every district inspector may, within the district to which he is appointed, exercise similar powers to those hereinbefore conferred upon an Inspector by subsections (a) and (b), except that any temporary quarantine notified by him shall continue, pending his report to the Board of such district, and action thereon.

8. Upon the report of any inspector that disease, or sign of disease, is found in any vineyard not within a vine district, or within a vine district pending the appointment of a district inspector for such district, the Minister may cause inquiry to be made into the truth of such report, and upon proof that disease actually exists therein, the Governor may—

(a) Quarantine such vineyard, and every vineyard within a radius of one mile therefrom.

(b) Prohibit the removal therefrom of any vine, part of vine, grapes, package, implement, matter, or thing.

(c)

Vine Diseases.

- (c) Cause all the vines in such vineyard, and in any vineyard within a radius of one mile therefrom, to be rooted up, the land thoroughly trenched, and every vine or part thereof, destroyed by fire, and such other precautionary measures taken as may be deemed necessary to prevent the spread of the disease.
- (d) Declare a vine district, including such vineyard.
- (e) Take such steps as hereinafter prescribed to secure the election of a Board.

The Minister shall upon proof that no disease exists in the vineyard mentioned in such report, immediately release such vineyard from quarantine.

Powers of Board to deal with diseased vines.

9. Upon the election or appointment of any Board, all the powers conferred by the last preceding section upon the Governor and the Minister are hereby *mutatis mutandis* conferred upon such Board for the District for which such Board was elected or appointed. And such Board shall exercise all the said powers within the said District.

Board may be dissolved, or officers dismissed, for neglect.

10. Upon receipt of a report from an inspector that any Board or its officers are failing to carry out the provisions of this Act, the Minister may call upon such Board to show cause why it should not be dissolved or its officers dismissed; and if the Board fail to show cause to the satisfaction of the Minister, he may recommend to the Governor that such Board be dissolved or the officers dismissed, and the Governor may dissolve such Board and dismiss such officers accordingly: Provided that if the vinegrowers of the district take action in terms of section twenty-nine hereof, the Minister may stay his action till the result of the meeting of vinegrowers shall be known.

Neglected vineyard may be destroyed.

11. If the owner, lessee, or occupier, having ceased for two years to cultivate his vineyard, shall, within three months after service of notice from an inspector or district inspector, omit to root up all vines therein, the Minister or District Board may cause such vines to be rooted up, and may recover the cost thereof from the owner in any Court of summary jurisdiction upon proof that the sum claimed has been expended in rooting up vines upon such owner's land.

Appearance of disease to be notified.

12. If within any vineyard any sign shall appear which may reasonably be suspected to be caused by disease, the owner, tenant, lessee, or person in charge thereof shall immediately notify the fact in writing to an inspector or district inspector, or to the Minister; and in the event of his wilfully neglecting so to do, all claim by any person to any compensation under the provisions of the Act in respect of such vineyard shall be forfeited, and such owner, tenant, lessee, or person shall on conviction thereof pay a penalty not exceeding one hundred pounds, or be imprisoned for any term not exceeding six months.

Compensation.

13. Compensation may be claimed—

- (i) In respect of any vineyard (in which there is no disease) which has been rooted up to an amount not exceeding the ratable value thereof.
- (ii) In respect of any vineyard, except as provided in sections eleven and twelve, in which any vines shall have been rooted up on account of being diseased, an amount not exceeding fifty pounds per centum of the ratable value thereof.

But no compensation shall be recovered—

- (iii) In respect of any loss sustained by reason of or in connection with the destruction of any diseased vine, part of vine, or grapes brought into this Colony, or any package containing, or which may have contained, or come into contact with any such vine or grapes.

(iv)

Vine Diseases.

- (iv) In respect of any loss sustained by reason of or in connection with the destruction of any vine, part of vine, grapes, package, or implements introduced into this Colony from any place outside the Colony or removed from any place within this Colony to any other place in this Colony contrary to or in violation of any prohibition proclaimed as aforesaid.

14. Claims for compensation shall be made in the prescribed form within six months after the vineyard was rooted up— Claims for compensation how made.

- (i) In respect of any vineyard rooted up by an inspector acting under the direction of the Minister to the Minister.
 (ii) In respect to any vineyard rooted up by a district inspector to the Board of the district.

15. (i) Every such claim shall be referred to an inspector or a district inspector, who shall estimate the amount of compensation to which the claimant is entitled. Compensation how determined.

(ii) If the claimant and the inspector cannot agree upon the amount to be awarded, the matter in contention between the claimant and the inspector shall be referred to the Minister to determine. If the claimant and the district inspector cannot so agree, the matter in contention between the claimant and the district inspector shall be referred to the Board of the vine district to determine. In either case, instead of a reference to the Minister or the District Board, the claimant may cause a reference to arbitration according to the provisions of the Acts for the time being in force for the settlement of disputes by arbitration.

(iii) In dealing with any such matter the Minister or the Board may take evidence on oath, and for that purpose the chairman for the time being of any such Board is hereby empowered to administer an oath.

(iv) The decision of the Minister or the Board of the district, or the arbitrators, as to the amount of compensation to be paid shall be final.

16. No member of a Board, and no inspector or district inspector interested directly or indirectly in any claim for compensation, or in any vineyard, the subject of such claim shall take part in determining the amount of compensation to be awarded in satisfaction of such claim. Persons interested not to act.

17. In the event of a lump sum having been awarded in satisfaction of the damage done by rooting up a vineyard, and such vineyard be let, leased, or mortgaged, or any person have a lien over the crop thereof, the sum awarded may be apportioned and paid to the landlord, tenant, lessee, mortgagee, or lienee in such proportions as may be agreed upon with the inspector or district inspector, or as may be determined by the Minister, or the Board of the vine district, or the arbitrators. Apportionment of compensation.

18. (i) When the amount of compensation shall have been agreed upon between the inspector and the claimant, or determined by the Minister or the arbitrators, the same shall be paid out of the Consolidated Revenue within three months. Compensation how paid.

(ii) When the amount of compensation shall have been agreed upon between the district inspector and the claimant, or determined by the Board of the vine district, or the arbitrators, the same shall be paid out of the funds at the disposal of such Board.

19. The Minister may cause to be paid out of the Consolidated Revenue in any year to any Board by way of subsidy such sum of money as may in his opinion be necessary for carrying out the provisions of this Act not exceeding in amount the sum collected as rates by such Board during such year. Subsidy to Boards.

Vine Diseases.

Replanting of
vineyards.

20. No vines shall be planted in any land from which any diseased vines have been removed for a period of four years after such removal, and any person who shall commit any breach of this section shall, on conviction thereof, pay a penalty not exceeding one hundred pounds; and all vines planted on any such land within such period shall be destroyed by an inspector or district inspector, as the case may be.

Agreements with
landlords void.

21. No tenant or lessee shall be bound by any agreement or lease to contravene the provisions of this Act.

Vine district and
list of vinegrowers.

22. Forthwith, after the proclamation of a vine district, the Minister shall cause a list to be made containing the names in full and address of each vinegrower in such district, and the extent of the vineyard owned by him, and such list when complete, or a copy thereof, shall be exhibited for a period of seven days at the petty sessions court-house, or at each such court-house within such district, and notice thereof shall be published in one or more newspapers circulating in the district.

Revision of list.

23. Any person may, within seven days after such list shall be first exhibited, lodge with any police magistrate or clerk of petty sessions within such district a notice requiring the insertion in the list of the name of any vinegrower omitted from such list, or the striking out from such list any name improperly inserted therein and requiring the correction of any error, or alleged error, in such list.

Revision court,
vinegrowers' roll.

24. At any time after the expiration of the seven days referred to in the last preceding section, the Minister may cause a police magistrate to hold a court for the purpose of hearing evidence on oath in support or in opposition to any such insertion, striking out, or correction as aforesaid, and such magistrate shall thereupon determine the questions raised by every such notice, and revise the list of vinegrowers accordingly, and such list shall thereupon become and be the vinegrowers' roll for the district.

Vinegrowers to elect
board.

25. (I) In every district the vinegrowers shall elect annually a Board, consisting of five members, being vinegrowers on the roll, and the first election in each district proclaimed under this Act, shall be held at such place in the district, and at such time as the Governor shall appoint.

(II) All elections of a Board subsequent to the first election shall be held in the month of September in every year, and retiring members shall (if not disqualified) be eligible for re-election.

(III) The Governor may appoint a returning officer to conduct such elections in any district.

Nomination and
election of Board.

26. (I) For the purposes of the first or any subsequent election the returning officer shall appoint a time and place for receipt of nominations, of which not less than fourteen days' notice shall be given in one or more newspapers published or circulating in the district.

(II) Every nomination shall be in writing, signed by two or more vinegrowers on the roll, and shall contain the consent of the person nominated.

(III) If, within the time appointed, the number of qualified persons nominated for election do not exceed the number of members to be elected at any election, the returning officer shall, at the expiration of the time appointed for receiving nominations, declare the persons so nominated to be elected as members of the Board.

(IV) If the number of members so elected be less than the required number, but more than a quorum, the vacancies shall be regarded as extraordinary vacancies, and be filled up as hereinafter provided; but, if the number elected be less than a quorum, the returning officer shall hold another election to fill the vacant seats.

(v)

Vine Diseases.

(v) If the number of qualified persons nominated be in excess of the number to be elected at any election, the returning officer shall appoint a day for taking a poll, and shall appoint one or more polling-places, and shall notify the time and place, or places, in manner aforesaid, and may appoint a deputy returning officer to preside at each polling-place.

(vi) When a poll is taken the voting shall be by ballot, at which each vinegrower shall be entitled to the prescribed number of votes.

(vii) As soon as convenient after the poll has been taken, the returning officer shall declare elected as many of the candidates who have received the highest number of votes as shall be required to fill the vacant seats.

(viii) The name of every member elected shall be published in the *Gazette*.

27. (i) The first meeting of the Board after a general election shall be held within fourteen days after such election. If any Board fail to meet within such period, or fail at any time to act, any seven or more vinegrowers on the roll may convene a meeting of vinegrowers, and call upon the members of the Board to attend thereat and show cause why such Board should not be dissolved. Meetings of Board and election of chairman.

(ii) At the first meeting of the Board after a general election, the members present shall elect from their number a chairman, who shall (when present) preside at all meetings of the Board.

(iii) If the chairman be absent from any meeting at which there is a quorum, the members present shall appoint an acting chairman, who shall, at such meeting, exercise all the powers of the chairman.

(iv) A quorum shall consist of not less than three members. All questions considered at any meeting shall be decided by a majority of the votes, and if the votes on any question be equal, the chairman shall have a casting vote in addition to his deliberative vote.

(v) If a quorum be not present within half an hour of the time appointed for any meeting, any member or any officer of the Board present may adjourn the meeting to another hour on the same day, or to any hour on another day, and notice of such adjournment shall be given, as far as practicable, to every absent member.

28. If any Board, having failed to meet within fourteen days after a general election, or having failed or refused to carry out the provisions of this Act, also fails (when called upon) to show cause to the satisfaction of a meeting of vinegrowers convened for that purpose why such Board should not be dissolved, such meeting of vinegrowers may declare the seats of the several members of the Board vacant, and may call upon the returning officer to hold another election. Board may be dissolved if it fail to meet within fourteen days.

29. (i) If any member of a Board be absent from three consecutive meetings of the Board without leave of absence duly granted by the Board, he shall forfeit his seat. Extraordinary vacancies, how caused and how filled.

(ii) If any member of a Board die, or resign, or refuse to act, or from any cause whatever become incapable of acting, his seat may be declared vacant by the Board.

(iii) Any extraordinary vacancy caused as provided in section twenty-six, subsection (iv), or by the forfeiture or vacating of a seat as hereinbefore provided, shall be filled by the Board from the vinegrowers on the roll.

30. (i) If at any election as aforesaid no candidates be nominated or elected, the Governor may appoint any five vinegrowers on the roll of the district a Board; and every Board so appointed shall be the Board of such district until the next general election subject to the foregoing provisions relating to extraordinary vacancies and to failure to meet and act. If no Board elected, Governor may appoint Board or officers in lieu thereof.

(ii)

Vine Diseases.

(II) If a Board of any district fail or refuse to meet, or to carry out the provisions of this Act, and the vinegrowers of such district fail to convene a meeting as hereinbefore provided to inquire into the cause thereof, and, if necessary, to move for the election of another Board, the Governor may appoint officers to carry out the provisions of this Act, and such officers shall have and may exercise within such district all the powers of a Board under this Act.

Appointment and
payment of district
officers.

31. Every Board may, subject to the approval of the Governor, appoint one district inspector, and the Board may appoint such other officers as it shall consider necessary, and may out of the funds at its disposal pay all salaries and allowances of such district inspector and other officers, and no member of a Board shall be paid for his services.

Return of acreage of
vineyards.

32. (I) Every owner or occupier of a vineyard within a district shall on or before the first day of December in each year deliver or forward by registered letter to the chairman of the Board, or, if there be no Board, to the officers appointed by the Governor, a return in the form in the Schedule hereto numbered Three, stating the number of acres planted with vines owned or occupied by him.

Schedule III.

(II) Every owner or occupier who refuses or neglects to make such return within the prescribed time shall forfeit and pay a penalty not exceeding five pounds.

(III) For the purpose aforesaid any fraction of an acre shall be deemed an acre.

(IV) Any owner or occupier who shall make a false return shall forfeit and pay a penalty not exceeding five pounds.

Vinegrowers' roll.

33. (I) From the returns made as provided in the last preceding section, the Board shall compile a roll of vinegrowers for the district.

(II) Every roll so compiled shall be revised as hereinbefore provided in regard to the list of vinegrowers of a newly-proclaimed district, and shall thereupon become the roll of the district, and a copy thereof shall be forthwith forwarded to the returning officer.

(III) Until a roll shall have been compiled and revised for the current year, the existing roll shall be and be used as the roll for the district.

Power of Board to
levy rate.

34. (I) Every Board shall have power to impose and levy annually a rate according to the value of every vineyard within the district not exceeding one pound per centum of the value of each such vineyard as entered in the assessment roll: Provided that if necessary to liquidate claims for compensation or to meet other liabilities, the Board shall within any year levy a rate to the full amount of one pound per centum, or two or more equal rates, amounting in the aggregate to one pound per centum.

Assessment roll.

(II) Forthwith after imposing any rate, the Board shall have prepared an assessment roll, which shall set out the amount of such rate payable in respect of every vineyard in the district; and such roll, after careful revision and consideration of any appeal from such rating shall be signed by the chairman and treasurer of the Board, and shall be *prima facie* evidence of the amount payable as rate on each vineyard named therein, and of the person liable to pay such rate.

Date when rate is
payable to be fixed.

35. The Board shall, when imposing a rate, fix the date on which such rate shall be payable, not being less than fourteen days after the rate has been imposed, and every owner or occupier of any such vineyard shall, within the period named by the Board, pay such rate to the treasurer or collector of the Board.

Notice of rate to
be published.

36. (I) A notice of every rate imposed by any Board under this Act, signed by the chairman and treasurer of such Board, shall, within fourteen days after the rate was imposed, be published in the *Government Gazette*, and also in one or more newspapers circulating in the district.

(II)

Vine Diseases.

(II) Every such notice shall specify the amount of the rate per pound, and the date on which the same is payable.

(III) No proceedings shall be commenced against any person for the recovery of such rate until the expiration of one month after the date in such notice aforesaid on which such rate is payable.

37. Every rate imposed under this Act shall be payable, in the first instance, by the occupier of the vineyard; but unless otherwise expressly provided in any lease or agreement, such occupier, if a tenant, may recover from his landlord one-half the amount of the rate paid by or recovered from him as money paid to the use of the landlord, or the same may be deducted from, or set off against, the rent then due or thereafter to become due.

Occupier liable to pay rate in the first instance.

38. The owner of any unoccupied vineyard shall be deemed the occupier, and any rate due in respect thereof shall be paid by or be recovered from such owner.

Unoccupied vineyards.

39. The collector or other officer of the board authorised in that behalf by the chairman may sue for and recover any rate which shall, after the expiration of one month from the date on which such rate became payable, remain due and unpaid.

Recovery of unpaid rates.

40. All moneys received by any collector or other officer of any Board shall in the time and manner prescribed be paid over to the treasurer, and all moneys received by the treasurer of any Board shall in the time and manner prescribed be paid by him into a bank to the credit of an account in the name of the Board of which he is treasurer.

Treasurer to pay all moneys into bank.

41. All moneys disbursed by the Board shall be paid by cheques drawn upon the bank account aforesaid, and all cheques shall be signed by the chairman, or acting-chairman, and the treasurer.

Disbursement of moneys.

42. The accounts of every Board shall at least once in each year be audited by an officer appointed by the Governor, or by a competent accountant, and a statement of such accounts, when audited, shall be forthwith published in the *Government Gazette* and in one or more newspapers circulating in the district.

Accounts to be audited and published.

43. All proceedings of any meeting of a Board, together with the names of all the members present thereat, shall be entered in a book to be kept for that purpose, and shall be signed by the chairman of the meeting at which such proceedings are confirmed, and all entries of any such proceedings so confirmed and signed shall be received in all courts as *prima facie* evidence of the matters recorded.

Proceedings of Board to be recorded.

44. The Board of any district may make regulations for regulating its own proceedings and the powers and duties of its officers, and generally for enforcing and giving effect to the provisions of the Act in relation to all matters within the district to which it belongs, and all such regulations after publication in the *Government Gazette* shall, if not inconsistent with this Act, have the same force and effect as if embodied in and forming part of this Act.

Power of Board to make regulations.

45. In the event of any district being divided, abolished, or united with another district the liabilities duly incurred by the Board of any such district shall be transferred in such proportions as the Governor shall direct to the Board or Boards of the district or districts in which the area or part of the area of the district so divided, abolished, or united is contained: Provided that if the abolished district be not included in any other district the liabilities as aforesaid of such district shall be dealt with as the Governor shall direct.

Transfer of liabilities.

46. (I) When any vine district is divided into two or more districts, all moneys in any bank to the credit of the Board of such district, or in the hands of such Board, or any officer thereof, and any moneys and rates due or becoming due to such Board, and any property of

Transfer of funds, &c., in case of the division, abolition, or union of districts.

Vine Diseases.

of any kind belonging to such Board shall be apportioned between the Boards of the several districts into which such first-mentioned district has been divided, in such manner as the Governor shall direct.

(II) When any vine district is abolished, and the area thereof is included in another or other districts, the moneys and properties of every description of the Board of the abolished district shall be transferred to the district, or apportioned amongst the districts as the Governor shall direct, and the Board of any such last-mentioned district or districts shall have power to collect or recover any rates or moneys due to the Board of the abolished district in respect of any property within the area assigned to it.

(III) When any vine district is abolished, and the area thereof is not included in any other district or districts, the moneys and property of every description of the Board of the abolished district, shall be dealt with as the Governor shall direct.

(IV) When any vine district is united to any other district, all moneys or properties of every description of the Board of the first-mentioned district, and all moneys and rates due to it shall be transferred to the Board of the district, to which the first-mentioned district is united, and such Board shall have power to collect and recover all moneys and rates due as aforesaid.

Infected grapes or vines.

47. Every person who sells or offers or exposes for sale any grapes or vines infected with the disease, shall be liable, in addition to any other penalty provided in this Act, to a penalty not exceeding five pounds.

Penalty for obstructing any officer.

48. If any person refuses to allow any inspector or district inspector, on the production of his authority, to enter at any reasonable time his vineyard, ship, boat, store, or other building, premises, or place to examine any vine, part of vine, grapes, case, box, barrel, or other receptacle or package, or impedes, hinders, or attempts to impede or hinder any inspector or district inspector from inspecting or examining the same shall, in addition to any other penalty provided in this Act, be liable to pay a penalty not exceeding five pounds for each offence; or, if the offence be continuous, for each day during which the offence is continued.

Penalty on inspector or other officer.

49. If any inspector or any other officer of a Board wilfully violates or omits to comply with, or neglects or refuses to enforce any provisions of this Act or any regulations thereunder which he is required to comply with or enforce, he shall be liable to a penalty not exceeding fifty pounds.

Recovery of penalties.

50. All sums of money recoverable from any person under this Act, and all penalties imposed or made payable under this Act, may be recovered in any court of petty sessions.

Appropriation of penalties.

51. (I) All penalties and sums of money recovered by any officer appointed by the Governor, or authorised by the Minister shall be paid into the public revenue.

(II) All penalties and sums of money recovered by any officer of a Board shall be paid to the treasurer of the Board to which such officer belongs.

Power of Governor to make regulations.

52. The Governor may make all such regulations as may from time to time appear to him necessary for carrying into effect the several provisions of this Act, and all regulations so made shall, after publication in the *Government Gazette*, have the same force and effect as if embodied in and forming part of this Act: Provided that all such regulations shall be laid before Parliament within fourteen days after publication if Parliament be then sitting; if not, then within fourteen days after the commencement of the next Session of Parliament.

Vine Diseases.

53. Any error in any proclamation made under this Act may be rectified by any subsequent proclamation, and after the rectification of the error the original proclamation shall be deemed to have been made, and shall be read as corrected. And no misnomer, inaccurate description or omission in any such proclamation shall in any wise suspend or impair the operation of this Act with respect to the matter so misdescribed or omitted. Rectification of errors.

SCHEDULES.

SCHEDULE I.

Boundaries of the Cumberland, Murray River, and Hunter River Vine Districts.

1. The Cumberland Vine District comprises the counties of Cumberland and Camden.
2. The Murray River Vine District comprises the counties of Denison, Hume, and Goulburn.
3. The Hunter River Vine District comprises the counties of Northumberland, Durham, and Gloucester.

SCHEDULE II.

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*]. Such vineyard will continue quarantined until released therefrom by order of the [*insert Minister, or chairman of the board, as the case may require.*]

(Signed)

Inspector (or District Inspector).

SCHEDULE III.

Vine District.

RETURN of the number of acres planted with vines in the vineyard owned or occupied by the undersigned.

Name and Address.	Portion No. and Parish.	Area planted with Vines.	Remarks.

I, _____, of _____, do solemnly and sincerely declare that I am the [*owner and occupier, or occupier, 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 vineyard.

(Signature.)

In the name and on the behalf of Her Majesty I assent to this Act.

R. W. DUFF.

Government House,
Sydney, 7th June, 1893.

1892
H. A. DUBLE

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VINE DISEASES BILL.

SCHEDULE of the Amendments referred to in Message of 30th May, 1893.

- Page 1, Title, lines 3 to 5. *Omit* "or any insect or other pest or any other matter or thing which may injuriously affect any grape vine or vineyard"
- Page 1, Title, lines 7 and 8. *Omit* "to quarantine, and, if necessary, destroy any grapes, grape-vine, vineyard, package, or implement"
- Page 1, Title, line 9. *Omit* "a Central and other"
- Page 2, clause 3, line 14. *Omit* "Central Board and"
- Page 2, clause 3, line 14. *Omit* "respectively"
- Page 2, clause 3, lines 14 and 15. *Omit* "the Central Vine Diseases Board or"
- Page 2, clause 3, line 20. *After* "contact" *insert* "with any vines or parts of vines, or any grapes, package, implement, matter, or thing likely to convey infection"
- Page 2, clause 3. *After* line 34 *insert* "'Quarantine' to isolate in any prescribed manner"
- Page 2, clause 4. *After* line 51 *insert* "Dissolve any Board"
- Page 2, clause 4, line 60. *After* "thing" *insert* "likely to convey disease"
- Page 3, clause 4, line 4. *Omit* "vessel"
- Page 3, clause 4, line 6. *After* "been" *omit* remainder of clause.
- Page 3, clause 5. *Omit* clause 5.
- Page 3, clause 7, 6, line 26. *Omit* "nominate and" *insert* "appoint subject to the approval of"
- Page 3, clause 7, 6, line 27. *Omit* "may appoint"
- Page 3, clause 7, 6, line 30. *Omit* "such" *insert* "an"
- Page 3, clause 7, 6, line 30. *Omit* "s" from "inspectors"
- Page 3, clause 8, 7, lines 31 and 32. *Omit* "on the production of his authority"
- Page 3, clause 8, 7, lines 37 to 40. *Omit* "forthwith destroy or cause to be destroyed any diseased vines, or parts of vines or grapes, and any package containing, or which may have contained or come in contact with any such vine, part of vine, or grapes or may"
- Page 3, clause 8, 7, lines 43 and 44. *Omit* "at all reasonable hours in the day time"
- Page 3, clause 8, 7, line 50. *Omit* "Central Board whether" *insert* "Minister when"
- Page 3, clause 8, 7, line 55. *After* "upon" *insert* "an"
- Page 3, clause 8, 7, line 55. *Omit* "s" from "Inspectors"
- Page 3, clause 8, 7, line 55. *After* "Inspectors" *insert* "by subsections (a) and (b)"
- Page 3, clause 9, 8, line 59. *Omit* "s" from "signs"
- Page 3, clause 9, 8, line 60. *Omit* "or are"
- Page 3, clause 9, 8, line 60. *After* "district" *insert* "or within a vine district pending the appointment of a district inspector for such district"
- Page 4, clause 9, 8. *After* line 17 *omit* remainder of clause *insert* "The Minister shall upon proof that no disease exists in the vineyard mentioned in such report immediately release such vineyard from Quarantine"
- Page 4. *After* clause 9, 8, *insert* new clause 9.
- Page 4, clause 10, line 38. *Omit* "its election" *insert* "it"
- Page 4, clause 10, line 39. *Omit* "annulled" *insert* "dissolved"
- Page 4, clause 10, lines 39 and 40. *Omit* "as the case may be"
- Page 4, clause 10, line 41. *After* "recommend" *insert* "to the Governor"
- Page 4, clause 10, line 41. *Omit* "the election of"
- Page 4, clause 10, line 42. *Omit* "annulled" *insert* "dissolved"
- Page 4, clause 10, line 42. *Omit* "as the case may be" *insert* "and the Governor may dissolve such Board and dismiss such officers accordingly"
- Page 4, clause 11, line 45. *Omit* "eight" *insert* "nine"
- Page 4, clause 11, line 47. *Omit* "ceases" *insert* "having ceased"
- Page 4, clause 11, line 48. *Omit* "he"
- Page 4, clause 11, line 49. *After* "inspector" *insert* "or district inspector omit to"
- Page 4, clause 11, lines 49 and 50. *Omit* "at his own expense"
- Page 4, clause 11, line 50. *Omit* "If he fail to do so"
- Page 4, clause 11, line 50. *Omit* "Central" *insert* "Minister"
- Page 4, clause 11, line 51. *Omit* "as the case may be"
- Page 4, clause 12, line 56. *Before* "The" *insert* "If within any vineyard any sign shall appear which may reasonably be suspected to be caused by disease"
- Page 4, clause 12, line 57. *Omit* "of any vineyard" *insert* "thereof"
- Page 4, clause 12, lines 57 and 58. *Omit* "on the first appearance therein of the disease"
- Page 4, clause 12, lines 58 and 59. *Omit* "of such appearance"
- Page 4, clause 12, line 59. *Omit* "as the case may be"
- Page 5, clause 12, line 2. *Omit* "whosoever"
- Page 5, clause 13, lines 12 and 13. *Omit* "are diseased and which has" *insert* "shall have"
- Page 5, clause 13, line 13. *After* "up" *insert* "on account of being diseased"
- Page 5, clause 13, line 16. *Omit* "claimed or"
- Page 5, clause 14, line 27. *Omit* "allowable as aforesaid"
- Page 5, clause 14. *Omit* sub-section (III)

- Page 5, clause 15, line 37. *Omit* "as the case may be"
- Page 5, clause 15, line 41. *Omit* "Central Board" *insert* "Minister"
- Page 5, clause 15, lines 45 and 46. *Omit* "Central Board" *insert* "Minister"
- Page 5, clause 15, line 47. *Omit* "in the usual way," *insert* "according to the provisions of the Acts
"for the time being in force, for the settlement of disputes by arbitration"
- Page 5, clause 15, line 50. *Omit* "Central Board" *insert* "Minister"
- Page 5, clause 15, line 51. *Omit* "as the case may be"
- Page 5, clause 15, line 54. *Omit* "Central Board" *insert* "Minister"
- Page 5, clause 16, line 57. *Omit* "Of the Central Board nor"
- Page 5, clause 16, line 58. *Before* "interested" *insert* "and no inspector or district inspector"
- Page 6, clause 16. *Omit* subsection (II)
- Page 6, clause 17, line 14. *Omit* "Central Board" *insert* "Minister"
- Page 6, clause 17, line 15. *Omit* "as the case may be"
- Page 6, clause 18, line 18. *Omit* "Central Board" *insert* "Minister"
- Page 6, clause 19. *Omit* clause 19, *insert* new clause 19.
- Page 6, clause 20, line 32. *Omit* "or to be permitted to grow either"
- Page 6, clause 20, lines 33 and 34. *Omit* "or in any land within a radius of one mile thereof"
- Page 6, clause 20, line 37. *Omit* "or be imprisoned for any term not exceeding six months"
- Page 6, clause 20, line 38. *Omit* "or growing in or"
- Page 7, clause 26, line 20. *After* "writing" *insert* "signed by two or more vine-growers on the
"roll"
- Page 7, clause 26, line 39. *Omit* "has to be" *insert* "is"
- Page 7, clause 27, line 53. *Omit* "the election" *insert* "such Board"
- Page 7, clause 27, line 53. *Omit* "annulled" *insert* "dissolved"
- Page 8, clause 27, line 1. *Omit* "four" *insert* "three"
- Page 8, clause 28, line 14. *Omit* "the election of"
- Page 8, clause 28, line 14. *Omit* "annulled" *insert* "dissolved"
- Page 8, clause 29, line 25. *Omit* "two" *insert* "six"
- Page 8, clause 30, line 29. *Omit* "seven" *insert* "five"
- Page 8, clause 31, line 41. *Omit* "nominate and" *insert* "subject to the approval of"
- Page 8, clause 31, line 42. *After* "Governor" *omit* "may"
- Page 8, clause 31, line 42. *Omit* "or more"
- Page 8, clause 31, line 42. *Omit* "s" *from* "inspectors"
- Page 8, clause 31, line 43. *Omit* "may" *insert* "shall"
- Page 8, clause 31, line 44. *Omit* "such" *insert* "all"
- Page 8, clause 31, line 45. *Omit* "as it may think fit but" *insert* "of such district inspector and other
"officers and"
- Page 8, clause 31, lines 46 and 47. *Omit* "beyond a fee of one pound for every meeting which he attends"
- Page 9, clause 34, line 15. *After* "roll" *insert* "Provided that if necessary to liquidate claims for
"compensation or to meet other liabilities, the Board shall within any year, levy a rate
"to the full amount of one pound per centum, or two or more equal rates amounting in
"the aggregate to one pound per centum"
- Page 9, clause 34, line 23. *After* "revision" *insert* "and consideration of any appeal from such
"rating"
- Page 9, clause 37, line 48. *After* "become due" *omit* remainder of clause.
- Page 11, clause 48. *Omit* clause 48.
- Page 11, clause 49 48, lines 15 to 17. *Omit* "any vineyard, ship, boat, shop, store, or other building,
"premises, or place, or any vine, part of vine, grapes, case, box, barrel, or other receptacle or
"package" *insert* "the same"

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

*Legislative Assembly Chamber,
Sydney, 13 April, 1893.* }

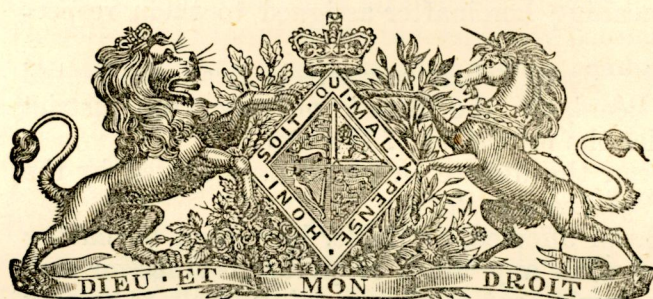
F. W. WEBB,
Clerk of the Legislative Assembly.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

*Legislative Council Chamber,
Sydney, 30th May, 1893.* }

ADOLPHUS P. CLAPIN,
Acting Clerk of the Parliaments.

New South Wales.



ANNO QUINQUAGESIMO SEXTO

VICTORIÆ REGINÆ.

No. .

An Act relating to Vine Diseases ; to prevent the introduction into this Colony, or removal from place to place in this Colony, of diseased grapes or grape vines, ~~or any insect or other pest, or any other matter or thing which may injuriously affect any grape vine or vineyard ;~~ and to eradicate a certain disease affecting grapes, grape vines, or vineyards ; ~~to quarantine, and if necessary, destroy any grapes, grape vine, vineyard, package, or implement ;~~ to proclaim Vine Districts ; to appoint a ~~Central and other~~ Boards ; to make assessments and levy rates ; and for other purposes incidental thereto.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

5 1. This Act may be cited as the "Vine Diseases Act of 1893," Short title and commencement. and shall come into operation on the first day of June, one thousand eight hundred and ninety-three.

10 2. Notwithstanding the expiration of the "Vine Diseases Act, Indemnity to officers. 1886," and the "Vine Diseases Act Amendment Act of 1888," any thing done or suffered after the thirty-first day of December, one thousand eight hundred and eighty-eight—A

NOTE.—The words to be omitted are ruled through ; those to be inserted are printed in black letter.

Vine Diseases.

thousand eight hundred and ninety-two, by or by the direction of the persons who, at the time of the expiration of the said Acts, constituted the Board appointed under the said Acts, or who were inspectors, assistant inspectors, or persons authorised to Act or lawfully acting by 5 or under the authority of the said Acts, or either of them, shall be as valid and effectual as if the said Acts had been in force when the said things were done or suffered. And no suit or action shall be brought against those persons in respect of anything done or suffered by them as aforesaid.

10 3. In the construction and for the purposes of this Act, or any regulation or proclamation thereunder, the following words in inverted commas shall have the meaning hereinafter assigned to them respectively, that is to say:— Interpretation.

15 “~~Central Board~~” and “Board” shall respectively mean the ~~Central Vine Diseases Board~~, or the Board of any vine district proclaimed under the provisions of this Act.

“Disease” shall mean the disease in grape-vines caused by the insect called *Phylloxera vastatrix*.

20 “Diseased” shall mean affected, or liable, by reason of having been in contact with any vines or parts of vines, or any grapes, package, implement, matter, or thing likely to convey infection, to be affected, with the disease within the meaning of this Act.

25 “District” shall mean any vine district proclaimed under the provisions of this Act.

“District Inspector” shall mean an inspector of vineyards appointed by any Board of a vine district.

“Governor” shall mean the Governor with the advice of the Executive Council.

30 “Inspector” shall mean any inspector of vineyards appointed by the Minister.

“Minister” shall mean the Secretary for Mines and Agriculture.

“Prescribed” shall mean prescribed by this Act, or by any regulation made thereunder.

35 “Quarantine”—to isolate in any prescribed manner.

“Ratable Value”—The value of any vineyard as entered in the assessment roll of any district.

“Vine” shall mean a grape-vine, alive or dead, or any vine cutting.

40 “Vineyard” shall mean and include any parcel of land whereon one or more grape-vines may be planted or growing.

“Root or rooted-up” shall mean the removal of the whole of the original cutting, layer, or stock with at least six inches of the roots attached.

45 the 4. The Governor may from time to time, by proclamation in Powers of the Governor.
Gazette, do any of the following acts:—

Declare any portion of the Colony a vine district, and assign to such district a specific name.

Alter the boundaries or name of any such district.

Divide a vine district into two or more such districts.

50 Unite two or more vine districts into one vine district.

Abolish any vine district.

Dissolve any Board.

55 Prohibit the introduction into this Colony from any place outside the Colony of any vine or part thereof, or any grapes or any package containing, or which has contained or been in contact with grapes or vines, the introduction of which has been or may be prohibited.

60 Prohibit the removal from any place within this Colony to any other place in this Colony of any vine or part thereof, or any grapes, package, implement, matter, or thing, likely to convey disease.
Declare

Vine Diseases.

Declare any parcel of land or any building a quarantine for the reception of any vines or parts of vines or grapes known or supposed to be diseased.

5 Quarantine any vineyard, or any building, vessel, land, or place wherein or whereon any diseased vine or part thereof or grapes may be or may have recently been. ~~or any vineyard within a radius of one mile from any vineyard in which disease has been found.~~

10 5. The Governor may appoint a Central Board, consisting of ~~Central Board~~ three members, who shall receive such fees or other remuneration as the Governor may from time to time fix, and such Board shall act as a Board of Advice to the Minister in all matters arising under this Act.

15 ~~6.~~ 5. The following vine districts, the respective boundaries of which are set out in the Schedule hereto numbered One, are hereby created, ^{Vine districts.} ^{Schedule I.} namely—(1) The Cumberland Vine District; (2) The Murray River Vine District; (3) The Hunter River Vine District. Forthwith after this Act comes into operation steps shall be taken as hereafter provided in regard to proclaimed districts to prepare a list of vinegrowers and to elect a Board for each of the three districts aforesaid, and the whole of the provisions relating to Boards of vine districts shall apply to these districts as if they had been proclaimed under this Act.

20 ~~7.~~ 6. (I) The Minister may appoint any such person or persons as ^{Inspectors.} he may think fit to be an inspector or inspectors of vineyards, and any inspector so appointed may exercise in any part of the Colony any of the powers conferred by this Act upon such Inspectors.

(II) Any Board of a vine district may ~~nominate and appoint,~~ **subject to the approval of the Governor may appoint,** one or more district inspectors of vineyards, and such last-mentioned inspectors may within such district exercise any of the powers conferred by this Act upon such an inspectors.

30 ~~8.~~ 7. Every inspector may, with or without notice, ~~on the production of his authority—~~ ^{Powers of inspectors.}

(a) Enter into at any time, with or without assistants, any vessel, building, land, or place, containing any vine or part of a vine, or any grapes imported or brought into this Colony, and search therein for diseased vines, parts of vines or grapes, and may ~~forthwith destroy or cause to be destroyed any diseased vines or parts of vines or grapes, and any package containing, or which may have contained or come in contact with any such~~ vine, part of vine or grapes, or may remove such vines or parts of vines or grapes to a quarantine for further examination, and may destroy any such as may be found to be diseased.

40 (b) May, with or without assistants, at all reasonable hours in the day-time, enter any vineyard and examine any vine or part of a vine, or any grapes therein, and by notice in the form of Schedule hereto numbered Two, temporarily quarant- ^{Schedule II.} ine any vineyard in which he finds the disease, or any sign thereof, pending report to the Minister and action thereon.

50 (c) Periodically inspect the vineyards in any vine district, and report to the ~~Central Board whether~~ **Minister when** the Board of such District, or its officers, are failing to give effect to the provisions of this Act, and in what respect they are so failing.

55 (d) Every district inspector may, within the district to which he is appointed, exercise similar powers to those hereinbefore conferred upon an ~~Inspectors,~~ **by subsections (a) and (b),** except that any temporary quarantine notified by him shall continue, pending his report to the Board of such district, and action thereon.

60 9. 8. Upon the report of any inspector that disease, or signs- of ^{Destruction of vines, &c.} disease is ~~or are~~ found in any vineyard not within a vine district, or **within**

Vine Diseases.

within a vine district pending the appointment of a district inspector for such district, the Minister may cause inquiry to be made into the truth of such report, and upon proof that disease actually exists therein, the Governor may—

- 5 (a) Quarantine such vineyard, and every vineyard within a radius of one mile therefrom.
- (b) Prohibit the removal therefrom of any vine, part of vine, grapes, package, implement, matter, or thing.
- 10 (c) Cause all the vines in such vineyard, and in any vineyard within a radius of one mile therefrom, to be rooted up, the land thoroughly trenched, and every vine or part thereof, destroyed by fire, and such other precautionary measures taken as may be deemed necessary to prevent the spread of the disease.
- 15 (d) Declare a vine district, including such vineyard.
- (e) Take such steps as hereinafter prescribed to secure the election of a Board.
- (f) Pending the appointment by the Board of a district inspector cause a thorough inspection of all the vineyards in the
- 20 district, quarantine any vineyard therein found to contain diseased vines, and any vineyard within a radius of one mile from such vineyard, prohibit the removal therefrom of vines, parts of vines, grapes, packages, or implements, and cause the vines in such vineyard to be destroyed as aforesaid.

25 Provided that as soon as the Board shall have been elected, and the district inspector appointed, the responsibility of eradicating disease from the vineyards in the district shall devolve upon the Board. The Minister shall upon proof that no disease exists in the vineyard mentioned in such report immediately release such vineyard from

30 quarantine.

9. Upon the election or appointment of any Board, all the Powers of Board powers conferred by the last preceding section upon the Governor and to deal with the Minister are hereby mutatis mutandis conferred upon such Board diseased vines. for the district for which such Board was elected or appointed. And

35 such Board shall exercise all the said powers within the said district.

10. Upon receipt of a report from an inspector that any Election of Board or its officers are failing to carry out the provisions of this Act, Board may be the Minister may call upon such Board to show cause why its election annulled, it should not be annulled dissolved or its officers dismissed, as the case dissolved, or officers dismissed, for neglect. may be; and if the Board fail to show cause to the satisfaction of the Minister, he may recommend to the Governor that the election of such Board be annulled dissolved or the officers dismissed, as the case may be, and the Governor may dissolve such Board and dismiss such officers accordingly: Provided that if the vinegrowers of the district take

40 action in terms of section twenty-eight nine hereof, the Minister may stay his action till the result of the meeting of vinegrowers shall be known.

11. If the owner, lessee, or occupier ceases having ceased for Neglected vineyard two years to cultivate his vineyard, he shall, within three months after may be destroyed. service of notice from an inspector or district inspector omit to at his

50 own expense root up all vines therein, If he fail to do so, the Central Minister or District Board, as the case may be, may cause such vines to be rooted up, and may recover the cost thereof from the owner in any Court of summary jurisdiction upon proof that the sum claimed has been expended in rooting up vines upon such owner's land.

12. If within any vineyard any sign shall appear which Appearance of disease to be notified. may reasonably be suspected to be caused by disease the owner, tenant, lessee, or person in charge of any vineyard thereof shall immediately on the first appearance therein of the disease notify the fact in writing of such appearance to an inspector or district inspector, as the case may be,

or

Vine Diseases.

or to the Minister, and in the event of his wilfully neglecting so to do, all claim by any person ~~whosoever~~ to any compensation under the provisions of the Act in respect of such vineyard shall be forfeited, and such owner, tenant, lessee, or person shall on conviction thereof
 5 pay a penalty not exceeding one hundred pounds, or be imprisoned for any term not exceeding six months.

13. Compensation may be claimed—

Compensation.

10 (I) In respect of any vineyard (in which there is no disease) which has been rooted up to an amount not exceeding the ratable value thereof.

(II) In respect of any vineyard, except as provided in sections eleven and twelve, in which any vines are diseased, ~~and which~~
 15 ~~has~~ **shall have** been rooted up, **on account of being diseased** an amount not exceeding fifty pounds per centum of the ratable value thereof.

But no compensation shall be ~~claimed or~~ recovered—

20 (III) In respect of any loss sustained by reason of or in connection with the destruction of any diseased vine, part of vine, or grapes brought into this Colony, or any package containing, or which may have contained, or come into contact with any such vine or grapes.

(IV) In respect of any loss sustained by reason of or in connection with the destruction of any vine, part of vine, grapes, package, or implements introduced into this Colony from any place outside the Colony or removed from any place within
 25 this Colony to any other place in this Colony contrary to or in violation of any prohibition proclaimed as aforesaid.

14. Claims for compensation allowable ~~as aforesaid~~ shall be made in the prescribed form within six months after the vineyard was rooted up—
 30

Claims for compensation how made.

(I) In respect of any vineyard rooted up by an inspector acting under the direction of the Minister to the Minister.

(II) In respect to any vineyard rooted up by a district inspector to the Board of the district.

35 ~~(iii) Claims not made within six months after the vineyard was rooted up may be disallowed.~~

15. (I) Every such claim shall be referred to an inspector or a district inspector, ~~as the case may be~~, who shall estimate the amount of compensation to which the claimant is entitled.

Compensation low determined.

40 (II) If the claimant and the inspector cannot agree upon the amount to be awarded, the matter in contention between the claimant and the inspector shall be referred to the Central Board **Minister** to determine. If the claimant and the district inspector cannot so agree, the matter in contention between the claimant and the district inspector shall be referred to the Board of the vine district
 45 to determine. In either case, instead of a reference to the Central Board **Minister** or the District Board, the claimant may cause a reference to arbitration ~~in the usual way~~ **according to the provisions of the Acts for the time being in force for the settlement of disputes by arbitration.**

50 (III) In dealing with any such matter the Central Board **Minister** or the Board, ~~as the case may be~~, may take evidence on oath, and for that purpose the chairman for the time being of any such Board is hereby empowered to administer an oath.

(IV) The decision of the Central Board **Minister** or the Board
 55 of the district, or the arbitrators, as to the amount of compensation to be paid shall be final.

16. (I) No member of the Central Board, ~~nor~~ of a Board, and no
 inspector or district inspector interested directly or indirectly in any
 claim

Persons interested not to act.

Vine Diseases.

claim for compensation, or in any vineyard, the subject of such claim shall take part in determining the amount of compensation to be awarded in satisfaction of such claim.

(II) No inspector or district inspector interested in any claim as aforesaid, or in any vineyard, the subject of such claim, shall make an estimate of the amount of compensation to be awarded or give evidence in respect thereof.

17. In the event of a lump sum having been awarded in satisfaction of the damage done by rooting up a vineyard, and such vineyard be let, leased, or mortgaged, or any person have a lien over the crop thereof, the sum awarded may be apportioned and paid to the landlord, tenant, lessee, mortgagee, or licensee in such proportions as may be agreed upon with the inspector or district inspector, or as may be determined by the Central Board, Minister, or the Board of the vine district, or the arbitrators, as the case may be. Apportionment of compensation.

18. (I) When the amount of compensation shall have been agreed upon between the inspector and the claimant, or determined by the Central Board, Minister, or the arbitrators, the same shall be paid out of the Consolidated Revenue within three months. Compensation how paid.

(II) When the amount of compensation shall have been agreed upon between the district inspector and the claimant, or determined by the Board of the vine district, or the arbitrators, the same shall be paid out of the funds at the disposal of such Board.

19. The Minister shall cause to be paid out of the Consolidated Revenue each year to each Board by way of subsidy a sum of money equal to the sum collected as rates by such Board during the year.

19. The Minister may cause to be paid out of the Consolidated Revenue in any year to any Board by way of subsidy such sum of money as may in his opinion be necessary for carrying out the provisions of this Act not exceeding in amount the sum collected as rates by such Board during such year. Subsidy to Boards.

20. No vines shall be planted, or be permitted to grow either in any land from which any diseased vines have been removed, or in any land within a radius of one mile thereof, for a period of four years after such removal, and any person who shall commit any breach of this section shall, on conviction thereof, pay a penalty not exceeding one hundred pounds, or be imprisoned for any term not exceeding six months; and all vines planted or growing in or on any such land within such period, shall be destroyed by an inspector or district inspector as the case may be. Replanting of vineyards.

21. No tenant or lessee shall be bound by any agreement or lease to contravene the provisions of this Act. Agreements with landlords void.

22. Forthwith, after the proclamation of a vine district, the Minister shall cause a list to be made containing the names in full and address of each vinegrower in such district, and the extent of the vineyard owned by him, and such list when complete, or a copy thereof, shall be exhibited for a period of seven days at the petty sessions court-house, or at each such court-house within such district, and notice thereof shall be published in one or more newspapers circulating in the district. Vine district and list of vinegrowers.

23. Any person may, within seven days after such list shall be first exhibited, lodge with any police magistrate or clerk of petty sessions within such district a notice requiring the insertion in the list of the name of any vinegrower omitted from such list, or the striking out from such list any name improperly inserted therein and requiring the correction of any error, or alleged error, in such list. Revision of list.

24. At any time after the expiration of the seven days referred to in the last preceding section, the Minister may cause a police magistrate to hold a court for the purpose of hearing evidence on oath Revision court, vinegrowers' roll.

Vine Diseases.

oath in support or in opposition to any such insertion, striking out, or correction as aforesaid, and such magistrate shall thereupon determine the questions raised by every such notice, and revise the list of vine-growers accordingly, and such list shall thereupon become and be the
5 vinegrowers' roll for the district.

25. (I) In every district the vinegrowers shall elect annually a Board, consisting of five members, being vinegrowers on the roll, and the first election in each district proclaimed under this Act, shall be held at such place in the district, and at such time as the Governor
10 shall appoint. Vinegrowers to elect board.

(II) All elections of a Board subsequent to the first election shall be held in the month of September in every year, and retiring members shall (if not disqualified) be eligible for re-election.

(III) The Governor may appoint a returning officer to conduct
15 such elections in any district.

26. (I) For the purposes of the first or any subsequent election the returning officer shall appoint a time and place for receipt of nominations, of which not less than fourteen days' notice shall be given in one or more newspapers published or circulating in the district. Nomination and election of Board.

20 (II) Every nomination shall be in writing, signed by two or more vinegrowers on the roll, and shall contain the consent of the person nominated.

(III) If, within the time appointed, the number of qualified persons nominated for election do not exceed the number of members
25 to be elected at any election, the returning officer shall, at the expiration of the time appointed for receiving nominations, declare the persons so nominated to be elected as members of the Board.

(IV) If the number of members so elected be less than the required number, but more than a quorum, the vacancies shall be
30 regarded as extraordinary vacancies, and be filled up as hereinafter provided; but, if the number elected be less than a quorum, the returning officer shall hold another election to fill the vacant seats.

(V) If the number of qualified persons nominated be in excess of the number to be elected at any election, the returning
35 officer shall appoint a day for taking a poll, and shall appoint one or more polling-places, and shall notify the time and place, or places, in manner aforesaid, and may appoint a deputy returning officer to preside at each polling-place.

(VI) When a poll ~~has to be~~ is taken the voting shall be by
40 ballot, at which each vinegrower shall be entitled to the prescribed number of votes.

(VII) As soon as convenient after the poll has been taken, the returning officer shall declare elected as many of the candidates who have received the highest number of votes as shall be required to
45 fill the vacant seats.

(VIII) The name of every member elected shall be published in the *Gazette*.

27. (I) The first meeting of the Board after a general election shall be held within fourteen days after such election. If any Board
50 fail to meet within such period, or fail at any time to act, any seven or more vinegrowers on the roll may convene a meeting of vinegrowers, and call upon the members of the Board to attend thereat and show cause why ~~the election~~ such Board should not be annulled dissolved. Meetings of Board and election of chairman.

(II) At the first meeting of the Board after a general election,
55 the members present shall elect from their number a chairman, who shall (when present) preside at all meetings of the Board.

(III) If the chairman be absent from any meeting at which there is a quorum, the members present shall appoint an acting chairman, who shall, at such meeting, exercise all the powers of the
60 chairman.

(IV)

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(IV) A quorum shall consist of not less than ~~four~~ three members. All questions considered at any meeting shall be decided by a majority of the votes, and if the votes on any question be equal, the chairman shall have a casting vote in addition to his deliberative vote.

5 (V) If a quorum be not present within half an hour of the time appointed for any meeting, any member or any officer of the board present may adjourn the meeting to another hour on the same day, or to any hour on another day, and notice of such adjournment shall be given, as far as practicable, to every absent member.

10 28. If any Board, having failed to meet within fourteen days after a general election, or having failed or refused to carry out the provisions of this Act, also fails (when called upon) to show cause to the satisfaction of a meeting of vinegrowers convened for that purpose why ~~the election of such Board should not be annulled~~ dissolved, such
15 meeting of vinegrowers may declare the seats of the several members of the Board vacant, and may call upon the returning officer to hold another election.

29. (I) If any member of a Board be absent from three consecutive meetings of the Board without leave of absence duly granted
20 by the Board, he shall forfeit his seat.

(II) If any member of a Board die, or resign, or refuse to act, or from any cause whatever become incapable of acting, his seat may be declared vacant by the Board.

(III) Any extraordinary vacancy caused as provided in
25 section twenty-two ~~six~~, subsection (IV), or by the forfeiture or vacating of a seat as hereinbefore provided, shall be filled by the Board from the vinegrowers on the roll.

30. (I) If at any election as aforesaid no candidates be
30 nominated or elected, the Governor may appoint any ~~seven~~ five vinegrowers on the roll of the district a Board; and every Board so appointed shall be the Board of such district until the next general election subject to the foregoing provisions relating to extraordinary vacancies and to failure to meet and act.

(II) If a Board of any district fail or refuse to meet, or to
35 carry out the provisions of this Act, and the vinegrowers of such district fail to convene a meeting as hereinbefore provided to inquire into the cause thereof, and, if necessary, to move for the election of another Board, the Governor may appoint officers to carry out the provisions of this Act, and such officers shall have and may exercise
40 within such district all the powers of a Board under this Act.

31. Every Board may ~~nominate and~~ subject to the approval of the Governor may appoint one or more district inspectors, and the Board may appoint such other officers as it may shall consider necessary, and may out of the funds at its disposal pay ~~such~~ all salaries and
45 allowances as it may think fit; but of such district inspector and other officers, and no member of a Board shall be paid for his services beyond a fee of one pound for every meeting which he attends.

32. (I) Every owner or occupier of a vineyard within a district shall on or before the first day of December in each year deliver or
50 forward by registered letter to the chairman of the Board, or, if there be no Board, to the officers appointed by the Governor, a return in the form in the Schedule hereto numbered Three, stating the number of acres planted with vines owned or occupied by him.

(II) Every owner or occupier who refuses or neglects to
55 make such return within the prescribed time shall forfeit and pay a penalty not exceeding five pounds.

(III) For the purpose aforesaid any fraction of an acre shall be deemed an acre.

(IV)

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(IV) Any owner or occupier who shall make a false return shall forfeit and pay a penalty not exceeding five pounds.

33. (I) From the returns made as provided in the last preceding section, the Board shall compile a roll of vinegrowers for the district. Vinegrowers' roll.

5 (II) Every roll so compiled shall be revised as hereinbefore provided in regard to the list of vinegrowers of a newly-proclaimed district, and shall thereupon become the roll of the district, and a copy thereof shall be forthwith forwarded to the returning officer.

10 (III) Until a roll shall have been compiled and revised for the current year, the existing roll shall be and be used as the roll for the district.

34. (I) Every Board shall have power to impose and levy annually a rate according to the value of every vineyard within the district not exceeding one pound per centum of the value of each such vineyard as entered in the assessment roll: **Provided that if necessary to liquidate claims for compensation or to meet other liabilities, the Board shall within any year levy a rate to the full amount of one pound per centum, or two or more equal rates, amounting in the aggregate to one pound per centum.** Power of Board to levy rate.

20 (II) Forthwith after imposing any rate, the Board shall have prepared an assessment roll, which shall set out the amount of such rate payable in respect of every vineyard in the district; and such roll, after careful revision and consideration of any appeal from such rating shall be signed by the chairman and treasurer of the Board, and shall be *prima facie* evidence of the amount payable as rate on each vineyard named therein, and of the person liable to pay such rate. Assessment roll.

35. The Board shall, when imposing a rate, fix the date on which such rate shall be payable, not being less than fourteen days after the rate has been imposed, and every owner or occupier of any such vineyard shall, within the period named by the Board, pay such rate to the treasurer or collector of the Board. Date when rate is payable to be fixed.

36. (I) A notice of every rate imposed by any Board under this Act, signed by the chairman and treasurer of such Board, shall, within fourteen days after the rate was imposed, be published in the *Government Gazette*, and also in one or more newspapers circulating in the district. Notice of rate to be published.

(II) Every such notice shall specify the amount of the rate per pound, and the date on which the same is payable.

40 (III) No proceedings shall be commenced against any person for the recovery of such rate until the expiration of one month after the date in such notice aforesaid on which such rate is payable.

37. Every rate imposed under this Act shall be payable, in the first instance, by the occupier of the vineyard; but unless otherwise expressly provided in any lease or agreement, such occupier, if a tenant, may recover from his landlord one-half the amount of the rate paid by or recovered from him as money paid to the use of the landlord, or the same may be deducted from, or set off against, the rent then due or thereafter to become due. ~~and such landlord, if he in~~ respect of such vineyard be tenant of another person, may deduct from his landlord a sum equal to that recovered or deducted from him as aforesaid, and so on between successive tenants and landlords, till the one-half the rate payable in respect of the vineyard be recovered from the owner thereof. Occupier liable to pay rate in the first instance.

38. The owner of any unoccupied vineyard shall be deemed the occupier, and any rate due in respect thereof shall be paid by or be recovered from such owner. Unoccupied vineyards.

39. The collector or other officer of the board authorised in that behalf by the chairman may sue for and recover any rate which shall, after the expiration of one month from the date on which such rate became payable, remain due and unpaid. Recovery of unpaid rates.

Vine Diseases.

40. All moneys received by any collector or other officer of any Board shall in the time and manner prescribed be paid over to the treasurer, and all moneys received by the treasurer of any Board shall in the time and manner prescribed be paid by him into a bank to the credit of an account in the name of the Board of which he is treasurer.

Treasurer to pay all moneys into bank.

41. All moneys disbursed by the Board shall be paid by cheques drawn upon the bank account aforesaid, and all cheques shall be signed by the chairman, or acting-chairman, and the treasurer.

Disbursement of moneys.

42. The accounts of every Board shall at least once in each year be audited by an officer appointed by the Governor, or by a competent accountant, and a statement of such accounts, when audited, shall be forthwith published in the *Government Gazette* and in one or more newspapers circulating in the district.

Accounts to be audited and published.

43. All proceedings of any meeting of a Board, together with the names of all the members present thereat, shall be entered in a book to be kept for that purpose, and shall be signed by the chairman of the meeting at which such proceedings are confirmed, and all entries of any such proceedings so confirmed and signed shall be received in all courts as *prima facie* evidence of the matters recorded.

Proceedings of Board to be recorded.

44. The Board of any district may make regulations for regulating its own proceedings and the powers and duties of its officers, and generally for enforcing and giving effect to the provisions of the Act in relation to all matters within the district to which it belongs, and all such regulations after publication in the *Government Gazette* shall, if not inconsistent with this Act, have the same force and effect as if embodied in and forming part of this Act.

Power of board to make regulations.

45. In the event of any district being divided, abolished, or united with another district the liabilities duly incurred by the Board of any such district shall be transferred in such proportions as the Governor shall direct to the Board or Boards of the district or districts in which the area or part of the area of the district so divided, abolished, or united is contained: Provided that if the abolished district be not included in any other district the liabilities as aforesaid of such district shall be dealt with as the Governor shall direct.

Transfer of liabilities.

46. (I) When any vine district is divided into two or more districts, all moneys in any bank to the credit of the Board of such district, or in the hands of such Board, or any officer thereof, and any moneys and rates due or becoming due to such Board, and any property of any kind belonging to such Board shall be apportioned between the Boards of the several districts into which such first-mentioned district has been divided, in such manner as the Governor shall direct.

Transfer of funds, &c., in case of the division, abolition, or union of districts.

(II) When any vine district is abolished, and the area thereof is included in another or other districts, the moneys and properties of every description of the board of the abolished district shall be transferred to the district, or apportioned amongst the districts as the Governor shall direct, and the Board of any such last-mentioned district or districts shall have power to collect or recover any rates or moneys due to the Board of the abolished district in respect of any property within the area assigned to it.

(III) When any vine district is abolished, and the area thereof is not included in any other district or districts, the moneys and property of every description of the Board of the abolished district, shall be dealt with as the Governor shall direct.

(IV) When any vine district is united to any other district, all moneys or properties of every description of the Board of the first-mentioned district, and all moneys and rates due to it shall be transferred to the Board of the district, to which the first-mentioned district is united, and such Board shall have power to collect and recover all moneys and rates due as aforesaid.

Vine Diseases.

47. Every person who sells or offers or exposes for sale any grapes or vines infected with the disease, shall be liable, in addition to any other penalty provided in this Act, to a penalty not exceeding five pounds. Infected grapes or vines.
- 5 48. In any proceedings against any person for any breach of or non-compliance with this Act, or any regulation, the onus of proving that he has not committed the breach complained of, or has complied with the Act or regulations, shall rest upon the defendant. Onus of proof on defendant.
- 10 49. 48. If any person refuses to allow any inspector or district inspector, on the production of his authority, to enter at any reasonable time his vineyard, ship, boat, store, or other building, premises, or place to examine any vine, part of vine, grapes, case, box, barrel, or other receptacle or package, or impedes, hinders, or attempts to impede or hinder any inspector or district inspector from inspecting or examining any vineyard, ship, boat, shop, store, or other building, premises, or place, or any vine, part of vine, grapes, case, box, barrel, or other receptacle or package the same shall, in addition to any other penalty provided in this Act, be liable to pay a penalty not exceeding five pounds for each offence; or, if the offence be continuous, for each day during which the offence is continued. Penalty for obstructing any officer.
- 20 50. 49. If any inspector or any other officer of a Board wilfully violates or omits to comply with, or neglects or refuses to enforce any provisions of this Act or any regulations thereunder which he is required to comply with or enforce, he shall be liable to a penalty not exceeding fifty pounds. Penalty on inspector or other officer.
- 25 51. 50. All sums of money recoverable from any person under this Act, and all penalties imposed or made payable under this Act, may be recovered in any court of petty sessions. Recovery of penalties.
- 30 52. 51. (I) All penalties and sums of money recovered by any officer appointed by the Governor, or authorised by the Minister shall be paid into the public revenue. Appropriation of penalties.
- (II) All penalties and sums of money recovered by any officer of a Board shall be paid to the treasurer of the Board to which such officer belongs.
- 35 53. 52. The Governor may make all such regulations as may from time to time appear to him necessary for carrying into effect the several provisions of this Act, and all regulations so made shall, after publication in the *Government Gazette*, have the same force and effect as if embodied in and forming part of this Act: Provided that all such regulations shall be laid before Parliament within fourteen days after publication if Parliament be then sitting; if not, then within fourteen days after the commencement of the next Session of Parliament. Power of Governor to make regulations.
- 40 54. 53. Any error in any proclamation made under this Act may be rectified by any subsequent proclamation, and after the rectification of the error the original proclamation shall be deemed to have been made, and shall be read as corrected. And no misnomer, inaccurate description or omission in any such proclamation shall in any wise suspend or impair the operation of this Act with respect to the matter so misdescribed or omitted. Rectification of errors.
- 50

SCHEDULES.

Vine Diseases.

SCHEDULES.

SCHEDULE I.

Boundaries of the Cumberland, Murray River, and Hunter River Vine Districts.

- 1. The Cumberland Vine District comprises the counties of Cumberland and Camden.
- 5 2. The Murray River Vine District comprises the counties of Denison, Hume, and Goulburn.
- 3. The Hunter River Vine District comprises the counties of Northumberland, Durham, and Gloucester.

SCHEDULE II.

Notice of Temporary Quarantine.

10

NOTICE is hereby given that I have from this day forth quarantined the vineyard owned or occupied by you situated [insert situation of vineyard]. Such vineyard will continue quarantined until released therefrom by order of the [insert Minister, or chairman of the board, as the case may require.]

15

(Signed)
Inspector (or District Inspector).

SCHEDULE III.

Vine District.

20 RETURN of the number of acres planted with vines in the vineyard owned or occupied by the undersigned.

Name and Address.	Portion No. and Parish.	Area planted with Vines.	Remarks.

I , of , do solemnly and sincerely declare that I am the [owner and occupier, or occupier, as the case may be] of the vineyard above-named, and that the above return contains a just and true account of the several 25 matters therein set forth respecting the same vineyard.

(Signature.)

VINE DISEASES BILL.

SCHEDULE of the Amendments referred to in Message of 30th May, 1893.

- Page 1, Title, lines 3 to 5. *Omit* "or any insect or other pest or any other matter or thing which may injuriously affect any grape vine or vineyard"
- Page 1, Title, lines 7 and 8. *Omit* "to quarantine, and, if necessary, destroy any grapes, grape-vine, vineyard, package, or implement"
- Page 1, Title, line 9. *Omit* "a Central and other"
- Page 2, clause 3, line 14. *Omit* "Central Board and"
- Page 2, clause 3, line 14. *Omit* "respectively"
- Page 2, clause 3, lines 14 and 15. *Omit* "the Central Vine Diseases Board or"
- Page 2, clause 3, line 20. *After* "contact" *insert* "with any vines or parts of vines, or any grapes, package, implement, matter, or thing likely to convey infection"
- Page 2, clause 3. *After* line 34 *insert* "'Quarantine' to isolate in any prescribed manner"
- Page 2, clause 4. *After* line 51 *insert* "Dissolve any Board"
- Page 2, clause 4, line 60. *After* "thing" *insert* "likely to convey disease"
- Page 3, clause 4, line 4. *Omit* "vessel"
- Page 3, clause 4, line 6. *After* "been" *omit* remainder of clause.
- Page 3, clause 5. *Omit* clause 5.
- Page 3, clause 7, 6, line 26. *Omit* "nominate and" *insert* "appoint subject to the approval of"
- Page 3, clause 7, 6, line 27. *Omit* "may appoint"
- Page 3, clause 7, 6, line 30. *Omit* "such" *insert* "an"
- Page 3, clause 7, 6, line 30. *Omit* "s" from "inspectors"
- Page 3, clause 8, 7, lines 31 and 32. *Omit* "on the production of his authority"
- Page 3, clause 8, 7, lines 37 to 40. *Omit* "forthwith destroy or cause to be destroyed any diseased vines, or parts of vines or grapes, and any package containing, or which may have contained or come in contact with any such vine, part of vine, or grapes or may"
- Page 3, clause 8, 7, lines 43 and 44. *Omit* "at all reasonable hours in the day time"
- Page 3, clause 8, 7, line 50. *Omit* "Central Board whether" *insert* "Minister when"
- Page 3, clause 8, 7, line 55. *After* "upon" *insert* "an"
- Page 3, clause 8, 7, line 55. *Omit* "s" from "Inspectors"
- Page 3, clause 8, 7, line 55. *After* "Inspectors" *insert* "by subsections (a) and (b)"
- Page 3, clause 9, 8, line 59. *Omit* "s" from "signs"
- Page 3, clause 9, 8, line 60. *Omit* "or are"
- Page 3, clause 9, 8, line 60. *After* "district" *insert* "or within a vine district pending the appointment of a district inspector for such district"
- Page 4, clause 9, 8. *After* line 17 *omit* remainder of clause *insert* "The Minister shall upon proof that no disease exists in the vineyard mentioned in such report immediately release such vineyard from Quarantine"
- Page 4. *After* clause 9, 8, *insert* new clause 9.
- Page 4, clause 10, line 38. *Omit* "its election" *insert* "it"
- Page 4, clause 10, line 39. *Omit* "annulled" *insert* "dissolved"
- Page 4, clause 10, lines 39 and 40. *Omit* "as the case may be"
- Page 4, clause 10, line 41. *After* "recommend" *insert* "to the Governor"
- Page 4, clause 10, line 41. *Omit* "the election of"
- Page 4, clause 10, line 42. *Omit* "annulled" *insert* "dissolved"
- Page 4, clause 10, line 42. *Omit* "as the case may be" *insert* "and the Governor may dissolve such Board and dismiss such officers accordingly"
- Page 4, clause 11, line 45. *Omit* "eight" *insert* "nine"
- Page 4, clause 11, line 47. *Omit* "ceases" *insert* "having ceased"
- Page 4, clause 11, line 48. *Omit* "he"
- Page 4, clause 11, line 49. *After* "inspector" *insert* "or district inspector omit to"
- Page 4, clause 11, lines 49 and 50. *Omit* "at his own expense"
- Page 4, clause 11, line 50. *Omit* "If he fail to do so"
- Page 4, clause 11, line 50. *Omit* "Central" *insert* "Minister"
- Page 4, clause 11, line 51. *Omit* "as the case may be"
- Page 4, clause 12, line 56. *Before* "The" *insert* "If within any vineyard any sign shall appear which may reasonably be suspected to be caused by disease"
- Page 4, clause 12, line 57. *Omit* "of any vineyard" *insert* "thereof"
- Page 4, clause 12, lines 57 and 58. *Omit* "on the first appearance therein of the disease"
- Page 4, clause 12, lines 58 and 59. *Omit* "of such appearance"
- Page 4, clause 12, line 59. *Omit* "as the case may be"
- Page 5, clause 12, line 2. *Omit* "whosoever"
- Page 5, clause 13, lines 12 and 13. *Omit* "are diseased and which has" *insert* "shall have"
- Page 5, clause 13, line 13. *After* "up" *insert* "on account of being diseased"
- Page 5, clause 13, line 16. *Omit* "claimed or"
- Page 5, clause 14, line 27. *Omit* "allowable as aforesaid"
- Page 5, clause 14. *Omit* sub-section (III)

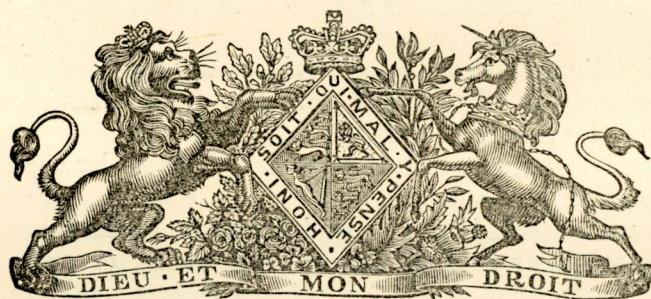
- Page 5, clause 15, line 37. *Omit* "as the case may be"
- Page 5, clause 15, line 41. *Omit* "Central Board" *insert* "**Minister**"
- Page 5, clause 15, lines 45 and 46. *Omit* "Central Board" *insert* "**Minister**"
- Page 5, clause 15, line 47. *Omit* "in the usual way," *insert* "according to the provisions of the Acts
"for the time being in force, for the settlement of disputes by arbitration"
- Page 5, clause 15, line 50. *Omit* "Central Board" *insert* "**Minister**"
- Page 5, clause 15, line 51. *Omit* "as the case may be"
- Page 5, clause 15, line 54. *Omit* "Central Board" *insert* "**Minister**"
- Page 5, clause 16, line 57. *Omit* "Of the Central Board nor"
- Page 5, clause 16, line 58. *Before* "interested" *insert* "and no inspector or district inspector"
- Page 6, clause 16. *Omit* subsection (ii)
- Page 6, clause 17, line 14. *Omit* "Central Board" *insert* "**Minister**"
- Page 6, clause 17, line 15. *Omit* "as the case may be"
- Page 6, clause 18, line 18. *Omit* "Central Board" *insert* "**Minister**"
- Page 6, clause 19. *Omit* clause 19, *insert* new clause 19.
- Page 6, clause 20, line 32. *Omit* "or to be permitted to grow either"
- Page 6, clause 20, lines 33 and 34. *Omit* "or in any land within a radius of one mile thereof"
- Page 6, clause 20, line 37. *Omit* "or be imprisoned for any term not exceeding six months"
- Page 6, clause 20, line 38. *Omit* "or growing in or"
- Page 7, clause 26, line 20. *After* "writing" *insert* "signed by two or more vine-growers on the
"roll"
- Page 7, clause 26, line 39. *Omit* "has to be" *insert* "**is**"
- Page 7, clause 27, line 53. *Omit* "the election" *insert* "**such Board**"
- Page 7, clause 27, line 53. *Omit* "annulled" *insert* "**dissolved**"
- Page 8, clause 27, line 1. *Omit* "four" *insert* "**three**"
- Page 8, clause 28, line 14. *Omit* "the election of"
- Page 8, clause 28, line 14. *Omit* "annulled" *insert* "**dissolved**"
- Page 8, clause 29, line 25. *Omit* "two" *insert* "**six**"
- Page 8, clause 30, line 29. *Omit* "seven" *insert* "**five**"
- Page 8, clause 31, line 41. *Omit* "nominate and" *insert* "subject to the approval of"
- Page 8, clause 31, line 42. *After* "Governor" *omit* "may"
- Page 8, clause 31, line 42. *Omit* "or more"
- Page 8, clause 31, line 42. *Omit* "s" *from* "inspectors"
- Page 8, clause 31, line 43. *Omit* "may" *insert* "**shall**"
- Page 8, clause 31, line 44. *Omit* "such" *insert* "**all**"
- Page 8, clause 31, line 45. *Omit* "as it may think fit but" *insert* "of such district inspector and other
"officers and"
- Page 8, clause 31, lines 46 and 47. *Omit* "beyond a fee of one pound for every meeting which he attends"
- Page 9, clause 34, line 15. *After* "roll" *insert* "Provided that if necessary to liquidate claims for
"compensation or to meet other liabilities, the Board shall within any year, levy a rate
"to the full amount of one pound per centum, or two or more equal rates amounting in
"the aggregate to one pound per centum"
- Page 9, clause 34, line 23. *After* "revision" *insert* "and consideration of any appeal from such
"rating"
- Page 9, clause 37, line 48. *After* "become due" *omit* remainder of clause.
- Page 11, clause 48. *Omit* clause 48.
- Page 11, clause 49 48, lines 15 to 17. *Omit* "any vineyard, ship, boat, shop, store, or other building,
"premises, or place, or any vine, part of vine, grapes, case, box, barrel, or other receptacle or
"package" *insert* "**the same**"

Legislative Assembly Chamber,
Sydney, 13 April, 1893. }

The LEGISLATIVE COUNCIL *has this day agreed to this Bill with Amendments.*

Legislative Council Chamber,
Sydney, 30th May, 1893. }

New South Wales.



VICTORIÆ REGINÆ.

[illegible]

No. .

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

5 1. This Act may be cited as the "Vine Diseases Act of 1893," and shall come into operation on the first day of June, one thousand eight hundred and ninety-three.

2. Notwithstanding the expiration of the "Vine Diseases Act, 1886," and the "Vine Diseases Act Amendment Act of 1888," any-
10 thing done or suffered after the thirty-first day of December, one
80—A thousand

NOTE.—The words to be *omitted* are *ruled through*; those to be *inserted* are printed in **black letter**.

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thousand eight hundred and ninety-two, by or by the direction of the persons who, at the time of the expiration of the said Acts, constituted the Board appointed under the said Acts, or who were inspectors, assistant inspectors, or persons authorised to Act or lawfully acting by 5 or under the authority of the said Acts, or either of them, shall be as valid and effectual as if the said Acts had been in force when the said things were done or suffered. And no suit or action shall be brought against those persons in respect of anything done or suffered by them as aforesaid.

10 3. In the construction and for the purposes of this Act, or any Interpretation. regulation or proclamation thereunder, the following words in inverted commas shall have the meaning hereinafter assigned to them respectively, that is to say:—

15 “~~Central Board~~” and “Board” shall respectively mean the ~~Central Vine Diseases Board~~, or the Board of any vine district proclaimed under the provisions of this Act.

“Disease” shall mean the disease in grape-vines caused by the insect called *Phylloxera vastatrix*.

20 “Diseased” shall mean affected, or liable, by reason of having been in contact with any vines or parts of vines, or any grapes, package, implement, matter, or thing likely to convey infection, to be affected, with the disease within the meaning of this Act.

25 “District” shall mean any vine district proclaimed under the provisions of this Act.

“District Inspector” shall mean an inspector of vineyards appointed by any Board of a vine district.

“Governor” shall mean the Governor with the advice of the Executive Council.

30 “Inspector” shall mean any inspector of vineyards appointed by the Minister.

“Minister” shall mean the Secretary for Mines and Agriculture.

“Prescribed” shall mean prescribed by this Act, or by any regulation made thereunder.

35 “Quarantine”—to isolate in any prescribed manner.

“Ratable Value”—The value of any vineyard as entered in the assessment roll of any district.

“Vine” shall mean a grape-vine, alive or dead, or any vine cutting.

40 “Vineyard” shall mean and include any parcel of land whereon one or more grape-vines may be planted or growing.

“Root or rooted-up” shall mean the removal of the whole of the original cutting, layer, or stock with at least six inches of the roots attached.

45 the 4. The Governor may from time to time, by proclamation in Powers of the Governor. *Gazette*, do any of the following acts:—

Declare any portion of the Colony a vine district, and assign to such district a specific name.

Alter the boundaries or name of any such district.

Divide a vine district into two or more such districts.

50 Unite two or more vine districts into one vine district.

Abolish any vine district.

Dissolve any Board.

55 Prohibit the introduction into this Colony from any place outside the Colony of any vine or part thereof, or any grapes or any package containing, or which has contained or been in contact with grapes or vines, the introduction of which has been or may be prohibited.

60 Prohibit the removal from any place within this Colony to any other place in this Colony of any vine or part thereof, or any grapes, package, implement, matter, or thing, likely to convey disease. Declare

Vine Diseases.

Declare any parcel of land or any building a quarantine for the reception of any vines or parts of vines or grapes known or supposed to be diseased.

5 Quarantine any vineyard, or any building, vessel, land, or place wherein or whereon any diseased vine or part thereof or grapes may be or may have recently been. ~~or any vineyard within a radius of one mile from any vineyard in which disease has been found.~~

10 5. The Governor may appoint a Central Board, consisting of ~~Central Board~~ three members, who shall receive such fees or other remuneration as the Governor may from time to time fix, and such Board shall act as a Board of Advice to the Minister in all matters arising under this Act.

15 ~~6.~~ 5. The following vine districts, the respective boundaries of which are set out in the Schedule hereto numbered One, are hereby created, ^{Vine districts.} ~~Schedule I.~~ namely—(1) The Cumberland Vine District; (2) The Murray River Vine District; (3) The Hunter River Vine District. Forthwith after this Act comes into operation steps shall be taken as hereafter provided in regard to proclaimed districts to prepare a list of vinegrowers and to elect a Board for each of the three districts aforesaid, and the whole of the provisions relating to Boards of vine districts shall apply to these districts as if they had been proclaimed under this Act.

20 7. 6. (i) The Minister may appoint any such person or persons as ^{Inspectors.} he may think fit to be an inspector or inspectors of vineyards, and any inspector so appointed may exercise in any part of the Colony any of the powers conferred by this Act upon such Inspectors.

(ii) Any Board of a vine district may ~~nominate and appoint,~~ subject to the approval of the Governor ~~may appoint,~~ one or more district inspectors of vineyards, and such last-mentioned inspectors may within such district exercise any of the powers conferred by this Act upon such an inspectors.

30 8. 7. Every inspector may, with or without notice, ~~on the production of his authority—~~ ^{Powers of inspectors.}

(a) Enter into at any time, with or without assistants, any vessel, building, land, or place, containing any vine or part of a vine, or any grapes imported or brought into this Colony, and search therein for diseased vines, parts of vines or grapes, and may ~~forthwith destroy or cause to be destroyed any diseased vines or parts of vines or grapes, and any package containing, or which may have contained or come in contact with any such~~ vine, part of vine or grapes, or may remove such vines or parts of vines or grapes to a quarantine for further examination, and may destroy any such as may be found to be diseased.

40 (b) May, with or without assistants, ~~at all reasonable hours in the day time,~~ enter any vineyard and examine any vine or part of a vine, or any grapes therein, and by notice in the form of Schedule hereto numbered Two, temporarily quarantine any vineyard in which he finds the disease, or any sign thereof, pending report to the Minister and action thereon. ^{Schedule II.}

50 (c) Periodically inspect the vineyards in any vine district, and report to the ~~Central Board whether~~ Minister when the Board of such District, or its officers, are failing to give effect to the provisions of this Act, and in what respect they are so failing.

55 (d) Every district inspector may, within the district to which he is appointed, exercise similar powers to those hereinbefore conferred upon an Inspectors, by subsections (a) and (b), except that any temporary quarantine notified by him shall continue, pending his report to the Board of such district, and action thereon.

60 9. 8. Upon the report of any inspector that disease, or signs of ^{Destruction of vines, &c.} disease is ~~or are~~ found in any vineyard not within a vine district, or within

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within a vine district pending the appointment of a district inspector for such district, the Minister may cause inquiry to be made into the truth of such report, and upon proof that disease actually exists therein, the Governor may—

- 5 (a) Quarantine such vineyard, and every vineyard within a radius of one mile therefrom.
- (b) Prohibit the removal therefrom of any vine, part of vine, grapes, package, implement, matter, or thing.
- 10 (c) Cause all the vines in such vineyard, and in any vineyard within a radius of one mile therefrom, to be rooted up, the land thoroughly trenched, and every vine or part thereof, destroyed by fire, and such other precautionary measures taken as may be deemed necessary to prevent the spread of the disease.
- 15 (d) Declare a vine district, including such vineyard.
- (e) Take such steps as hereinafter prescribed to secure the election of a Board.
- (f) Pending the appointment by the Board of a district inspector cause a thorough inspection of all the vineyards in the
- 20 district, quarantine any vineyard therein found to contain diseased vines, and any vineyard within a radius of one mile from such vineyard, prohibit the removal therefrom of vines, parts of vines, grapes, packages, or implements, and cause the vines in such vineyard to be destroyed as aforesaid.
- 25 Provided that as soon as the Board shall have been elected, and the district inspector appointed, the responsibility of eradicating disease from the vineyards in the district shall devolve upon the Board. The Minister shall upon proof that no disease exists in the vineyard mentioned in such report immediately release such vineyard from
- 30 quarantine.

9. Upon the election or appointment of any Board, all the Powers of Board powers conferred by the last preceding section upon the Governor and to deal with the Minister are hereby mutatis mutandis conferred upon such Board diseased vines. for the district for which such Board was elected or appointed. And

35 such Board shall exercise all the said powers within the said district.

10. Upon receipt of a report from an inspector that any Election of Board or its officers are failing to carry out the provisions of this Act, Board may be the Minister may call upon such Board to show cause why its election annulled, it should not be annulled dissolved or its officers dismissed, as the ease dissolved, or officers dismissed, for neglect. may be; and if the Board fail to show cause to the satisfaction of the Minister, he may recommend to the Governor that the election of such Board be annulled dissolved or the officers dismissed, as the ease may be, and the Governor may dissolve such Board and dismiss such officers accordingly: Provided that if the vinegrowers of the district take

45 action in terms of section twenty-eight nine hereof, the Minister may stay his action till the result of the meeting of vinegrowers shall be known.

11. If the owner, lessee, or occupier ceases having ceased for Neglected vineyard two years to cultivate his vineyard, he shall, within three months after may be destroyed. service of notice from an inspector or district inspector omit to at his own expense root up all vines therein, If he fail to do so, the Central

50 Minister or District Board, as the ease may be, may cause such vines to be rooted up, and may recover the cost thereof from the owner in any Court of summary jurisdiction upon proof that the sum claimed has been expended in rooting up vines upon such owner's land.

55 12. If within any vineyard any sign shall appear which Appearance of disease to be notified. may reasonably be suspected to be caused by disease the owner, tenant, lessee, or person in charge of any vineyard thereof shall immediately on the first appearance therein of the disease notify the fact in writing of such appearance to an inspector or district inspector, as the ease may be,

or

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or to the Minister, and in the event of his wilfully neglecting so to do, all claim by any person ~~whosever~~ to any compensation under the provisions of the Act in respect of such vineyard shall be forfeited, and such owner, tenant, lessee, or person shall on conviction thereof pay a penalty not exceeding one hundred pounds, or be imprisoned for any term not exceeding six months.

13. Compensation may be claimed—

Compensation.

(I) In respect of any vineyard (in which there is no disease) which has been rooted up to an amount not exceeding the ratable value thereof.

(II) In respect of any vineyard, except as provided in sections eleven and twelve, in which any vines are diseased, ~~and which has~~ shall have been rooted up, on account of being diseased an amount not exceeding fifty pounds per centum of the ratable value thereof.

But no compensation shall be claimed or recovered—

(III) In respect of any loss sustained by reason of or in connection with the destruction of any diseased vine, part of vine, or grapes brought into this Colony, or any package containing, or which may have contained, or come into contact with any such vine or grapes.

(IV) In respect of any loss sustained by reason of or in connection with the destruction of any vine, part of vine, grapes, package, or implements introduced into this Colony from any place outside the Colony or removed from any place within this Colony to any other place in this Colony contrary to or in violation of any prohibition proclaimed as aforesaid.

14. Claims for compensation allowable ~~as aforesaid~~ shall be made in the prescribed form within six months after the vineyard was rooted up—

Claims for compensation how made.

(I) In respect of any vineyard rooted up by an inspector acting under the direction of the Minister to the Minister.

(II) In respect to any vineyard rooted up by a district inspector to the Board of the district.

~~(iii) Claims not made within six months after the vineyard was rooted up may be disallowed.~~

15. (I) Every such claim shall be referred to an inspector or a district inspector, ~~as the case may be~~, who shall estimate the amount of compensation to which the claimant is entitled.

Compensation how determined.

(II) If the claimant and the inspector cannot agree upon the amount to be awarded, the matter in contention between the claimant and the inspector shall be referred to the Central Board **Minister** to determine. If the claimant and the district inspector cannot so agree, the matter in contention between the claimant and the district inspector shall be referred to the Board of the vine district to determine. In either case, instead of a reference to the Central Board **Minister** or the District Board, the claimant may cause a reference to arbitration in the usual way, according to the provisions of the Acts for the time being in force for the settlement of disputes by arbitration.

(III) In dealing with any such matter the Central Board **Minister** or the Board, ~~as the case may be~~, may take evidence on oath, and for that purpose the chairman for the time being of any such Board is hereby empowered to administer an oath.

(IV) The decision of the Central Board **Minister** or the Board of the district, or the arbitrators, as to the amount of compensation to be paid shall be final.

16. (I) No member of the Central Board, ~~nor of a Board, and no~~ inspector or district inspector interested directly or indirectly in any claim

Persons interested not to act.

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claim for compensation, or in any vineyard, the subject of such claim shall take part in determining the amount of compensation to be awarded in satisfaction of such claim.

(II) No inspector or district inspector interested in any claim as aforesaid, or in any vineyard, the subject of such claim, shall make an estimate of the amount of compensation to be awarded or give evidence in respect thereof.

17. In the event of a lump sum having been awarded in satisfaction of the damage done by rooting up a vineyard, and such vineyard be let, leased, or mortgaged, or any person have a lien over the crop thereof, the sum awarded may be apportioned and paid to the landlord, tenant, lessee, mortgagee, or lienee in such proportions as may be agreed upon with the inspector or district inspector, or as may be determined by the Central Board, Minister, or the Board of the vine district, or the arbitrators, as the case may be. Apportionment of compensation.

18. (I) When the amount of compensation shall have been agreed upon between the inspector and the claimant, or determined by the Central Board, Minister, or the arbitrators, the same shall be paid out of the Consolidated Revenue within three months. Compensation how paid.

(II) When the amount of compensation shall have been agreed upon between the district inspector and the claimant, or determined by the Board of the vine district, or the arbitrators, the same shall be paid out of the funds at the disposal of such Board.

19. The Minister shall cause to be paid out of the Consolidated Revenue each year to each Board by way of subsidy a sum of money equal to the sum collected as rates by such Board during the year.

19. The Minister may cause to be paid out of the Consolidated Revenue in any year to any Board by way of subsidy such sum of money as may in his opinion be necessary for carrying out the provisions of this Act not exceeding in amount the sum collected as rates by such Board during such year. Subsidy to Boards.

20. No vines shall be planted, or be permitted to grow either in any land from which any diseased vines have been removed, or in any land within a radius of one mile thereof, for a period of four years after such removal, and any person who shall commit any breach of this section shall, on conviction thereof, pay a penalty not exceeding one hundred pounds, or be imprisoned for any term not exceeding six months; and all vines planted or growing in or on any such land within such period, shall be destroyed by an inspector or district inspector as the case may be. Replanting of vineyards.

21. No tenant or lessee shall be bound by any agreement or lease to contravene the provisions of this Act. Agreements with landlords void.

22. Forthwith, after the proclamation of a vine district, the Minister shall cause a list to be made containing the names in full and address of each vinegrower in such district, and the extent of the vineyard owned by him, and such list when complete, or a copy thereof, shall be exhibited for a period of seven days at the petty sessions court-house, or at each such court-house within such district, and notice thereof shall be published in one or more newspapers circulating in the district. Vine district and list of vinegrowers.

23. Any person may, within seven days after such list shall be first exhibited, lodge with any police magistrate or clerk of petty sessions within such district a notice requiring the insertion in the list of the name of any vinegrower omitted from such list, or the striking out from such list any name improperly inserted therein and requiring the correction of any error, or alleged error, in such list. Revision of list.

24. At any time after the expiration of the seven days referred to in the last preceding section, the Minister may cause a police magistrate to hold a court for the purpose of hearing evidence on oath Revision court, vinegrowers' roll.

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oath in support or in opposition to any such insertion, striking out, or correction as aforesaid, and such magistrate shall thereupon determine the questions raised by every such notice, and revise the list of vine-growers accordingly, and such list shall thereupon become and be the
5 vinegrowers' roll for the district.

25. (I) In every district the vinegrowers shall elect annually a Board, consisting of five members, being vinegrowers on the roll, and the first election in each district proclaimed under this Act, shall be held at such place in the district, and at such time as the Governor
10 shall appoint.

(II) All elections of a Board subsequent to the first election shall be held in the month of September in every year, and retiring members shall (if not disqualified) be eligible for re-election.

(III) The Governor may appoint a returning officer to conduct
15 such elections in any district.

26. (I) For the purposes of the first or any subsequent election the returning officer shall appoint a time and place for receipt of nominations, of which not less than fourteen days' notice shall be given in one or more newspapers published or circulating in the district.

20 (II) Every nomination shall be in writing, signed by two or more vinegrowers on the roll, and shall contain the consent of the person nominated.

(III) If, within the time appointed, the number of qualified persons nominated for election do not exceed the number of members
25 to be elected at any election, the returning officer shall, at the expiration of the time appointed for receiving nominations, declare the persons so nominated to be elected as members of the Board.

(IV) If the number of members so elected be less than the required number, but more than a quorum, the vacancies shall be
30 regarded as extraordinary vacancies, and be filled up as hereinafter provided; but, if the number elected be less than a quorum, the returning officer shall hold another election to fill the vacant seats.

(V) If the number of qualified persons nominated be in excess of the number to be elected at any election, the returning
35 officer shall appoint a day for taking a poll, and shall appoint one or more polling-places, and shall notify the time and place, or places, in manner aforesaid, and may appoint a deputy returning officer to preside at each polling-place.

(VI) When a poll has to be taken the voting shall be by
40 ballot, at which each vinegrower shall be entitled to the prescribed number of votes.

(VII) As soon as convenient after the poll has been taken, the returning officer shall declare elected as many of the candidates who have received the highest number of votes as shall be required to
45 fill the vacant seats.

(VIII) The name of every member elected shall be published in the *Gazette*.

27. (I) The first meeting of the Board after a general election shall be held within fourteen days after such election. If any Board
50 fail to meet within such period, or fail at any time to act, any seven or more vinegrowers on the roll may convene a meeting of vinegrowers, and call upon the members of the Board to attend thereat and show cause why the election such Board should not be annulled dissolved.

(II) At the first meeting of the Board after a general election, the members present shall elect from their number a chairman, who shall (when present) preside at all meetings of the Board.

(III) If the chairman be absent from any meeting at which there is a quorum, the members present shall appoint an acting chairman, who shall, at such meeting, exercise all the powers of the
60 chairman.

(IV)

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(IV) A quorum shall consist of not less than ~~four~~ **three** members. All questions considered at any meeting shall be decided by a majority of the votes, and if the votes on any question be equal, the chairman shall have a casting vote in addition to his deliberative vote.

5 (v) If a quorum be not present within half an hour of the time appointed for any meeting, any member or any officer of the board present may adjourn the meeting to another hour on the same day, or to any hour on another day, and notice of such adjournment shall be given, as far as practicable, to every absent member.

10 28. If any Board, having failed to meet within fourteen days after a general election, or having failed or refused to carry out the provisions of this Act, also fails (when called upon) to show cause to the satisfaction of a meeting of vinegrowers convened for that purpose why the election of such Board should not be ~~annulled~~ **dissolved**, such
 15 meeting of vinegrowers may declare the seats of the several members of the Board vacant, and may call upon the returning officer to hold another election.

Election annulled if Board may be dissolved if it fail to meet within fourteen days.

29. (I) If any member of a Board be absent from three consecutive meetings of the Board without leave of absence duly granted
 20 by the Board, he shall forfeit his seat.

Extraordinary vacancies, how caused and how filled.

(II) If any member of a Board die, or resign, or refuse to act, or from any cause whatever become incapable of acting, his seat may be declared vacant by the Board.

(III) Any extraordinary vacancy caused as provided in
 25 section twenty-two ~~six~~, subsection (IV), or by the forfeiture or vacating of a seat as hereinbefore provided, shall be filled by the Board from the vinegrowers on the roll.

30. (I) If at any election as aforesaid no candidates be nominated or elected, the Governor may appoint any ~~seven~~ **five** vine-
 30 growers on the roll of the district a Board; and every Board so appointed shall be the Board of such district until the next general election subject to the foregoing provisions relating to extraordinary vacancies and to failure to meet and act.

If no Board elected, Governor may appoint Board or officers in lieu thereof.

(II) If a Board of any district fail or refuse to meet, or to
 35 carry out the provisions of this Act, and the vinegrowers of such district fail to convene a meeting as hereinbefore provided to inquire into the cause thereof, and, if necessary, to move for the election of another Board, the Governor may appoint officers to carry out the provisions of this Act, and such officers shall have and may exercise
 40 within such district all the powers of a Board under this Act.

31. Every Board may ~~nominate and~~ **subject to the approval of the** Governor may appoint one ~~or more~~ district inspectors, and the Board may appoint such other officers as it may **shall** consider necessary, and may out of the funds at its disposal pay ~~such~~ **all** salaries and
 45 allowances ~~as it may think fit; but of such district inspector and other officers, and~~ no member of a Board shall be paid for his services beyond a fee of one pound for every meeting which he attends.

Appointment and payment of district officers.

32. (I) Every owner or occupier of a vineyard within a district shall on or before the first day of December in each year deliver or
 50 forward by registered letter to the chairman of the Board, or, if there be no Board, to the officers appointed by the Governor, a return in the form in the Schedule hereto numbered Three, stating the number of acres planted with vines owned or occupied by him.

Return of acreage of vineyards.

(II) Every owner or occupier who refuses or neglects to
 55 make such return within the prescribed time shall forfeit and pay a penalty not exceeding five pounds.

(III) For the purpose aforesaid any fraction of an acre shall be deemed an acre.

Schedule III.

(IV)

Vine Diseases.

(iv) Any owner or occupier who shall make a false return shall forfeit and pay a penalty not exceeding five pounds.

33. (i) From the returns made as provided in the last preceding section, the Board shall compile a roll of vinegrowers for the district. Vinegrowers' roll.

5 (ii) Every roll so compiled shall be revised as hereinbefore provided in regard to the list of vinegrowers of a newly-proclaimed district, and shall thereupon become the roll of the district, and a copy thereof shall be forthwith forwarded to the returning officer.

10 (iii) Until a roll shall have been compiled and revised for the current year, the existing roll shall be and be used as the roll for the district.

34. (i) Every Board shall have power to impose and levy annually a rate according to the value of every vineyard within the district not exceeding one pound per centum of the value of each such vineyard as entered in the assessment roll: Power of Board to levy rate. **Provided that if necessary to liquidate claims for compensation or to meet other liabilities, the Board shall within any year levy a rate to the full amount of one pound per centum, or two or more equal rates, amounting in the aggregate to one pound per centum.**

20 (ii) Forthwith after imposing any rate, the Board shall have prepared an assessment roll, which shall set out the amount of such rate payable in respect of every vineyard in the district; and such roll, after careful revision and consideration of any appeal from such rating shall be signed by the chairman and treasurer of the Board, Assessment roll. and shall be *prima facie* evidence of the amount payable as rate on each vineyard named therein, and of the person liable to pay such rate.

35. The Board shall, when imposing a rate, fix the date on which such rate shall be payable, not being less than fourteen days after the rate has been imposed, and every owner or occupier of any such vineyard shall, within the period named by the Board, pay such rate to the treasurer or collector of the Board. Date when rate is payable to be fixed.

36. (i) A notice of every rate imposed by any Board under this Act, signed by the chairman and treasurer of such Board, shall, within fourteen days after the rate was imposed, be published in the *Government Gazette*, and also in one or more newspapers circulating in the district. Notice of rate to be published.

(ii) Every such notice shall specify the amount of the rate per pound, and the date on which the same is payable.

40 (iii) No proceedings shall be commenced against any person for the recovery of such rate until the expiration of one month after the date in such notice aforesaid on which such rate is payable.

37. Every rate imposed under this Act shall be payable, in the first instance, by the occupier of the vineyard; but unless otherwise expressly provided in any lease or agreement, such occupier, if a tenant, may recover from his landlord one-half the amount of the rate paid by or recovered from him as money paid to the use of the landlord, or the same may be deducted from, or set off against, the rent then due or thereafter to become due. Occupier liable to pay rate in the first instance. ~~and such landlord, if he in respect of such vineyard be tenant of another person, may deduct from his landlord a sum equal to that recovered or deducted from him as aforesaid, and so on between successive tenants and landlords, till the one-half the rate payable in respect of the vineyard be recovered from the owner thereof.~~

38. The owner of any unoccupied vineyard shall be deemed the occupier, and any rate due in respect thereof shall be paid by or be recovered from such owner. Unoccupied vineyards.

39. The collector or other officer of the board authorised in that behalf by the chairman may sue for and recover any rate which shall, after the expiration of one month from the date on which such rate became payable, remain due and unpaid. Recovery of unpaid rates.

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40. All moneys received by any collector or other officer of any Board shall in the time and manner prescribed be paid over to the treasurer, and all moneys received by the treasurer of any Board shall in the time and manner prescribed be paid by him into a bank to the credit of an account in the name of the Board of which he is treasurer. Treasurer to pay all moneys into bank.
41. All moneys disbursed by the Board shall be paid by cheques drawn upon the bank account aforesaid, and all cheques shall be signed by the chairman, or acting-chairman, and the treasurer. Disbursement of moneys.
42. The accounts of every Board shall at least once in each year be audited by an officer appointed by the Governor, or by a competent accountant, and a statement of such accounts, when audited, shall be forthwith published in the *Government Gazette* and in one or more newspapers circulating in the district. Accounts to be audited and published.
43. All proceedings of any meeting of a Board, together with the names of all the members present thereat, shall be entered in a book to be kept for that purpose, and shall be signed by the chairman of the meeting at which such proceedings are confirmed, and all entries of any such proceedings so confirmed and signed shall be received in all courts as *prima facie* evidence of the matters recorded. Proceedings of Board to be recorded.
44. The Board of any district may make regulations for regulating its own proceedings and the powers and duties of its officers, and generally for enforcing and giving effect to the provisions of the Act in relation to all matters within the district to which it belongs, and all such regulations after publication in the *Government Gazette* shall, if not inconsistent with this Act, have the same force and effect as if embodied in and forming part of this Act. Power of board to make regulations.
45. In the event of any district being divided, abolished, or united with another district the liabilities duly incurred by the Board of any such district shall be transferred in such proportions as the Governor shall direct to the Board or Boards of the district or districts in which the area or part of the area of the district so divided, abolished, or united is contained: Provided that if the abolished district be not included in any other district the liabilities as aforesaid of such district shall be dealt with as the Governor shall direct. Transfer of liabilities.
46. (I) When any vine district is divided into two or more districts, all moneys in any bank to the credit of the Board of such district, or in the hands of such Board, or any officer thereof, and any moneys and rates due or becoming due to such Board, and any property of any kind belonging to such Board shall be apportioned between the Boards of the several districts into which such first-mentioned district has been divided, in such manner as the Governor shall direct. Transfer of funds, &c., in case of the division, abolition, or union of districts.
- (II) When any vine district is abolished, and the area thereof is included in another or other districts, the moneys and properties of every description of the board of the abolished district shall be transferred to the district, or apportioned amongst the districts as the Governor shall direct, and the Board of any such last-mentioned district or districts shall have power to collect or recover any rates or moneys due to the Board of the abolished district in respect of any property within the area assigned to it.
- (III) When any vine district is abolished, and the area thereof is not included in any other district or districts, the moneys and property of every description of the Board of the abolished district, shall be dealt with as the Governor shall direct.
- (IV) When any vine district is united to any other district, all moneys or properties of every description of the Board of the first-mentioned district, and all moneys and rates due to it shall be transferred to the Board of the district, to which the first-mentioned district is united, and such Board shall have power to collect and recover all moneys and rates due as aforesaid.

Vine Diseases.

47. Every person who sells or offers or exposes for sale any grapes or vines infected with the disease, shall be liable, in addition to any other penalty provided in this Act, to a penalty not exceeding five pounds. Infected grapes or vines.
- 5 48. In any proceedings against any person for any breach of or non-compliance with this Act, or any regulation, the onus of proving that he has not committed the breach complained of, or has complied with the Act or regulations, shall rest upon the defendant. Onus of proof on defendant.
- 10 49. 48. If any person refuses to allow any inspector or district inspector, on the production of his authority, to enter at any reasonable time his vineyard, ship, boat, store, or other building, premises, or place to examine any vine, part of vine, grapes, case, box, barrel, or other receptacle or package, or impedes, hinders, or attempts to impede or hinder any inspector or district inspector from inspecting or examining any vineyard, ship, boat, shop, store, or other building, premises, or place, or any vine, part of vine, grapes, case, box, barrel, or other receptacle or package the same shall, in addition to any other penalty provided in this Act, be liable to pay a penalty not exceeding five pounds for each offence; or, if the offence be continuous, for each day during which the offence is continued. Penalty for obstructing any officer.
- 20 50. 49. If any inspector or any other officer of a Board wilfully violates or omits to comply with, or neglects or refuses to enforce any provisions of this Act or any regulations thereunder which he is required to comply with or enforce, he shall be liable to a penalty not exceeding fifty pounds. Penalty on inspector or other officer.
- 25 51. 50. All sums of money recoverable from any person under this Act, and all penalties imposed or made payable under this Act, may be recovered in any court of petty sessions. Recovery of penalties.
- 30 52. 51. (i) All penalties and sums of money recovered by any officer appointed by the Governor, or authorised by the Minister shall be paid into the public revenue. Appropriation of penalties.
- (ii) All penalties and sums of money recovered by any officer of a Board shall be paid to the treasurer of the Board to which such officer belongs.
- 35 53. 52. The Governor may make all such regulations as may from time to time appear to him necessary for carrying into effect the several provisions of this Act, and all regulations so made shall, after publication in the *Government Gazette*, have the same force and effect as if embodied in and forming part of this Act: Provided that all such regulations shall be laid before Parliament within fourteen days after publication if Parliament be then sitting; if not, then within fourteen days after the commencement of the next Session of Parliament. Power of Governor to make regulations.
- 40 54. 53. Any error in any proclamation made under this Act may be rectified by any subsequent proclamation, and after the rectification of the error the original proclamation shall be deemed to have been made, and shall be read as corrected. And no misnomer, inaccurate description or omission in any such proclamation shall in any wise suspend or impair the operation of this Act with respect to the matter so misdescribed or omitted. Rectification of errors.
- 50

Vine Diseases.

SCHEDULES.

SCHEDULE I.

Boundaries of the Cumberland, Murray River, and Hunter River Vine Districts.

- 1. The Cumberland Vine District comprises the counties of Cumberland and Camden.
- 5 2. The Murray River Vine District comprises the counties of Denison, Hume, and Goulburn.
- 3. The Hunter River Vine District comprises the counties of Northumberland, Durham, and Gloucester.

SCHEDULE II.

Notice of Temporary Quarantine.

10

NOTICE is hereby given that I have from this day forth quarantined the vineyard owned or occupied by you situated [insert situation of vineyard]. Such vineyard will continue quarantined until released therefrom by order of the [insert Minister, or chairman of the board, as the case may require.]

15

(Signed)
Inspector (or District Inspector).

SCHEDULE III.

Vine District.

20 RETURN of the number of acres planted with vines in the vineyard owned or occupied by the undersigned.

Name and Address.	Portion No. and Parish.	Area planted with Vines.	Remarks.

I, of , do solemnly and sincerely declare that I am the [owner and occupier, or occupier, as the case may be] of the vineyard above-named, and that the above return contains a just and true account of the several 25 matters therein set forth respecting the same vineyard.

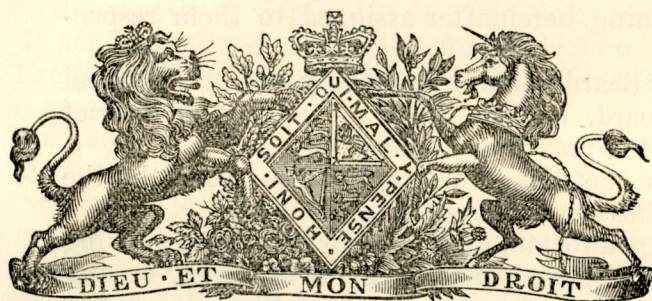
(Signature.)

Legislative Assembly Chamber,
Sydney, 13 April, 1893. }

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

Legislative Council Chamber,
Sydney, May, 1893. }

New South Wales.



VICTORIÆ REGINÆ.

[illegible]

No. .

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

2. Notwithstanding the expiration of the "Vine Diseases Act, 1886," and the "Vine Diseases Act Amendment Act of 1888," any-
10 thing done or suffered after the thirty-first day of December, one
80—A thousand

NOTE.—The words to be *omitted* are *ruled through*; those to be *inserted* are printed in **black letter**.

Vine Diseases.

thousand eight hundred and ninety-two, by or by the direction of the persons who, at the time of the expiration of the said Acts, constituted the Board appointed under the said Acts, or who were inspectors, assistant inspectors, or persons authorised to Act or lawfully acting by 5 or under the authority of the said Acts, or either of them, shall be as valid and effectual as if the said Acts had been in force when the said things were done or suffered. And no suit or action shall be brought against those persons in respect of anything done or suffered by them as aforesaid.

10 3. In the construction and for the purposes of this Act, or any regulation or proclamation thereunder, the following words in inverted commas shall have the meaning hereinafter assigned to them respectively, that is to say :—

15 “Central Board” and “Board” shall respectively mean the Central Vine Diseases Board, or the Board of any vine district proclaimed under the provisions of this Act.

“Disease” shall mean the disease in grape-vines caused by the insect called *Phylloxera vastatrix*.

20 “Diseased” shall mean affected, or liable, by reason of having been in contact with any vines or parts of vines, or any grapes, package, implement, matter, or thing likely to convey infection, to be affected, with the disease within the meaning of this Act.

25 “District” shall mean any vine district proclaimed under the provisions of this Act.

“District Inspector” shall mean an inspector of vineyards appointed by any Board of a vine district.

“Governor” shall mean the Governor with the advice of the Executive Council.

30 “Inspector” shall mean any inspector of vineyards appointed by the Minister.

“Minister” shall mean the Secretary for Mines and Agriculture.

“Prescribed” shall mean prescribed by this Act, or by any regulation made thereunder.

35 “Quarantine”—to isolate in any prescribed manner.

“Ratable Value”—The value of any vineyard as entered in the assessment roll of any district.

“Vine” shall mean a grape-vine, alive or dead, or any vine cutting.

40 “Vineyard” shall mean and include any parcel of land whereon one or more grape-vines may be planted or growing.

“Root or rooted-up” shall mean the removal of the whole of the original cutting, layer, or stock with at least six inches of the roots attached.

45 4. The Governor may from time to time, by proclamation in the *Gazette*, do any of the following acts :— Powers of the Governor.

Declare any portion of the Colony a vine district, and assign to such district a specific name.

Alter the boundaries or name of any such district.

Divide a vine district into two or more such districts.

50 Unite two or more vine districts into one vine district.

Abolish any vine district.

Dissolve any Board.

Prohibit the introduction into this Colony from any place outside the Colony of any vine or part thereof, or any grapes or any package containing, or which has contained or been in contact with grapes or vines, the introduction of which has been or may be prohibited.

55 Prohibit the removal from any place within this Colony to any other place in this Colony of any vine or part thereof, or any grapes, package, implement, matter, or thing, likely to convey disease, Declare

60

Vine Diseases.

Declare any parcel of land or any building a quarantine for the reception of any vines or parts of vines or grapes known or supposed to be diseased.

- 5 Quarantine any vineyard, or any building, vessel, land, or place wherein or whereon any diseased vine or part thereof or grapes may be or may have recently been. ~~or any vineyard within a radius of one mile from any vineyard in which disease has been found.~~

- 10 5. The Governor may appoint a Central Board, consisting of ~~Central Board,~~ three members, who shall receive such fees or other remuneration as the Governor may from time to time fix, and such Board shall act as a Board of Advice to the Minister in all matters arising under this Act.

- 15 6. 5. The following vine districts, the respective boundaries of which are set out in the Schedule hereto numbered One, are hereby created, Vine districts.
Schedule I. namely—(1) The Cumberland Vine District; (2) The Murray River Vine District; (3) The Hunter River Vine District. Forthwith after this Act comes into operation steps shall be taken as hereafter provided in regard to proclaimed districts to prepare a list of vinegrowers and to elect a Board for each of the three districts aforesaid, and the whole

- 20 of the provisions relating to Boards of vine districts shall apply to these districts as if they had been proclaimed under this Act.
7. 6. (I) The Minister may appoint any such person or persons as Inspectors. he may think fit to be an inspector or inspectors of vineyards, and any inspector so appointed may exercise in any part of the Colony any

- 25 of the powers conferred by this Act upon such Inspectors.
- (II) Any Board of a vine district may ~~nominate and appoint,~~ subject to the approval of the Governor ~~may appoint,~~ one or more district inspectors of vineyards, and such last-mentioned inspectors may within such district exercise any of the powers conferred by this

- 30 Act upon such an inspectors.
8. 7. Every inspector may, with or without notice, ~~on the pro-~~ Powers of inspectors. ~~duction of his authority—~~

- (a) Enter into at any time, with or without assistants, any vessel, building, land, or place, containing any vine or part of a vine, or any grapes imported or brought into this Colony, and search therein for diseased vines, parts of vines or grapes, and may ~~forthwith destroy or cause to be destroyed any diseased vines or parts of vines or grapes, and any package containing, or which may have contained or come in contact with any such~~
- 35
- 40 vine, part of vine or grapes, or may remove such vines or parts of vines or grapes to a quarantine for further examination, and may destroy any such as may be found to be diseased.

- (b) May, with or without assistants, ~~at all reasonable hours in the day time,~~ enter any vineyard and examine any vine or part of a vine, or any grapes therein, and by notice in the form of Schedule hereto numbered Two, temporarily quaran- Schedule II. tine any vineyard in which he finds the disease, or any sign thereof, pending report to the Minister and action thereon.

- (c) Periodically inspect the vineyards in any vine district, and report to the ~~Central Board whether~~ Minister when the Board of such District, or its officers, are failing to give effect to the provisions of this Act, and in what respect they are so failing.

- (d) Every district inspector may, within the district to which he is appointed, exercise similar powers to those hereinbefore conferred upon an ~~Inspectors,~~ by subsections (a) and (b), except that any temporary quarantine notified by him shall continue, pending his report to the Board of such district, and action thereon.

9. 8. Upon the report of any inspector that disease, or signs- Destruction of vines, &c. of disease is ~~or are~~ found in any vineyard not within a vine district, or within
- 60

Vine Diseases.

within a vine district pending the appointment of a district inspector for such district, the Minister may cause inquiry to be made into the truth of such report, and upon proof that disease actually exists therein, the Governor may—

- 5 (a) Quarantine such vineyard, and every vineyard within a radius of one mile therefrom.
- (b) Prohibit the removal therefrom of any vine, part of vine, grapes, package, implement, matter, or thing.
- 10 (c) Cause all the vines in such vineyard, and in any vineyard within a radius of one mile therefrom, to be rooted up, the land thoroughly trenched, and every vine or part thereof, destroyed by fire, and such other precautionary measures taken as may be deemed necessary to prevent the spread of the disease.
- 15 (d) Declare a vine district, including such vineyard.
- (e) Take such steps as hereinafter prescribed to secure the election of a Board.
- (f) Pending the appointment by the Board of a district inspector cause a thorough inspection of all the vineyards in the district, quarantine any vineyard therein found to contain diseased vines, and any vineyard within a radius of one mile from such vineyard, prohibit the removal therefrom of vines, parts of vines, grapes, packages, or implements, and cause the vines in such vineyard to be destroyed as aforesaid.
- 20
- 25 Provided that as soon as the Board shall have been elected, and the district inspector appointed, the responsibility of eradicating disease from the vineyards in the district shall devolve upon the Board. The Minister shall upon proof that no disease exists in the vineyard mentioned in such report immediately release such vineyard from quarantine.
- 30

9. Upon the election or appointment of any Board, all the powers conferred by the last preceding section upon the Governor and the Minister are hereby mutatis mutandis conferred upon such Board for the district for which such Board was elected or appointed. And such Board shall exercise all the said powers within the said district.

- 35 10. Upon receipt of a report from an inspector that any Board or its officers are failing to carry out the provisions of this Act, the Minister may call upon such Board to show cause why its election it should not be annulled dissolved or its officers dismissed, as the case may be; and if the Board fail to show cause to the satisfaction of the Minister, he may recommend to the Governor that the election of such Board be annulled dissolved or the officers dismissed, as the case may be, and the Governor may dissolve such Board and dismiss such officers accordingly: Provided that if the vinegrowers of the district take action in terms of section twenty-eight nine hereof, the Minister may stay his action till the result of the meeting of vinegrowers shall be known.
- 40
- 45

11. If the owner, lessee, or occupier ceases having ceased for two years to cultivate his vineyard, he shall, within three months after service of notice from an inspector or district inspector omit to at his own expense root up all vines therein, If he fail to do so, the Central Minister or District Board, as the case may be, may cause such vines to be rooted up, and may recover the cost thereof from the owner in any Court of summary jurisdiction upon proof that the sum claimed has been expended in rooting up vines upon such owner's land.

- 50 12. If within any vineyard any sign shall appear which may reasonably be suspected to be caused by disease the owner, tenant, lessee, or person in charge of any vineyard thereof shall immediately on the first appearance therein of the disease notify the fact in writing of such appearance to an inspector or district inspector, as the case may be,
- 55

or

Vine Diseases.

or to the Minister, and in the event of his wilfully neglecting so to do, all claim by any person ~~whosever~~ to any compensation under the provisions of the Act in respect of such vineyard shall be forfeited, and such owner, tenant, lessee, or person shall on conviction thereof pay a penalty not exceeding one hundred pounds, or be imprisoned for any term not exceeding six months.

13. Compensation may be claimed—

Compensation.

(I) In respect of any vineyard (in which there is no disease) which has been rooted up to an amount not exceeding the ratable value thereof.

(II) In respect of any vineyard, except as provided in sections eleven and twelve and thirteen, in which any vines are diseased, and which ~~has~~ shall have been rooted up, on account of being diseased an amount not exceeding fifty pounds per centum of the ratable value thereof.

But no compensation shall be claimed or recovered—

(III) In respect of any loss sustained by reason of or in connection with the destruction of any diseased vine, part of vine, or grapes brought into this Colony, or any package containing, or which may have contained, or come into contact with any such vine or grapes.

(IV) In respect of any loss sustained by reason of or in connection with the destruction of any vine, part of vine, grapes, package, or implements introduced into this Colony from any place outside the Colony or removed from any place within this Colony to any other place in this Colony contrary to or in violation of any prohibition proclaimed as aforesaid.

14. Claims for compensation allowable as aforesaid shall be made in the prescribed form within six months after the vineyard was rooted up—

Claims for compensation how made.

(I) In respect of any vineyard rooted up by an inspector acting under the direction of the Minister to the Minister.

(II) In respect to any vineyard rooted up by a district inspector to the Board of the district.

(iii) ~~Claims not made within six months after the vineyard was rooted up may be disallowed.~~

15. (I) Every such claim shall be referred to an inspector or a district inspector, as the case may be, who shall estimate the amount of compensation to which the claimant is entitled.

Compensation how determined.

(II) If the claimant and the inspector cannot agree upon the amount to be awarded, the matter in contention between the claimant and the inspector shall be referred to the Central Board Minister to determine. If the claimant and the district inspector cannot so agree, the matter in contention between the claimant and the district inspector shall be referred to the Board of the vine district to determine. In either case, instead of a reference to the Central Board Minister or the District Board, the claimant may cause a reference to arbitration in the usual way, according to the provisions of the Acts for the time being in force for the settlement of disputes by arbitration.

(III) In dealing with any such matter the Central Board Minister or the Board, as the case may be, may take evidence on oath, and for that purpose the chairman for the time being of any such Board is hereby empowered to administer an oath.

(IV) The decision of the Central Board Minister or the Board of the district, or the arbitrators, as to the amount of compensation to be paid shall be final.

16. (I) No member of the Central Board, nor of a Board, and no inspector or district inspector interested directly or indirectly in any claim

Persons interested not to act.

Vine Diseases.

claim for compensation, or in any vineyard, the subject of such claim shall take part in determining the amount of compensation to be awarded in satisfaction of such claim.

(II) No inspector or district inspector interested in any claim as aforesaid, or in any vineyard, the subject of such claim, shall make an estimate of the amount of compensation to be awarded or give evidence in respect thereof.

17. In the event of a lump sum having been awarded in satisfaction of the damage done by rooting up a vineyard, and such vineyard be let, leased, or mortgaged, or any person have a lien over the crop thereof, the sum awarded may be apportioned and paid to the landlord, tenant, lessee, mortgagee, or lienee in such proportions as may be agreed upon with the inspector or district inspector, or as may be determined by the Central Board, **Minister**, or the Board of the vine district, or the arbitrators, as the case may be. Apportionment of compensation.

18. (I) When the amount of compensation shall have been agreed upon between the inspector and the claimant, or determined by the Central Board, **Minister**, or the arbitrators, the same shall be paid out of the Consolidated Revenue within three months. Compensation how paid.

(II) When the amount of compensation shall have been agreed upon between the district inspector and the claimant, or determined by the Board of the vine district, or the arbitrators, the same shall be paid out of the funds at the disposal of such Board.

19. The **Minister** shall cause to be paid out of the Consolidated Revenue each year to each Board by way of subsidy a sum of money equal to the sum collected as rates by such Board during the year.

19. The **Minister** may cause to be paid out of the Consolidated Revenue in any year to any Board by way of subsidy such sum of money as may in his opinion be necessary for carrying out the provisions of this Act not exceeding in amount the sum collected as rates by such Board during such year. Subsidy to Boards.

20. No vines shall be planted, ~~or be permitted to grow either in any land from which any diseased vines have been removed, or in any land within a radius of one mile thereof,~~ for a period of four years after such removal, and any person who shall commit any breach of this section shall, on conviction thereof, pay a penalty not exceeding one hundred pounds, ~~or be imprisoned for any term not exceeding six months;~~ and all vines planted ~~or growing in or on~~ any such land within such period, shall be destroyed by an inspector or district inspector as the case may be. Replanting of vineyards.

21. No tenant or lessee shall be bound by any agreement or lease to contravene the provisions of this Act. Agreements with landlords void.

22. Forthwith, after the proclamation of a vine district, the **Minister** shall cause a list to be made containing the names in full and address of each vinegrower in such district, and the extent of the vineyard owned by him, and such list when complete, or a copy thereof, shall be exhibited for a period of seven days at the petty sessions court-house, or at each such court-house within such district, and notice thereof shall be published in one or more newspapers circulating in the district. Vine district and list of vinegrowers.

23. Any person may, within seven days after such list shall be first exhibited, lodge with any police magistrate or clerk of petty sessions within such district a notice requiring the insertion in the list of the name of any vinegrower omitted from such list, or the striking out from such list any name improperly inserted therein and requiring the correction of any error, or alleged error, in such list. Revision of list.

24. At any time after the expiration of the seven days referred to in the last preceding section, the **Minister** may cause a police magistrate to hold a court for the purpose of hearing evidence on oath Revision court vinegrowers' roll

Vine Diseases.

oath in support or in opposition to any such insertion, striking out, or correction as aforesaid, and such magistrate shall thereupon determine the questions raised by every such notice, and revise the list of vine-growers accordingly, and such list shall thereupon become and be the 5 vinegrowers' roll for the district.

25. (I) In every district the vinegrowers shall elect annually a Board, consisting of five members, being vinegrowers on the roll, and the first election in each district proclaimed under this Act, shall be held at such place in the district, and at such time as the Governor 10 shall appoint.

Vinegrowers' to elect board.

(II) All elections of a Board subsequent to the first election shall be held in the month of September in every year, and retiring members shall (if not disqualified) be eligible for re-election.

(III) The Governor may appoint a returning officer to conduct 15 such elections in any district.

26. (I) For the purposes of the first or any subsequent election the returning officer shall appoint a time and place for receipt of nominations, of which not less than fourteen days' notice shall be given in one or more newspapers published or circulating in the district.

Nomination and election of Board.

20 (II) Every nomination shall be in writing, signed by two or more vinegrowers on the roll, and shall contain the consent of the person nominated.

(III) If, within the time appointed, the number of qualified persons nominated for election do not exceed the number of members 25 to be elected at any election, the returning officer shall, at the expiration of the time appointed for receiving nominations, declare the persons so nominated to be elected as members of the Board.

(IV) If the number of members so elected be less than the required number, but more than a quorum, the vacancies shall be 30 regarded as extraordinary vacancies, and be filled up as hereinafter provided; but, if the number elected be less than a quorum, the returning officer shall hold another election to fill the vacant seats.

(V) If the number of qualified persons nominated be in excess of the number to be elected at any election, the returning 35 officer shall appoint a day for taking a poll, and shall appoint one or more polling-places, and shall notify the time and place, or places, in manner aforesaid, and may appoint a deputy returning officer to preside at each polling-place.

(VI) When a poll ~~has to be~~ is taken the voting shall be by 40 ballot, at which each vinegrower shall be entitled to the prescribed number of votes.

(VII) As soon as convenient after the poll has been taken, the returning officer shall declare elected as many of the candidates who have received the highest number of votes as shall be required to 45 fill the vacant seats.

(VIII) The name of every member elected shall be published in the *Gazette*.

27. (I) The first meeting of the Board after a general election shall be held within fourteen days after such election. If any Board 50 fail to meet within such period, or fail at any time to act, any seven or more vinegrowers on the roll may convene a meeting of vinegrowers, and call upon the members of the Board to attend thereat and show cause why the election such Board should not be annulled dissolved.

Meetings of Board and election of chairman.

(II) At the first meeting of the Board after a general election, 55 the members present shall elect from their number a chairman, who shall (when present) preside at all meetings of the Board.

(III) If the chairman be absent from any meeting at which there is a quorum, the members present shall appoint an acting chairman, who shall, at such meeting, exercise all the powers of the 60 chairman.

(IV)

Vine Diseases.

(IV) A quorum shall consist of not less than ~~four~~ three members. All questions considered at any meeting shall be decided by a majority of the votes, and if the votes on any question be equal, the chairman shall have a casting vote in addition to his deliberative vote.

5 (v) If a quorum be not present within half an hour of the time appointed for any meeting, any member or any officer of the board present may adjourn the meeting to another hour on the same day, or to any hour on another day, and notice of such adjournment shall be given, as far as practicable, to every absent member.

10 28. If any Board, having failed to meet within fourteen days after a general election, or having failed or refused to carry out the provisions of this Act, also fails (when called upon) to show cause to the satisfaction of a meeting of vinegrowers convened for that purpose why the election of such Board should not be annulled dissolved, such
15 meeting of vinegrowers may declare the seats of the several members of the Board vacant, and may call upon the returning officer to hold another election.

Election annulled if Board may be dissolved if it fail to meet within fourteen days.

20 29. (I) If any member of a Board be absent from three consecutive meetings of the Board without leave of absence duly granted by the Board, he shall forfeit his seat.

Extraordinary vacancies, how caused and how filled.

(II) If any member of a Board die, or resign, or refuse to act, or from any cause whatever become incapable of acting, his seat may be declared vacant by the Board.

25 (III) Any extraordinary vacancy caused as provided in section twenty-two seven, subsection (IV), or by the forfeiture or vacating of a seat as hereinbefore provided, shall be filled by the Board from the vinegrowers on the roll.

30 30. (I) If at any election as aforesaid no candidates be nominated or elected, the Governor may appoint any seven five vinegrowers on the roll of the district a Board; and every Board so appointed shall be the Board of such district until the next general election subject to the foregoing provisions relating to extraordinary vacancies and to failure to meet and act.

If no Board elected, Governor may appoint Board or officers in lieu thereof.

35 (II) If a Board of any district fail or refuse to meet, or to carry out the provisions of this Act, and the vinegrowers of such district fail to convene a meeting as hereinbefore provided to inquire into the cause thereof, and, if necessary, to move for the election of another Board, the Governor may appoint officers to carry out the provisions of this Act, and such officers shall have and may exercise
40 within such district all the powers of a Board under this Act.

31. Every Board may nominate and subject to the approval of the Governor may appoint one or more district inspectors, and the Board may appoint such other officers as it may shall consider necessary, and may out of the funds at its disposal pay such all salaries and
45 allowances as it may think fit; but of such district inspector and other officers, and no member of a Board shall be paid for his services beyond a fee of one pound for every meeting which he attends.

Appointment and payment of district officers.

50 32. (I) Every owner or occupier of a vineyard within a district shall on or before the first day of December in each year deliver or forward by registered letter to the chairman of the Board, or, if there be no Board, to the officers appointed by the Governor, a return in the form in the Schedule hereto numbered Three, stating the number of acres planted with vines owned or occupied by him.

Return of acreage of vineyards.

55 (II) Every owner or occupier who refuses or neglects to make such return within the prescribed time shall forfeit and pay a penalty not exceeding five pounds.

(III) For the purpose aforesaid any fraction of an acre shall be deemed an acre.

Schedule III.

(IV)

Vine Diseases.

(IV) Any owner or occupier who shall make a false return shall forfeit and pay a penalty not exceeding five pounds.

33. (I) From the returns made as provided in the last preceding section, the Board shall compile a roll of vinegrowers for the district. Vinegrowers' roll.

5 (II) Every roll so compiled shall be revised as hereinbefore provided in regard to the list of vinegrowers of a newly-proclaimed district, and shall thereupon become the roll of the district, and a copy thereof shall be forthwith forwarded to the returning officer.

(III) Until a roll shall have been compiled and revised for 10 the current year, the existing roll shall be and be used as the roll for the district.

34. (I) Every Board shall have power to impose and levy annually a rate according to the value of every vineyard within the district not exceeding one pound per centum of the value of each such 15 vineyard as entered in the assessment roll: **Provided that if necessary to liquidate claims for compensation or to meet other liabilities, the Board shall within any year levy a rate to the full amount of one pound per centum, or two or more equal rates, amounting in the aggregate to one pound per centum.** Power of Board to levy rate.

20 (II) Forthwith after imposing any rate, the Board shall have prepared an assessment roll, which shall set out the amount of such rate payable in respect of every vineyard in the district; and such roll, after careful revision and consideration of any appeal from 25 such rating shall be signed by the chairman and treasurer of the Board, and shall be *prima facie* evidence of the amount payable as rate on each vineyard named therein, and of the person liable to pay such rate. Assessment roll.

35. The Board shall, when imposing a rate, fix the date on which such rate shall be payable, not being less than fourteen days 30 after the rate has been imposed, and every owner or occupier of any such vineyard shall, within the period named by the Board, pay such rate to the treasurer or collector of the Board. Date when rate is payable to be fixed.

36. (I) A notice of every rate imposed by any Board under this Act, signed by the chairman and treasurer of such Board, shall, within fourteen days after the rate was imposed, be published in the 35 *Government Gazette*, and also in one or more newspapers circulating in the district. Notice of rate to be published.

(II) Every such notice shall specify the amount of the rate per pound, and the date on which the same is payable.

(III) No proceedings shall be commenced against any person 40 for the recovery of such rate until the expiration of one month after the date in such notice aforesaid on which such rate is payable.

37. Every rate imposed under this Act shall be payable, in the first instance, by the occupier of the vineyard; but unless otherwise expressly provided in any lease or agreement, such occupier, if a 45 tenant, may recover from his landlord one-half the amount of the rate paid by or recovered from him as money paid to the use of the landlord, or the same may be deducted from, or set off against, the rent then due or thereafter to become due. ~~and such landlord, if he in~~ respect of such vineyard be tenant of another person, may deduct 50 from his landlord a sum equal to that recovered or deducted from him as aforesaid, and so on between successive tenants and landlords, till the one-half the rate payable in respect of the vineyard be recovered from the owner thereof. Occupier liable to pay rate in the first instance.

38. The owner of any unoccupied vineyard shall be deemed the 55 occupier, and any rate due in respect thereof shall be paid by or be recovered from such owner. Unoccupied vineyards.

39. The collector or other officer of the board authorised in that behalf by the chairman may sue for and recover any rate which 60 rate became payable, remain due and unpaid. Recovery of unpaid rates.

Vine Diseases.

40. All moneys received by any collector or other officer of any Board shall in the time and manner prescribed be paid over to the treasurer, and all moneys received by the treasurer of any Board shall in the time and manner prescribed be paid by him into a bank to the credit of an account in the name of the Board of which he is treasurer.

Treasurer to pay all moneys into bank.

41. All moneys disbursed by the Board shall be paid by cheques drawn upon the bank account aforesaid, and all cheques shall be signed by the chairman, or acting-chairman, and the treasurer.

Disbursement of moneys.

42. The accounts of every Board shall at least once in each year be audited by an officer appointed by the Governor, or by a competent accountant, and a statement of such accounts, when audited, shall be forthwith published in the *Government Gazette* and in one or more newspapers circulating in the district.

Accounts to be audited and published.

43. All proceedings of any meeting of a Board, together with the names of all the members present thereat, shall be entered in a book to be kept for that purpose, and shall be signed by the chairman of the meeting at which such proceedings are confirmed, and all entries of any such proceedings so confirmed and signed shall be received in all courts as *prima facie* evidence of the matters recorded.

Proceedings of Board to be recorded.

44. The Board of any district may make regulations for regulating its own proceedings and the powers and duties of its officers, and generally for enforcing and giving effect to the provisions of the Act in relation to all matters within the district to which it belongs, and all such regulations after publication in the *Government Gazette* shall, if not inconsistent with this Act, have the same force and effect as if embodied in and forming part of this Act.

Power of board to make regulations.

45. In the event of any district being divided, abolished, or united with another district the liabilities duly incurred by the Board of any such district shall be transferred in such proportions as the Governor shall direct to the Board or Boards of the district or districts in which the area or part of the area of the district so divided, abolished, or united is contained: Provided that if the abolished district be not included in any other district the liabilities as aforesaid of such district shall be dealt with as the Governor shall direct.

Transfer of liabilities.

46. (I) When any vine district is divided into two or more districts, all moneys in any bank to the credit of the Board of such district, or in the hands of such Board, or any officer thereof, and any moneys and rates due or becoming due to such Board, and any property of any kind belonging to such Board shall be apportioned between the Boards of the several districts into which such first-mentioned district has been divided, in such manner as the Governor shall direct.

Transfer of funds, &c., in case of the division, abolition, or union of districts.

(II) When any vine district is abolished, and the area thereof is included in another or other districts, the moneys and properties of every description of the board of the abolished district shall be transferred to the district, or apportioned amongst the districts as the Governor shall direct, and the Board of any such last-mentioned district or districts shall have power to collect or recover any rates or moneys due to the Board of the abolished district in respect of any property within the area assigned to it.

(III) When any vine district is abolished, and the area thereof is not included in any other district or districts, the moneys and property of every description of the Board of the abolished district, shall be dealt with as the Governor shall direct.

(IV) When any vine district is united to any other district, all moneys or properties of every description of the Board of the first-mentioned district, and all moneys and rates due to it shall be transferred to the Board of the district, to which the first-mentioned district is united, and such Board shall have power to collect and recover all moneys and rates due as aforesaid.

Vine Diseases.

47. Every person who sells or offers or exposes for sale any grapes or vines infected with the disease, shall be liable, in addition to any other penalty provided in this Act, to a penalty not exceeding five pounds. Infected grapes or vines.
- 5 48. In any proceedings against any person for any breach of or non-compliance with this Act, or any regulation, the onus of proving that he has not committed the breach complained of, or has complied with the Act or regulations, shall rest upon the defendant. Onus of proof on defendant.
- 10 49. 48. If any person refuses to allow any inspector or district inspector, on the production of his authority, to enter at any reasonable time his vineyard, ship, boat, store, or other building, premises, or place to examine any vine, part of vine, grapes, case, box, barrel, or other receptacle or package, or impedes, hinders, or attempts to impede or hinder any inspector or district inspector from inspecting 15 or examining any vineyard, ship, boat, shop, store, or other building, premises, or place, or any vine, part of vine, grapes, case, box, barrel, or other receptacle or package the same shall, in addition to any other penalty provided in this Act, be liable to pay a penalty not exceeding five pounds for each offence; or, if the offence be continuous, for each 20 day during which the offence is continued. Penalty for obstructing any officer.
- 25 50. 49. If any inspector or any other officer of a Board wilfully violates or omits to comply with, or neglects or refuses to enforce any provisions of this Act or any regulations thereunder which he is required to comply with or enforce, he shall be liable to a penalty not exceeding fifty pounds. Penalty on inspector or other officer.
- 30 51. 50. All sums of money recoverable from any person under this Act, and all penalties imposed or made payable under this Act, may be recovered in any court of petty sessions. Recovery of penalties.
- 35 52. 51. (I) All penalties and sums of money recovered by any officer appointed by the Governor, or authorised by the Minister shall be paid into the public revenue. Appropriation of penalties.
- 40 (II) All penalties and sums of money recovered by any officer of a Board shall be paid to the treasurer of the Board to which such officer belongs.
- 45 53. 52. The Governor may make all such regulations as may from time to time appear to him necessary for carrying into effect the several provisions of this Act, and all regulations so made shall, after publication in the *Government Gazette*, have the same force and effect as if embodied in and forming part of this Act: Provided that all such regulations shall be laid before Parliament within fourteen days 50 after publication if Parliament be then sitting; if not, then within fourteen days after the commencement of the next Session of Parliament. Power of Governor to make regulations.
54. 53. Any error in any proclamation made under this Act may be rectified by any subsequent proclamation, and after the rectification of the error the original proclamation shall be deemed to have been made, and shall be read as corrected. And no misnomer, inaccurate description or omission in any such proclamation shall in any wise suspend or impair the operation of this Act with respect to the matter so misdescribed or omitted. Rectification of errors.

SCHEDULES.

Vine Diseases.

SCHEDULES.

SCHEDULE I.

Boundaries of the Cumberland, Murray River, and Hunter River Vine Districts.

- 1. The Cumberland Vine District comprises the counties of Cumberland and Camden.
- 2. The Murray River Vine District comprises the counties of Denison, Hume, and Goulburn.
- 3. The Hunter River Vine District comprises the counties of Northumberland, Durham, and Gloucester.

SCHEDULE II.

Notice of Temporary Quarantine.

10

NOTICE is hereby given that I have from this day forth quarantined the vineyard owned or occupied by you situated [insert situation of vineyard]. Such vineyard will continue quarantined until released therefrom by order of the [insert Minister, or chairman of the board, as the case may require.]

15

(Signed)
Inspector (or District Inspector).

SCHEDULE III.

Vine District.

RETURN of the number of acres planted with vines in the vineyard owned or occupied by the undersigned.

20

Name and Address.	Portion No. and Parish.	Area planted with Vines.	Remarks.

I , of , do solemnly and sincerely declare that I am the [owner and occupier, or occupier, 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 vineyard.

25

(Signature.)

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

*Legislative Assembly Chamber,
Sydney, 13 April, 1893. }*

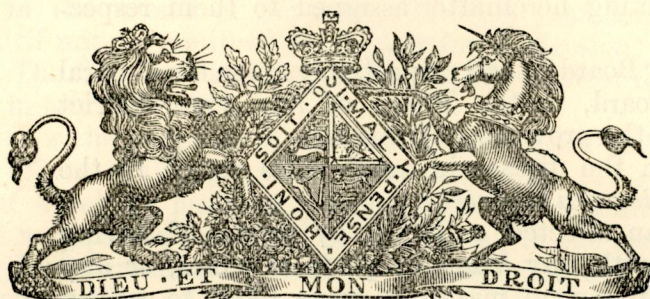
*F. W. WEBB,
Clerk of the Legislative Assembly.*

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

*Legislative Council Chamber,
Sydney, May, 1893. }*

Acting Clerk of the Parliaments.

New South Wales.



ANNO QUINQUAGESIMO SEXTO

VICTORIÆ REGINÆ.

No. .

An Act relating to Vine Diseases ; to prevent the introduction into this Colony, or removal from place to place in this Colony, of diseased grapes or grape vines, ~~or any insect or other pest, or any other matter or thing which may injuriously affect any grape vine or vineyard ;~~ and to eradicate a certain disease affecting grapes, grape vines, or vineyards ; ~~to quarantine, and if necessary, destroy any grapes, grape vine, vineyard, package, or implement ;~~ to proclaim Vine Districts ; to appoint a Central and other Boards ; to make assessments and levy rates ; and for other purposes incidental thereto.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

5 1. This Act may be cited as the "Vine Diseases Act of 1893," Short title and commencement. and shall come into operation on the first day of June, one thousand eight hundred and ninety-three.

2. Notwithstanding the expiration of the "Vine Diseases Act, Indemnity to officers. 1886," and the "Vine Diseases Act Amendment Act of 1888," any-
10 thing done or suffered after the thirty-first day of December, one
80—A thousand

NOTE.—The words to be omitted are ruled through ; those to be inserted are printed in black letter.

Vine Diseases.

thousand eight hundred and ninety-two, by or by the direction of the persons who, at the time of the expiration of the said Acts, constituted the Board appointed under the said Acts, or who were inspectors, assistant inspectors, or persons authorised to Act or lawfully acting by or under the authority of the said Acts, or either of them, shall be as valid and effectual as if the said Acts had been in force when the said things were done or suffered. And no suit or action shall be brought against those persons in respect of anything done or suffered by them as aforesaid.

10 3. In the construction and for the purposes of this Act, or any regulation or proclamation thereunder, the following words in inverted commas shall have the meaning hereinafter assigned to them respectively, that is to say:—

15 “Central Board” and “Board” shall respectively mean the Central Vine Diseases Board, or the Board of any vine district proclaimed under the provisions of this Act.

“Disease” shall mean the disease in grape-vines caused by the insect called *Phylloxera vastatrix*.

20 “Diseased” shall mean affected, or liable, by reason of having been in contact with any vines or parts of vines, or any grapes, package, implement, matter, or thing likely to convey infection, to be affected, with the disease within the meaning of this Act.

25 “District” shall mean any vine district proclaimed under the provisions of this Act.

“District Inspector” shall mean an inspector of vineyards appointed by any Board of a vine district.

“Governor” shall mean the Governor with the advice of the Executive Council.

30 “Inspector” shall mean any inspector of vineyards appointed by the Minister.

“Minister” shall mean the Secretary for Mines and Agriculture.

“Prescribed” shall mean prescribed by this Act, or by any regulation made thereunder.

35 “Quarantine”—to isolate in any prescribed manner.

“Ratable Value”—The value of any vineyard as entered in the assessment roll of any district.

“Vine” shall mean a grape-vine, alive or dead, or any vine cutting.

40 “Vineyard” shall mean and include any parcel of land whereon one or more grape-vines may be planted or growing.

“Root or rooted-up” shall mean the removal of the whole of the original cutting, layer, or stock with at least six inches of the roots attached.

45 4. The Governor may from time to time, by proclamation in **Powers of the Governor.** the *Gazette*, do any of the following acts:—

Declare any portion of the Colony a vine district, and assign to such district a specific name.

Alter the boundaries or name of any such district.

Divide a vine district into two or more such districts.

50 Unite two or more vine districts into one vine district.

Abolish any vine district.

Dissolve any Board.

55 Prohibit the introduction into this Colony from any place outside the Colony of any vine or part thereof, or any grapes or any package containing, or which has contained or been in contact with grapes or vines, the introduction of which has been or may be prohibited.

60 Prohibit the removal from any place within this Colony to any other place in this Colony of any vine or part thereof, or any grapes, package, implement, matter, or thing, likely to convey disease.
Declare

Vine Diseases.

Declare any parcel of land or any building a quarantine for the reception of any vines or parts of vines or grapes known or supposed to be diseased.

5 Quarantine any vineyard, or any building, vessel, land, or place wherein or whereon any diseased vine or part thereof or grapes may be or may have recently been. ~~or any vineyard within a radius of one mile from any vineyard in which disease has been found.~~

10 5. The Governor may appoint a Central Board, consisting of ~~Central Board~~ three members, who shall receive such fees or other remuneration as the Governor may from time to time fix, and such Board shall act as a Board of Advice to the Minister in all matters arising under this Act.

15 6. 5. The following vine districts, the respective boundaries of which ^{Vine districts.} are set out in the Schedule hereto numbered One, are hereby created, ^{Schedule I.} namely—(1) The Cumberland Vine District; (2) The Murray River Vine District; (3) The Hunter River Vine District. Forthwith after this Act comes into operation steps shall be taken as hereafter provided in regard to proclaimed districts to prepare a list of vinegrowers and to elect a Board for each of the three districts aforesaid, and the whole
20 of the provisions relating to Boards of vine districts shall apply to these districts as if they had been proclaimed under this Act.

25 7. 6. (1) The Minister may appoint any such person or persons as ^{Inspectors.} he may think fit to be an inspector or inspectors of vineyards, and any inspector so appointed may exercise in any part of the Colony any of the powers conferred by this Act upon such Inspectors.

(II) Any Board of a vine district may ~~nominate and appoint,~~ **subject to the approval of the Governor may appoint,** one or more district inspectors of vineyards, and such last-mentioned inspectors may within such district exercise any of the powers conferred by this
30 Act upon such an inspectors.

8. 7. Every inspector may, with or without notice, ~~on the pro-~~ ^{Powers of inspectors.} ~~duction of his authority—~~

35 (a) Enter into at any time, with or without assistants, any vessel, building, land, or place, containing any vine or part of a vine, or any grapes imported or brought into this Colony, and search therein for diseased vines, parts of vines or grapes, and may ~~forthwith destroy or cause to be destroyed any diseased vines or parts of vines or grapes, and any package containing, or which may have contained or come in contact with any such~~
40 ~~vine, part of vine or grapes, or may~~ remove such vines or parts of vines or grapes to a quarantine for further examination, and may destroy any such as may be found to be diseased.

45 (b) May, with or without assistants, ~~at all reasonable hours in the day time,~~ enter any vineyard and examine any vine or part of a vine, or any grapes therein, and by notice in the form of Schedule hereto numbered Two, temporarily quaran- ^{Schedule II.} ~~time any vineyard in which he finds the disease, or any sign thereof, pending report to the Minister and action thereon.~~

50 (c) Periodically inspect the vineyards in any vine district, and report to the ~~Central Board whether~~ Minister when the Board of such District, or its officers, are failing to give effect to the provisions of this Act, and in what respect they are so failing.

55 (d) Every district inspector may, within the district to which he is appointed, exercise similar powers to those hereinbefore conferred upon an ~~Inspectors,~~ ^{by subsections (a) and (b),} except that any temporary quarantine notified by him shall continue, pending his report to the Board of such district, and action thereon.

60 9. 8. Upon the report of any inspector that disease, or signs- ^{of Destruction of vines, &c.} ~~of disease is or are found in any vineyard not within a vine district, or~~ within

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within a vine district pending the appointment of a district inspector for such district, the Minister may cause inquiry to be made into the truth of such report, and upon proof that disease actually exists therein, the Governor may—

- 5 (a) Quarantine such vineyard, and every vineyard within a radius of one mile therefrom.
- (b) Prohibit the removal therefrom of any vine, part of vine, grapes, package, implement, matter, or thing.
- 10 (c) Cause all the vines in such vineyard, and in any vineyard within a radius of one mile therefrom, to be rooted up, the land thoroughly trenched, and every vine or part thereof, destroyed by fire, and such other precautionary measures taken as may be deemed necessary to prevent the spread of the disease.
- 15 (d) Declare a vine district, including such vineyard.
- (e) Take such steps as hereinafter prescribed to secure the election of a Board.
- (f) Pending the appointment by the Board of a district inspector cause a thorough inspection of all the vineyards in the district, quarantine any vineyard therein found to contain diseased vines, and any vineyard within a radius of one mile from such vineyard, prohibit the removal therefrom of vines, parts of vines, grapes, packages, or implements, and cause the vines in such vineyard to be destroyed as aforesaid.
- 20
- 25 Provided that as soon as the Board shall have been elected, and the district inspector appointed, the responsibility of eradicating disease from the vineyards in the district shall devolve upon the Board. The Minister shall upon proof that no disease exists in the vineyard mentioned in such report immediately release such vineyard from quarantine.
- 30

9. Upon the election or appointment of any Board, all the Powers of Board powers conferred by the last preceding section upon the Governor and to deal with the Minister are hereby mutatis mutandis conferred upon such Board diseased vines. for the district for which such Board was elected or appointed. And such Board shall exercise all the said powers within the said district.

10. Upon receipt of a report from an inspector that any Election of Board or its officers are failing to carry out the provisions of this Act, Board may be the Minister may call upon such Board to show cause why its election annulled, it should not be annulled dissolved or its officers dismissed, as the case dissolved, or officers may be; and if the Board fail to show cause to the satisfaction of the dismissed, for neglect. the Minister, he may recommend to the Governor that the election of such Board be annulled dissolved or the officers dismissed, as the case may be, and the Governor may dissolve such Board and dismiss such officers accordingly: Provided that if the vinegrowers of the district take action in terms of section twenty-eight nine hereof, the Minister may stay his action till the result of the meeting of vinegrowers shall be known.

11. If the owner, lessee, or occupier ceases having ceased for Neglected vineyard two years to cultivate his vineyard, he shall, within three months after may be destroyed. service of notice from an inspector or district inspector omit to at his own expense root up all vines therein, If he fail to do so, the Central Minister or District Board, as the case may be, may cause such vines to be rooted up, and may recover the cost thereof from the owner in any Court of summary jurisdiction upon proof that the sum claimed has been expended in rooting up vines upon such owner's land.

12. If within any vineyard any sign shall appear which Appearance of disease to be notified. may reasonably be suspected to be caused by disease the owner, tenant, lessee, or person in charge of any vineyard thereof shall immediately on the first appearance therein of the disease notify the fact in writing of such appearance to an inspector or district inspector, as the case may be, or

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or to the Minister, and in the event of his wilfully neglecting so to do, all claim by any person ~~whosoever~~ to any compensation under the provisions of the Act in respect of such vineyard shall be forfeited, and such owner, tenant, lessee, or person shall on conviction thereof
 5 pay a penalty not exceeding one hundred pounds, or be imprisoned for any term not exceeding six months.

13. Compensation may be claimed—

Compensation.

(I) In respect of any vineyard (in which there is no disease) which
 10 has been rooted up to an amount not exceeding the ratable value thereof.

(II) In respect of any vineyard, except as provided in sections
 15 ~~eleven and twelve and thirteen~~, in which any vines are diseased, ~~and which has~~ shall have been rooted up, on account of being diseased an amount not exceeding fifty pounds per centum of the ratable value thereof.

But no compensation shall be ~~claimed or recovered~~—

(III) In respect of any loss sustained by reason of or in connection
 20 with the destruction of any diseased vine, part of vine, or grapes brought into this Colony, or any package containing, or which may have contained, or come into contact with any such vine or grapes.

(IV) In respect of any loss sustained by reason of or in connection
 25 with the destruction of any vine, part of vine, grapes, package, or implements introduced into this Colony from any place outside the Colony or removed from any place within this Colony to any other place in this Colony contrary to or in violation of any prohibition proclaimed as aforesaid.

14. Claims for compensation allowable ~~as aforesaid~~ shall be
 30 made in the prescribed form within six months after the vineyard was rooted up—

Claims for compensation how made.

(I) In respect of any vineyard rooted up by an inspector acting
 under the direction of the Minister to the Minister.

(II) In respect to any vineyard rooted up by a district inspector
 to the Board of the district.

(iii) ~~Claims not made within six months after the vineyard was~~
 35 ~~rooted up may be disallowed.~~

15. (i) Every such claim shall be referred to an inspector or a
 40 district inspector, ~~as the case may be~~, who shall estimate the amount of compensation to which the claimant is entitled.

Compensation how determined.

(ii) If the claimant and the inspector cannot agree upon
 40 the amount to be awarded, the matter in contention between the claimant and the inspector shall be referred to the ~~Central Board~~ Minister to determine. If the claimant and the district inspector cannot so agree, the matter in contention between the claimant and the district inspector shall be referred to the Board of the vine district
 45 to determine. In either case, instead of a reference to the ~~Central Board~~ Minister or the District Board, the claimant may cause a reference to arbitration ~~in the usual way according to the provisions of the Acts for the time being in force for the settlement of disputes by arbitration.~~

(iii) In dealing with any such matter the ~~Central Board~~
 50 Minister or the Board, ~~as the case may be~~, may take evidence on oath, and for that purpose the chairman for the time being of any such Board is hereby empowered to administer an oath.

(iv) The decision of the ~~Central Board~~ Minister or the Board
 55 of the district, or the arbitrators, as to the amount of compensation to be paid shall be final.

16. (i) No member ~~of the Central Board, nor of a Board, and no~~ Persons interested
 inspector or district inspector interested directly or indirectly in any
 claim not to act.

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claim for compensation, or in any vineyard, the subject of such claim shall take part in determining the amount of compensation to be awarded in satisfaction of such claim.

(II) No inspector or district inspector interested in any claim as aforesaid, or in any vineyard, the subject of such claim, shall make an estimate of the amount of compensation to be awarded or give evidence in respect thereof.

17. In the event of a lump sum having been awarded in satisfaction of the damage done by rooting up a vineyard, and such vineyard be let, leased, or mortgaged, or any person have a lien over the crop thereof, the sum awarded may be apportioned and paid to the landlord, tenant, lessee, mortgagee, or lienee in such proportions as may be agreed upon with the inspector or district inspector, or as may be determined by the Central Board, Minister, or the Board of the vine district, or the arbitrators, as the case may be. Apportionment of compensation.

18. (I) When the amount of compensation shall have been agreed upon between the inspector and the claimant, or determined by the Central Board, Minister, or the arbitrators, the same shall be paid out of the Consolidated Revenue within three months. Compensation how paid.

(II) When the amount of compensation shall have been agreed upon between the district inspector and the claimant, or determined by the Board of the vine district, or the arbitrators, the same shall be paid out of the funds at the disposal of such Board.

19. The Minister shall cause to be paid out of the Consolidated Revenue each year to each Board by way of subsidy a sum of money equal to the sum collected as rates by such Board during the year.

19. The Minister may cause to be paid out of the Consolidated Revenue in any year to any Board by way of subsidy such sum of money as may in his opinion be necessary for carrying out the provisions of this Act not exceeding in amount the sum collected as rates by such Board during such year. Subsidy to Boards.

20. No vines shall be planted, or be permitted to grow either in any land from which any diseased vines have been removed, or in any land within a radius of one mile thereof, for a period of four years after such removal, and any person who shall commit any breach of this section shall, on conviction thereof, pay a penalty not exceeding one hundred pounds, or be imprisoned for any term not exceeding six months; and all vines planted or growing in or on any such land within such period, shall be destroyed by an inspector or district inspector as the case may be. Replanting of vineyards.

21. No tenant or lessee shall be bound by any agreement or lease to contravene the provisions of this Act. Agreements with landlords void.

22. Forthwith, after the proclamation of a vine district, the Minister shall cause a list to be made containing the names in full and address of each vinegrower in such district, and the extent of the vineyard owned by him, and such list when complete, or a copy thereof, shall be exhibited for a period of seven days at the petty sessions court-house, or at each such court-house within such district, and notice thereof shall be published in one or more newspapers circulating in the district. Vine district and list of vinegrowers.

23. Any person may, within seven days after such list shall be first exhibited, lodge with any police magistrate or clerk of petty sessions within such district a notice requiring the insertion in the list of the name of any vinegrower omitted from such list, or the striking out from such list any name improperly inserted therein and requiring the correction of any error, or alleged error, in such list. Revision of list.

24. At any time after the expiration of the seven days referred to in the last preceding section, the Minister may cause a police magistrate to hold a court for the purpose of hearing evidence on oath Revision court vinegrowers' roll

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oath in support or in opposition to any such insertion, striking out, or correction as aforesaid, and such magistrate shall thereupon determine the questions raised by every such notice, and revise the list of vine-growers accordingly, and such list shall thereupon become and be the
5 vinegrowers' roll for the district.

25. (I) In every district the vinegrowers shall elect annually a Board, consisting of five members, being vinegrowers on the roll, and the first election in each district proclaimed under this Act, shall be held at such place in the district, and at such time as the Governor
10 shall appoint. Vinegrowers' to elect board.

(II) All elections of a Board subsequent to the first election shall be held in the month of September in every year, and retiring members shall (if not disqualified) be eligible for re-election.

(III) The Governor may appoint a returning officer to conduct
15 such elections in any district.

26. (I) For the purposes of the first or any subsequent election the returning officer shall appoint a time and place for receipt of nominations, of which not less than fourteen days' notice shall be given in one or more newspapers published or circulating in the district. Nomination and election of Board.

20 (II) Every nomination shall be in writing, signed by two or more vinegrowers on the roll, and shall contain the consent of the person nominated.

(III) If, within the time appointed, the number of qualified persons nominated for election do not exceed the number of members
25 to be elected at any election, the returning officer shall, at the expiration of the time appointed for receiving nominations, declare the persons so nominated to be elected as members of the Board.

(IV) If the number of members so elected be less than the required number, but more than a quorum, the vacancies shall be
30 regarded as extraordinary vacancies, and be filled up as hereinafter provided; but, if the number elected be less than a quorum, the returning officer shall hold another election to fill the vacant seats.

(V) If the number of qualified persons nominated be in excess of the number to be elected at any election, the returning
35 officer shall appoint a day for taking a poll, and shall appoint one or more polling-places, and shall notify the time and place, or places, in manner aforesaid, and may appoint a deputy returning officer to preside at each polling-place.

(VI) When a poll ~~has to be~~ is taken the voting shall be by
40 ballot, at which each vinegrower shall be entitled to the prescribed number of votes.

(VII) As soon as convenient after the poll has been taken, the returning officer shall declare elected as many of the candidates who have received the highest number of votes as shall be required to
45 fill the vacant seats.

(VIII) The name of every member elected shall be published in the *Gazette*.

27. (I) The first meeting of the Board after a general election shall be held within fourteen days after such election. If any Board
50 fail to meet within such period, or fail at any time to act, any seven or more vinegrowers on the roll may convene a meeting of vinegrowers, and call upon the members of the Board to attend thereat and show cause why ~~the election~~ such Board should not be ~~annulled~~ dissolved. Meetings of Board and election of chairman.

(II) At the first meeting of the Board after a general election,
55 the members present shall elect from their number a chairman, who shall (when present) preside at all meetings of the Board.

(III) If the chairman be absent from any meeting at which there is a quorum, the members present shall appoint an acting chairman, who shall, at such meeting, exercise all the powers of the
60 chairman.

(IV)

Vine Diseases.

(IV) A quorum shall consist of not less than ~~four~~ three members. All questions considered at any meeting shall be decided by a majority of the votes, and if the votes on any question be equal, the chairman shall have a casting vote in addition to his deliberative vote.

5 (V) If a quorum be not present within half an hour of the time appointed for any meeting, any member or any officer of the board present may adjourn the meeting to another hour on the same day, or to any hour on another day, and notice of such adjournment shall be given, as far as practicable, to every absent member.

10 28. If any Board, having failed to meet within fourteen days after a general election, or having failed or refused to carry out the provisions of this Act, also fails (when called upon) to show cause to the satisfaction of a meeting of vinegrowers convened for that purpose why the election of such Board should not be annulled dissolved, such
15 meeting of vinegrowers may declare the seats of the several members of the Board vacant, and may call upon the returning officer to hold another election.

Election annulled if Board may be dissolved if it fail to meet within fourteen days.

29. (I) If any member of a Board be absent from three consecutive meetings of the Board without leave of absence duly granted
20 by the Board, he shall forfeit his seat.

Extraordinary vacancies, how caused and how filled.

(II) If any member of a Board die, or resign, or refuse to act, or from any cause whatever become incapable of acting, his seat may be declared vacant by the Board.

(III) Any extraordinary vacancy caused as provided in
25 section twenty-two seven, subsection (IV), or by the forfeiture or vacating of a seat as hereinbefore provided, shall be filled by the Board from the vinegrowers on the roll.

30. (I) If at any election as aforesaid no candidates be nominated or elected, the Governor may appoint any seven five vine-
30 growers on the roll of the district a Board; and every Board so appointed shall be the Board of such district until the next general election subject to the foregoing provisions relating to extraordinary vacancies and to failure to meet and act.

If no Board elected, Governor may appoint Board or officers in lieu thereof.

(II) If a Board of any district fail or refuse to meet, or to
35 carry out the provisions of this Act, and the vinegrowers of such district fail to convene a meeting as hereinbefore provided to inquire into the cause thereof, and, if necessary, to move for the election of another Board, the Governor may appoint officers to carry out the provisions of this Act, and such officers shall have and may exercise
40 within such district all the powers of a Board under this Act.

31. Every Board may ~~nominate and~~ subject to the approval of the Governor may appoint one or more district inspectors, and the Board may appoint such other officers as it may shall consider necessary, and may out of the funds at its disposal pay such all salaries and
45 allowances as it may think fit; but of such district inspector and other officers, and no member of a Board shall be paid for his services beyond a fee of one pound for every meeting which he attends.

Appointment and payment of district officers.

32. (I) Every owner or occupier of a vineyard within a district shall on or before the first day of December in each year deliver or
50 forward by registered letter to the chairman of the Board, or, if there be no Board, to the officers appointed by the Governor, a return in the form in the Schedule hereto numbered Three, stating the number of acres planted with vines owned or occupied by him.

Return of acreage of vineyards.

(II) Every owner or occupier who refuses or neglects to
55 make such return within the prescribed time shall forfeit and pay a penalty not exceeding five pounds.

(III) For the purpose aforesaid any fraction of an acre shall be deemed an acre.

(IV)

Vine Diseases.

(IV) Any owner or occupier who shall make a false return shall forfeit and pay a penalty not exceeding five pounds.

33. (I) From the returns made as provided in the last preceding section, the Board shall compile a roll of vinegrowers for the district. Vinegrowers' roll.

5 (II) Every roll so compiled shall be revised as hereinbefore provided in regard to the list of vinegrowers of a newly-proclaimed district, and shall thereupon become the roll of the district, and a copy thereof shall be forthwith forwarded to the returning officer.

10 (III) Until a roll shall have been compiled and revised for the current year, the existing roll shall be and be used as the roll for the district.

34. (I) Every Board shall have power to impose and levy annually a rate according to the value of every vineyard within the district not exceeding one pound per centum of the value of each such vineyard as entered in the assessment roll: **Provided that if necessary to liquidate claims for compensation or to meet other liabilities, the Board shall within any year levy a rate to the full amount of one pound per centum, or two or more equal rates, amounting in the aggregate to one pound per centum.** Power of Board to levy rate.

20 (II) Forthwith after imposing any rate, the Board shall have prepared an assessment roll, which shall set out the amount of such rate payable in respect of every vineyard in the district; and such roll, after careful revision and consideration of any appeal from such rating shall be signed by the chairman and treasurer of the Board, and shall be *prima facie* evidence of the amount payable as rate on each vineyard named therein, and of the person liable to pay such rate. Assessment roll.

35. The Board shall, when imposing a rate, fix the date on which such rate shall be payable, not being less than fourteen days after the rate has been imposed, and every owner or occupier of any such vineyard shall, within the period named by the Board, pay such rate to the treasurer or collector of the Board. Date when rate is payable to be fixed.

36. (I) A notice of every rate imposed by any Board under this Act, signed by the chairman and treasurer of such Board, shall, within fourteen days after the rate was imposed, be published in the *Government Gazette*, and also in one or more newspapers circulating in the district. Notice of rate to be published.

(II) Every such notice shall specify the amount of the rate per pound, and the date on which the same is payable.

40 (III) No proceedings shall be commenced against any person for the recovery of such rate until the expiration of one month after the date in such notice aforesaid on which such rate is payable.

37. Every rate imposed under this Act shall be payable, in the first instance, by the occupier of the vineyard; but unless otherwise expressly provided in any lease or agreement, such occupier, if a tenant, may recover from his landlord one-half the amount of the rate paid by or recovered from him as money paid to the use of the landlord, or the same may be deducted from, or set off against, the rent then due or thereafter to become due. ~~and such landlord, if he in respect of such vineyard be tenant of another person, may deduct from his landlord a sum equal to that recovered or deducted from him as aforesaid, and so on between successive tenants and landlords, till the one-half the rate payable in respect of the vineyard be recovered from the owner thereof.~~ Occupier liable to pay rate in the first instance.

38. The owner of any unoccupied vineyard shall be deemed the occupier, and any rate due in respect thereof shall be paid by or be recovered from such owner. Unoccupied vineyards.

39. The collector or other officer of the board authorised in that behalf by the chairman may sue for and recover any rate which shall, after the expiration of one month from the date on which such rate became payable, remain due and unpaid. Recovery of unpaid rates.

Vine Diseases.

40. All moneys received by any collector or other officer of any Board shall in the time and manner prescribed be paid over to the treasurer, and all moneys received by the treasurer of any Board shall in the time and manner prescribed be paid by him into a bank to the credit of an account in the name of the Board of which he is treasurer. Treasurer to pay all moneys into bank.
41. All moneys disbursed by the Board shall be paid by cheques drawn upon the bank account aforesaid, and all cheques shall be signed by the chairman, or acting-chairman, and the treasurer. Disbursement of moneys.
42. The accounts of every Board shall at least once in each year be audited by an officer appointed by the Governor, or by a competent accountant, and a statement of such accounts, when audited, shall be forthwith published in the *Government Gazette* and in one or more newspapers circulating in the district. Accounts to be audited and published.
43. All proceedings of any meeting of a Board, together with the names of all the members present thereat, shall be entered in a book to be kept for that purpose, and shall be signed by the chairman of the meeting at which such proceedings are confirmed, and all entries of any such proceedings so confirmed and signed shall be received in all courts as *prima facie* evidence of the matters recorded. Proceedings of Board to be recorded.
44. The Board of any district may make regulations for regulating its own proceedings and the powers and duties of its officers, and generally for enforcing and giving effect to the provisions of the Act in relation to all matters within the district to which it belongs, and all such regulations after publication in the *Government Gazette* shall, if not inconsistent with this Act, have the same force and effect as if embodied in and forming part of this Act. Power of board to make regulations.
45. In the event of any district being divided, abolished, or united with another district the liabilities duly incurred by the Board of any such district shall be transferred in such proportions as the Governor shall direct to the Board or Boards of the district or districts in which the area or part of the area of the district so divided, abolished, or united is contained: Provided that if the abolished district be not included in any other district the liabilities as aforesaid of such district shall be dealt with as the Governor shall direct. Transfer of liabilities.
46. (I) When any vine district is divided into two or more districts, all moneys in any bank to the credit of the Board of such district, or in the hands of such Board, or any officer thereof, and any moneys and rates due or becoming due to such Board, and any property of any kind belonging to such Board shall be apportioned between the Boards of the several districts into which such first-mentioned district has been divided, in such manner as the Governor shall direct. Transfer of funds, &c., in case of the division, abolition, or union of districts.
- (II) When any vine district is abolished, and the area thereof is included in another or other districts, the moneys and properties of every description of the board of the abolished district shall be transferred to the district, or apportioned amongst the districts as the Governor shall direct, and the Board of any such last-mentioned district or districts shall have power to collect or recover any rates or moneys due to the Board of the abolished district in respect of any property within the area assigned to it.
- (III) When any vine district is abolished, and the area thereof is not included in any other district or districts, the moneys and property of every description of the Board of the abolished district, shall be dealt with as the Governor shall direct.
- (IV) When any vine district is united to any other district, all moneys or properties of every description of the Board of the first-mentioned district, and all moneys and rates due to it shall be transferred to the Board of the district, to which the first-mentioned district is united, and such Board shall have power to collect and recover all moneys and rates due as aforesaid.

Vine Diseases.

47. Every person who sells or offers or exposes for sale any grapes or vines infected with the disease, shall be liable, in addition to any other penalty provided in this Act, to a penalty not exceeding five pounds. Infected grapes or vines.
- 5 48. In any proceedings against any person for any breach of or non-compliance with this Act, or any regulation, the onus of proving that he has not committed the breach complained of, or has complied with the Act or regulations, shall rest upon the defendant. Onus of proof on defendant.
- 10 49. 48. If any person refuses to allow any inspector or district inspector, on the production of his authority, to enter at any reasonable time his vineyard, ship, boat, store, or other building, premises, or place to examine any vine, part of vine, grapes, case, box, barrel, or other receptacle or package, or impedes, hinders, or attempts to impede or hinder any inspector or district inspector from inspecting or examining any vineyard, ship, boat, shop, store, or other building, premises, or place, or any vine, part of vine, grapes, case, box, barrel, or other receptacle or package the same shall, in addition to any other penalty provided in this Act, be liable to pay a penalty not exceeding five pounds for each offence; or, if the offence be continuous, for each 20 day during which the offence is continued. Penalty for obstructing any officer.
- 25 50. 49. If any inspector or any other officer of a Board wilfully violates or omits to comply with, or neglects or refuses to enforce any provisions of this Act or any regulations thereunder which he is required to comply with or enforce, he shall be liable to a penalty not exceeding fifty pounds. Penalty on inspector or other officer.
51. 50. All sums of money recoverable from any person under this Act, and all penalties imposed or made payable under this Act, may be recovered in any court of petty sessions. Recovery of penalties.
- 30 52. 51. (I) All penalties and sums of money recovered by any officer appointed by the Governor, or authorised by the Minister shall be paid into the public revenue. Appropriation of penalties.
- (II) All penalties and sums of money recovered by any officer of a Board shall be paid to the treasurer of the Board to which such officer belongs.
- 35 53. 52. The Governor may make all such regulations as may from time to time appear to him necessary for carrying into effect the several provisions of this Act, and all regulations so made shall, after publication in the *Government Gazette*, have the same force and effect as if embodied in and forming part of this Act: Provided that all 40 such regulations shall be laid before Parliament within fourteen days after publication if Parliament be then sitting; if not, then within fourteen days after the commencement of the next Session of Parliament. Power of Governor to make regulations.
- 45 54. 53. Any error in any proclamation made under this Act may be rectified by any subsequent proclamation, and after the rectification of the error the original proclamation shall be deemed to have been made, and shall be read as corrected. And no misnomer, inaccurate description or omission in any such proclamation shall in any wise suspend or impair the operation of this Act with respect to the matter 50 so misdescribed or omitted. Rectification of errors.

Vine Diseases.

SCHEDULES.

SCHEDULE I.

Boundaries of the Cumberland, Murray River, and Hunter River Vine Districts.

- 1. The Cumberland Vine District comprises the counties of Cumberland and Camden.
- 2. The Murray River Vine District comprises the counties of Denison, Hume, and Goulburn.
- 3. The Hunter River Vine District comprises the counties of Northumberland, Durham, and Gloucester.

SCHEDULE II.

Notice of Temporary Quarantine.

10

NOTICE is hereby given that I have from this day forth quarantined the vineyard owned or occupied by you situated [insert situation of vineyard]. Such vineyard will continue quarantined until released therefrom by order of the [insert Minister, or chairman of the board, as the case may require.]

15

(Signed)

Inspector (or District Inspector).

SCHEDULE III.

Vine District.

RETURN of the number of acres planted with vines in the vineyard owned or occupied by the undersigned.

20

Name and Address.	Portion No. and Parish.	Area planted with Vines.	Remarks.

I , of , do solemnly and sincerely declare that I am the [owner and occupier, or occupier, 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 vineyard.

25

(Signature.)

1892-3.

Legislative Council.

VINE DISEASES BILL.

(New Clause, to stand as Clause 19, to be proposed in Committee of the Whole by DR. MACLAURIN.)

19. The Minister may cause to be paid out of the Consolidated Revenue in any year to any Board by way of subsidy such sum of money as may in his opinion be necessary for carrying out the provisions of this Act not exceeding in amount the sum collected as rates by such Board during such year.

1892-3

Legislative Council

VETERINARY BILL.

(The Council to which the Bill was referred in Committee of the Whole by the Legislative Council.)

THE Bill was read a second time, and the Committee of the Whole reported that the Bill was ready for a third reading. The Bill was then read a third time, and passed.

1892-3.

Legislative Council.

VINE DISEASES BILL.

(New Clause, to stand as Clause 19, to be proposed in Committee of the Whole by DR. MACLAURIN.)

19. The Minister may cause to be paid out of the Consolidated Revenue in any year to any Board by way of subsidy such sum of money as may in his opinion be necessary for carrying out the provisions of this Act not exceeding in amount the sum collected as rates by such Board during such year.

1893-4

Legislative Council

VINYL PLANTATION BILL.

(New Clause, to stand as Clause 14, to be proposed in Committee of
the House of the Legislature.)

14. The Minister may cause to be paid out of the Consolidated
Revenue in any year to any person or persons such sum of
money as may be required for carrying out the provisions
of this Act and not exceeding in amount the sum collected as rates
by such person during such year.

VINE DISEASES BILL.

(Amendments to be proposed in Committee of the Whole by
DR. MACLAURIN.)

- Page 2, clause 3, line 32. *Insert* "Quarantine"—to isolate in any prescribed manner"
- Page 2, clause 4, line 49. *Insert* "Dissolve any Board"
- Page 3, clause 4, line 1. *Omit* "vessel"
- Page 3, clause 7, line 23. *Omit* "nominate and" *insert* "appoint subject to the approval of"
- Page 3, clause 7, line 24. *Omit* "may appoint"
- Page 3, clause 7, line 26. *Omit* "such" *insert* "an" *omit* "s" after "inspectors"
- Page 3, clause 8, lines 27 and 28. *Omit* "on the production of his authority"
- Page 3, clause 8 (b), lines 40 and 41. *Omit* "at all reasonable hours in the day time"
- Page 3, clause 8 (d), line 52. *After* "upon" *insert* "an" *omit* "s" after "inspectors" *insert* "by subsections (a) and (b)"
- Page 3, clause 9, line 55. *Omit* "s" after "signs"
- Page 3, clause 9, line 56. *Omit* "or are" *after* "district" *insert* "or pending the appointment of a district inspector for any district"
- Page 4, clause 9, line 12. *Omit* subsection (f) and to end of clause *insert* "The Minister shall upon proof that no disease exists in the vineyard mentioned in such report immediately release such vineyard from quarantine"
- Page 4. *After* clause 9 *insert* new clause:—
Upon the election or appointment of any Board, all the powers conferred by the last preceding section upon the Governor and the Minister are hereby *mutatis mutandis* conferred upon such Board for the district for which such Board was elected or appointed. And such Board shall exercise all the said powers within the said district.
- Page 4, clause 10, line 24. *Omit* "its election"
- Page 4, clause 10, line 25. *Before* "should" *insert* "such Board," *omit* "annulled" *insert* "dissolved," *omit* "as the case may be"
- Page 4, clause 10, line 27. *After* "recommend" *insert* "to the Governor" *omit* "the election of," *omit* "annulled" *insert* "dissolved"
- Page 4, clause 10, line 28. *Omit* "as the case may be" *insert* "and the Governor may dissolve such Board and dismiss such officers accordingly"
- Page 4, clause 11, line 29. *Omit* "eight" *insert* "nine"
- Page 4, clause 11, line 32. *Omit* "ceases" *insert* "having ceased"
- Page 4, clause 11, line 33. *Omit* "he"
- Page 4, clause 11, line 34. *After* "inspector" *insert* "or district inspector omit to"
- Page 4, clause 11, line 34. *Omit* "at his own expense"
- Page 4, clause 11, lines 34 and 35. *Omit* "If he fail to do so"
- Page 4, clause 11, line 35. *Omit* "as the case may be"
- Page 4, clause 12, line 40. *Insert* at commencement of clause, "If within any vineyard any sign shall appear which may reasonably be suspected to be caused by disease"
- Page 4, clause 12, line 40. *Omit* "of any vineyard" *insert* "thereof"
- Page 4, clause 12, line 41. *Omit* "of the first appearance therein of the disease"
- Page 4, clause 12, line 42. *Omit* "of such appearance"
- Page 4, clause 12, line 43. *Omit* "as the case may be"
- Page 4, clause 12, line 44. *Omit* "whosoever"

Powers of Board to deal with diseased vines.

- Page 4, clause 13, subsection (II), line 54. *Omit* "eleven and"
after "twelve" *insert* "and thirteen"
- Page 4, clause 13, subsection (II), lines 54 and 55. *Omit* "are"
 "diseased and which has" *insert* "shall have"
- Page 4, clause 13, subsection (II), line 55. *After* "up" *insert* "on"
 "account of being diseased"
- Page 4, clause 13, subsection (II), line 57. *Omit* "claimed or"
- Page 5, clause 14, line 10. *Omit* "allowable as aforesaid"
- Page 5, clause 14, line 17. *Omit* "sub-clause (III)"
- Page 5, clause 15, line 20. *Omit* "as the case may be"
- Page 5, clause 15, subsection (II), lines 29 and 30. *Omit* "in the"
 "usual way," *insert* "according to the provisions of the Acts"
 "for the time being in force, for the settlement of disputes"
 "by arbitration"
- Page 5, clause 15, subsection (III), line 32. *Omit* "as the case may"
 "be"
- Page 5, clause 16, subsection (I), line 39. *Before* "interested,"
insert "and no inspector or district inspector"
- Page 5, clause 16, subsection (II), line 43. *Omit* "sub-clause (II)"
- Page 5, clause 17, line 54. *Omit* "as the case may be"
- Page 6, clause 20, line 10. *Omit* "thereof" *insert* "therefrom"
- Page 6, clause 26, subsection (II), line 55. *After* "writing" *insert*
 "signed by two or more vine-growers on the roll"
- Page 7, clause 26, subsection (VI), line 15. *Omit* "has to be" *insert*
 "is"
- Page 7, clause 26, subsection (I), line 24. *Omit* "the election"
insert "such Board"
- Page 7, clause 26, subsection (I), line 29. *Omit* "annulled" *insert*
 "dissolved"
- Page 7, clause 27, subsection (IV), line 37. *Omit* "four" *insert*
 "three"
- Page 7, clause 28, line 50. *Omit* "the election of"
- Page 7, clause 28, line 50. *Omit* "annulled" *insert* "dissolved"
- Page 8, clause 29, subsection (III), line 2. *Omit* "two" *insert*
 "seven"
- Page 8, clause 30, subsection (I), line 6. *Omit* "seven" *insert*
 "five"
- Page 8, clause 31, line 18. *Omit* "nominate and" *insert* "subject"
 "to the approval of"
- Page 8, clause 31, line 18. *Omit* "may" *after* "Governor"
- Page 8, clause 31, line 20. *Omit* "may" *insert* "shall"
- Page 8, clause 31, line 21. *Omit* "such" *insert* "all"
- Page 8, clause 31, line 21. *After* "allowance" *insert* "of such"
 "inspectors and other officers"
- Page 8, clause 31, lines 21 and 22. *Omit* "as it may think fit, but"
- Page 8, clause 34, subsection (I), line 49. *After* "roll" *insert*
 "Provided that if necessary to liquidate claims for compen-"
 "sation or to meet other liabilities, the Board shall within"
 "any year, levy a rate to the full amount of one pound per"
 "centum, or two or more equal rates amounting in the"
 "aggregate to one pound per centum."
- Page 8, clause 34, subsection (II), line 53. *After* "revision" *insert*
 "and consideration of any appeal from such rating"
- Page 9, clause 37, subsection (II), line 17. *Omit* from "due" to the
 end of the section.
- Page 10, clause 49, subsection (II), line 44. *Omit* from "examining"
 in line 44 to "shall" in line 46 *insert* "the same"
- Page 11, clause 53, subsection (II), line 12. *After* "Parliament" *insert*
 "Provided further that no such regulation shall operate"
 "within any vine district where regulations made by the"
 "Board thereof are in operation."
- Title, lines 3, 4, and 5. *Omit* the words "or any insect or other"
 "pest, or any other matter or thing which may injuriously"
 "affect any grape-vine or vineyard."

VINE DISEASES BILL.

(Amendments to be proposed in Committee of the Whole by
DR. MACLAURIN.)

- Page 2, clause 3, line 32. *Insert* " ' Quarantine '—to isolate in any prescribed manner "
- Page 2, clause 4, line 49. *Insert* " " Dissolve any Board "
- Page 3, clause 4, line 1. *Omit* " vessel "
- Page 3, clause 7, line 23. *Omit* " nominate and " *insert* " appoint " subject to the approval of "
- Page 3, clause 7, line 24. *Omit* " may appoint "
- Page 3, clause 7, line 26. *Omit* " such " *insert* " an " *omit* " s " after " inspectors "
- Page 3, clause 8, lines 27 and 28. *Omit* " on the production of his " authority "
- Page 3, clause 8 (b), lines 40 and 41. *Omit* " at all reasonable " hours in the day time "
- Page 3, clause 8 (d), line 52. *After* " upon " *insert* " an " *omit* " s " after " inspectors " *insert* " by subsections (a) and (b) "
- Page 3, clause 9, line 55. *Omit* " s " after " signs "
- Page 3, clause 9, line 56. *Omit* " or are " *after* " district " *insert* " or pending the appointment of a district inspector for any " district "
- Page 4, clause 9, line 12. *Omit* subsection (f) and to end of clause *insert* " The Minister shall upon proof that no disease " exists in the vineyard mentioned in such report immediately release such vineyard from quarantine "
- Page 4. *After* clause 9 *insert* new clause:—
Upon the election or appointment of any Board, all the powers conferred by the last preceding section upon the Governor and the Minister are hereby *mutatis mutandis* conferred upon such Board for the district for which such Board was elected or appointed. And such Board shall exercise all the said powers within the said district.
- Page 4, clause 10, line 24. *Omit* " its election "
- Page 4, clause 10, line 25. *Before* " should " *insert* " such Board, " *omit* " annulled " *insert* " dissolved, " *omit* " as the case may " be "
- Page 4, clause 10, line 27. *After* " recommend " *insert* " to the " Governor " *omit* " the election of, " *omit* " annulled " *insert* " dissolved "
- Page 4, clause 10, line 28. *Omit* " as the case may be " *insert* " and " the Governor may dissolve such Board and dismiss such " officers accordingly "
- Page 4, clause 11, line 29. *Omit* " eight " *insert* " nine "
- Page 4, clause 11, line 32. *Omit* " ceases " *insert* " having ceased "
- Page 4, clause 11, line 33. *Omit* " he "
- Page 4, clause 11, line 34. *After* " inspector " *insert* " or district " inspector omit to "
- Page 4, clause 11, line 34. *Omit* " at his own expense "
- Page 4, clause 11, lines 34 and 35. *Omit* " If he fail to do so "
- Page 4, clause 11, line 35. *Omit* " as the case may be "
- Page 4, clause 12, line 40. *Insert* at commencement of clause, " If " within any vineyard any sign shall appear which may " reasonably be suspected to be caused by disease "
- Page 4, clause 12, line 40. *Omit* " of any vineyard " *insert* " thereof "
- Page 4, clause 12, line 41. *Omit* " of the first appearance therein of " the disease "
- Page 4, clause 12, line 42. *Omit* " of such appearance "
- Page 4, clause 12, line 43. *Omit* " as the case may be "
- Page 4, clause 12, line 44. *Omit* " whosoever "

Powers of Board to deal with diseased vines.

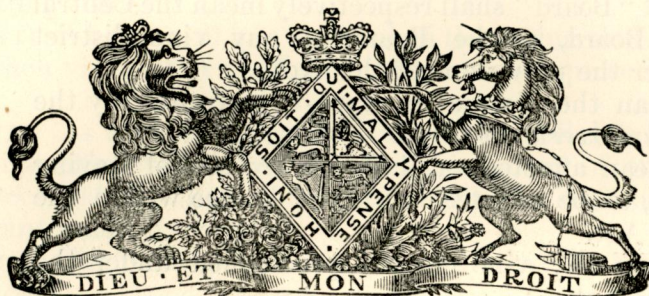
- Page 4, clause 13, subsection (II), line 54. *Omit* "eleven and" *after* "twelve" *insert* "and thirteen"
- Page 4, clause 13, subsection (II), lines 54 and 55. *Omit* "are" "diseased and which has" *insert* "shall have"
- Page 4, clause 13, subsection (II), line 55. *After* "up" *insert* "on" "account of being diseased"
- Page 4, clause 13, subsection (II), line 57. *Omit* "claimed or"
- Page 5, clause 14, line 10. *Omit* "allowable as aforesaid"
- Page 5, clause 14, line 17. *Omit* "sub-clause (III)"
- Page 5, clause 15, line 20. *Omit* "as the case may be"
- Page 5, clause 15, subsection (II), lines 29 and 30. *Omit* "in the" "usual way," *insert* "according to the provisions of the Acts" "for the time being in force, for the settlement of disputes" "by arbitration"
- Page 5, clause 15, subsection (III), line 32. *Omit* "as the case may" "be"
- Page 5, clause 16, subsection (I), line 39. *Before* "interested," *insert* "and no inspector or district inspector"
- Page 5, clause 16, subsection (II), line 43. *Omit* "sub-clause (II)"
- Page 5, clause 17, line 54. *Omit* "as the case may be"
- Page 6, clause 20, line 10. *Omit* "thereof" *insert* "therefrom"
- Page 6, clause 26, subsection (II), line 55. *After* "writing" *insert* "signed by two or more vine-growers on the roll"
- Page 7, clause 26, subsection (VI), line 15. *Omit* "has to be" *insert* "is"
- Page 7, clause 26, subsection (I), line 24. *Omit* "the election" *insert* "such Board"
- Page 7, clause 26, subsection (I), line 29. *Omit* "annulled" *insert* "dissolved"
- Page 7, clause 27, subsection (IV), line 37. *Omit* "four" *insert* "three"
- Page 7, clause 28, line 50. *Omit* "the election of"
- Page 7, clause 28, line 50. *Omit* "annulled" *insert* "dissolved"
- Page 8, clause 29, subsection (III), line 2. *Omit* "two" *insert* "seven"
- Page 8, clause 30, subsection (I), line 6. *Omit* "seven" *insert* "five"
- Page 8, clause 31, line 18. *Omit* "nominate and" *insert* "subject" "to the approval of"
- Page 8, clause 31, line 18. *Omit* "may" *after* "Governor"
- Page 8, clause 31, line 20. *Omit* "may" *insert* "shall"
- Page 8, clause 31, line 21. *Omit* "such" *insert* "all"
- Page 8, clause 31, line 21. *After* "allowance" *insert* "of such" "inspectors and other officers"
- Page 8, clause 31, lines 21 and 22. *Omit* "as it may think fit, but"
- Page 8, clause 34, subsection (I), line 49. *After* "roll" *insert* "Provided that if necessary to liquidate claims for compensation or to meet other liabilities, the Board shall within" "any year, levy a rate to the full amount of one pound per" "centum, or two or more equal rates amounting in the" "aggregate to one pound per centum."
- Page 8, clause 34, subsection (II), line 53. *After* "revision" *insert* "and consideration of any appeal from such rating"
- Page 9, clause 37, subsection (II), line 17. *Omit* from "due" to the end of the section.
- Page 10, clause 49, subsection (II), line 44. *Omit* from "examining" in line 44 to "shall" in line 46 *insert* "the same"
- Page 11, clause 53, subsection (II), line 12. *After* "Parliament" *insert* "Provided further that no such regulation shall operate" "within any vine district where regulations made by the" "Board thereof are in operation."
- Title, lines 3, 4, and 5. *Omit* the words "or any insect or other" "pest, or any other matter or thing which may injuriously" "affect any grape-vine or vineyard."

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

*Legislative Assembly Chamber,
Sydney, 13 April, 1893.* }

F. W. WEBB,
Clerk of the Legislative Assembly.

New South Wales.



ANNO QUINQUAGESIMO SEXTO

VICTORIÆ REGINÆ.

No. .

An Act relating to Vine Diseases ; to prevent the introduction into this Colony, or removal from place to place in this Colony, of diseased grapes or grape vines, or any insect or other pest, or any other matter or thing which may injuriously affect any grape vine or vineyard ; and to eradicate a certain disease affecting grapes, grape vines, or vineyards ; to quarantine, and, if necessary, destroy any grapes, grape vine, vineyard, package, or implement ; to proclaim Vine Districts ; to appoint a Central and other Boards ; to make assessments and levy rates ; and for other purposes incidental thereto.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

5 1. This Act may be cited as the "Vine Diseases Act of 1893," and shall come into operation on the first day of June, one thousand eight hundred and ninety-three. Short title and commencement.

2. Notwithstanding the expiration of the "Vine Diseases Act, 1886," and the "Vine Diseases Act Amendment Act of 1888," any-
10 thing done or suffered after the thirty-first day of December, one thousand
80—A

Vine Diseases.

thousand eight hundred and ninety-two, by or by the direction of the persons who, at the time of the expiration of the said Acts, constituted the Board appointed under the said Acts, or who were inspectors, assistant inspectors, or persons authorised to Act or lawfully acting by 5 or under the authority of the said Acts, or either of them, shall be as valid and effectual as if the said Acts had been in force when the said things were done or suffered. And no suit or action shall be brought against those persons in respect of anything done or suffered by them as aforesaid.

10 3. In the construction and for the purposes of this Act, or any regulation or proclamation thereunder, the following words in inverted commas shall have the meaning hereinafter assigned to them respectively, that is to say :—

15 “Central Board” and “Board” shall respectively mean the Central Vine Diseases Board, or the Board of any vine district proclaimed under the provisions of this Act.

“Disease” shall mean the disease in grape-vines caused by the insect called *Phylloxera vastatrix*.

20 “Diseased” shall mean affected, or liable, by reason of having been in contact, to be affected, with the disease within the meaning of this Act.

“District” shall mean any vine district proclaimed under the provisions of this Act.

25 “District Inspector” shall mean an inspector of vineyards appointed by any Board of a vine district.

“Governor” shall mean the Governor with the advice of the Executive Council.

“Inspector” shall mean any inspector of vineyards appointed by the Minister.

30 “Minister” shall mean the Secretary for Mines and Agriculture.

“Prescribed” shall mean prescribed by this Act, or by any regulation made thereunder.

“Ratable Value”—The value of any vineyard as entered in the assessment roll of any district.

35 “Vine” shall mean a grape-vine, alive or dead, or any vine cutting.

“Vineyard” shall mean and include any parcel of land whereon one or more grape-vines may be planted or growing.

40 “Root or rooted-up” shall mean the removal of the whole of the original cutting, layer, or stock with at least six inches of the roots attached.

4. The Governor may from time to time, by proclamation in the *Gazette*, do any of the following acts :—

Declare any portion of the Colony a vine district, and assign to such district a specific name.

45 Alter the boundaries or name of any such district.

Divide a vine district into two or more such districts.

Unite two or more vine districts into one vine district.

Abolish any vine district.

50 Prohibit the introduction into this Colony from any place outside the Colony of any vine or part thereof, or any grapes or any package containing, or which has contained or been in contact with grapes or vines, the introduction of which has been or may be prohibited.

55 Prohibit the removal from any place within this Colony to any other place in this Colony of any vine or part thereof, or any grapes, package, implement, matter, or thing.

Declare any parcel of land or any building a quarantine for the reception of any vines or parts of vines or grapes known or supposed to be diseased.

Quarantine

Vine Diseases.

5 Quarantine any vineyard, or any building, vessel, land, or place wherein or whereon any diseased vine or part thereof or grapes may be or may have recently been, or any vineyard within a radius of one mile from any vineyard in which disease has been found.

5. The Governor may appoint a Central Board, consisting of three members, who shall receive such fees or other remuneration as the Governor may from time to time fix, and such Board shall act as a Board of Advice to the Minister in all matters arising under this Act. Central Board.

10 6. The following vine districts, the respective boundaries of which are set out in the Schedule hereto numbered One, are hereby created, Vine districts.
Schedule I. namely—(1) The Cumberland Vine District; (2) The Murray River Vine District; (3) The Hunter River Vine District. Forthwith after this Act comes into operation steps shall be taken as hereafter provided in regard to proclaimed districts to prepare a list of vinegrowers and to elect a Board for each of the three districts aforesaid, and the whole of the provisions relating to Boards of vine districts shall apply to these districts as if they had been proclaimed under this Act.

20 7. (I) The Minister may appoint any such person or persons as he may think fit to be an inspector or inspectors of vineyards, and any inspector so appointed may exercise in any part of the Colony any of the powers conferred by this Act upon such Inspectors. Inspectors.

(II) Any Board of a vine district may nominate, and the Governor may appoint, one or more district inspectors of vineyards, and such last-mentioned inspectors may within such district exercise any of the powers conferred by this Act upon such inspectors.

8. Every inspector may, with or without notice, on the pro- Powers of inspectors. duction of his authority—

30 (a) Enter into at any time, with or without assistants, any vessel, building, land, or place, containing any vine or part of a vine, or any grapes imported or brought into this Colony, and search therein for diseased vines, parts of vines or grapes, and may, forthwith destroy or cause to be destroyed any diseased vines or parts of vines or grapes, and any package containing, or which may have contained or come in contact with any such vine, part of vine or grapes, or may remove such vines or parts of vines or grapes to a quarantine for further examination, and may destroy any such as may be found to be diseased.

40 (b) May, with or without assistants, at all reasonable hours in the day time, enter any vineyard and examine any vine or part of a vine, or any grapes therein, and by notice in the form of Schedule hereto numbered Two, temporarily quaran- Schedule II. tine any vineyard in which he finds the disease, or any sign thereof, pending report to the Minister and action thereon.

45 (c) Periodically inspect the vineyards in any vine district, and report to the Central Board whether the Board of such District, or its officers, are failing to give effect to the provisions of this Act, and in what respect they are so failing.

50 (d) Every district inspector may, within the district to which he is appointed, exercise similar powers to those hereinbefore conferred upon Inspectors, except that any temporary quarantine notified by him shall continue, pending his report to the Board of such district, and action thereon.

55 9. Upon the report of any inspector that disease, or signs of disease is or are found in any vineyard not within a vine district, the Minister may cause inquiry to be made into the truth of such report, and upon proof that disease actually exists therein, the Governor may— Destruction of
vines, &c.

60 (a) Quarantine such vineyard, and every vineyard within a radius of one mile therefrom.

(b)

Vine Diseases.

- (b) Prohibit the removal therefrom of any vine, part of vine, grapes, package, implement, matter, or thing.
- 5 (c) Cause all the vines in such vineyard, and in any vineyard within a radius of one mile therefrom, to be rooted up, the land thoroughly trenched, and every vine or part thereof, destroyed by fire, and such other precautionary measures taken as may be deemed necessary to prevent the spread of the disease.
- 10 (d) Declare a vine district, including such vineyard.
- (e) Take such steps as hereinafter prescribed to secure the election of a Board.
- 15 (f) Pending the appointment by the Board of a district inspector cause a thorough inspection of all the vineyards in the district, quarantine any vineyard therein found to contain diseased vines, and any vineyard within a radius of one mile from such vineyard, prohibit the removal therefrom of vines, parts of vines, grapes, packages, or implements, and cause the vines in such vineyard to be destroyed as aforesaid.

20 Provided that as soon as the Board shall have been elected, and the district inspector appointed, the responsibility of eradicating disease from the vineyards in the district shall devolve upon the Board.

10. Upon receipt of a report from an inspector that any Board or its officers are failing to carry out the provisions of this Act, the Minister may call upon such Board to show cause why its election
 25 should not be annulled, or its officers dismissed, as the case may be; and if the Board fail to show cause to the satisfaction of the Minister, he may recommend that the election of such Board be annulled, or the officers dismissed, as the case may be: Provided that if the vinegrowers of the district take action in terms of section twenty-eight
 30 hereof, the Minister may stay his action till the result of the meeting of vinegrowers shall be known.

Election of Board may be annulled, or officers dismissed, for neglect.

11. If the owner, lessee, or occupier ceases for two years to cultivate his vineyard, he shall, within three months after service of notice from an inspector, at his own expense root up all vines therein. If he
 35 fail to do so, the Central or District Board, as the case may be, may cause such vines to be rooted up, and may recover the cost thereof from the owner in any Court of summary jurisdiction upon proof that the sum claimed has been expended in rooting up vines upon such owner's land.

Neglected vineyard may be destroyed.

40 12. The owner, tenant, lessee, or person in charge of any vineyard shall immediately on the first appearance therein of the disease notify the fact in writing of such appearance to an inspector or district inspector, as the case may be, or to the Minister, and in the event of his wilfully neglecting so to do, all claim by any person whosoever to
 45 any compensation under the provisions of the Act in respect of such vineyard shall be forfeited, and such owner, tenant, lessee, or person, shall on conviction thereof pay a penalty not exceeding one hundred pounds, or be imprisoned for any term not exceeding six months.

Appearance of disease to be notified.

13. Compensation may be claimed—
 50 (I) In respect of any vineyard (in which there is no disease) which has been rooted up to an amount not exceeding the ratable value thereof.
 (II) In respect of any vineyard, except as provided in sections eleven and twelve, in which any vines are diseased, and
 55 which has been rooted up, an amount not exceeding fifty pounds per centum of the ratable value thereof.

Compensation.

But no compensation shall be claimed or recovered—

(III) In respect of any loss sustained by reason of or in connection with the destruction of any diseased vine, part of vine, or

Vine Diseases.

or grapes brought into this Colony, or any package containing, or which may have contained, or come into contact with any such vine or grapes.

- 5 (IV) In respect of any loss sustained by reason of or in connection with the destruction of any vine, part of vine, grapes, package, or implements introduced into this Colony from any place outside the Colony or removed from any place within this Colony to any other place in this Colony contrary to or in violation of any prohibition proclaimed as aforesaid.

10 14. Claims for compensation allowable as aforesaid shall be made in the prescribed form within six months after the vineyard was rooted up— Claims for compensation how made.

- (I) In respect of any vineyard rooted up by an inspector acting under the direction of the Minister to the Minister.
- 15 (II) In respect to any vineyard rooted up by a district inspector to the Board of the district.
- (III) Claims not made within six months after the vineyard was rooted up may be disallowed.

20 15. (I) Every such claim shall be referred to an inspector or a district inspector, as the case may be, who shall estimate the amount of compensation to which the claimant is entitled. Compensation how determined.

(II) If the claimant and the inspector cannot agree upon the amount to be awarded, the matter in contention between the claimant and the inspector shall be referred to the Central Board to determine. If the claimant and the district inspector cannot so agree, the matter in contention between the claimant and the district inspector shall be referred to the Board of the vine district to determine. In either case, instead of a reference to the Central Board or the District Board, the claimant may cause a reference to arbitration in the usual way.

30 (III) In dealing with any such matter the Central Board or the Board, as the case may be, may take evidence on oath, and for that purpose the chairman for the time being of any such Board is hereby empowered to administer an oath.

35 (IV) The decision of the Central Board or the Board of the district, or the arbitrators, as to the amount of compensation to be paid shall be final.

40 16. (I) No member of the Central Board, nor of a Board interested directly or indirectly in any claim for compensation, or in any vineyard, the subject of such claim shall take part in determining the amount of compensation to be awarded in satisfaction of such claim. Persons interested not to act.

45 (II) No inspector or district inspector interested in any claim as aforesaid, or in any vineyard, the subject of such claim, shall make an estimate of the amount of compensation to be awarded or give evidence in respect thereof.

50 17. In the event of a lump sum having been awarded in satisfaction of the damage done by rooting up a vineyard, and such vineyard be let, leased, or mortgaged, or any person have a lien over the crop thereof, the sum awarded may be apportioned and paid to the landlord, tenant, lessee, mortgagee, or licensee in such proportions as may be agreed upon with the inspector or district inspector, or as may be determined by the Central Board, or the Board of the vine district, or the arbitrators, as the case may be. Apportionment of compensation.

55 18. (I) When the amount of compensation shall have been agreed upon between the inspector and the claimant, or determined by the Central Board, or the arbitrators, the same shall be paid out of the Consolidated Revenue within three months. Compensation how paid.

(II)

Vine Diseases.

(II) When the amount of compensation shall have been agreed upon between the district inspector and the claimant, or determined by the Board of the vine district, or the arbitrators, the same shall be paid out of the funds at the disposal of such Board.

5 19. The Minister shall cause to be paid out of the Consolidated Subsidy to Boards Revenue each year to each Board by way of subsidy a sum of money equal to the sum collected as rates by such Board during the year.

20. No vines shall be planted, or be permitted to grow either in any land from which any diseased vines have been removed, or in any Replanting of vineyards.
10 land within a radius of one mile thereof for a period of four years after such removal, and any person who shall commit any breach of this section shall, on conviction thereof, pay a penalty not exceeding one hundred pounds, or be imprisoned for any term not exceeding six months; and all vines planted or growing in or on any such land
15 within such period, shall be destroyed by an inspector or district inspector as the case may be.

21. No tenant or lessee shall be bound by any agreement or Agreements with lease to contravene the provisions of this Act. landlords void.

22. Forthwith, after the proclamation of a vine district, the Vine district and
20 Minister shall cause a list to be made containing the names in full list of vinegrowers. and address of each vinegrower in such district, and the extent of the vineyard owned by him, and such list when complete, or a copy thereof, shall be exhibited for a period of seven days at the petty sessions court-house, or at each such court-house within such district,
25 and notice thereof shall be published in one or more newspapers circulating in the district.

23. Any person may, within seven days after such list shall be first exhibited, lodge with any police magistrate or clerk of petty sessions within such district a notice requiring the insertion in the list Revision of list.
30 of the name of any vinegrower omitted from such list, or the striking out from such list any name improperly inserted therein and requiring the correction of any error, or alleged error, in such list.

24. At any time after the expiration of the seven days referred to in the last preceding section, the Minister may cause a police Revision court, vinegrowers' roll.
35 magistrate to hold a court for the purpose of hearing evidence on oath in support or in opposition to any such insertion, striking out, or correction as aforesaid, and such magistrate shall thereupon determine the questions raised by every such notice, and revise the list of vinegrowers accordingly, and such list shall thereupon become and be the
40 vinegrowers' roll for the district.

25. (I) In every district the vinegrowers shall elect annually Vinegrowers' to elect a Board, consisting of five members, being vinegrowers on the roll, board.
and the first election in each district proclaimed under this Act, shall be held at such place in the district, and at such time as the Governor
45 shall appoint.

(II) All elections of a Board subsequent to the first election shall be held in the month of September in every year, and retiring members shall (if not disqualified) be eligible for re-election.

(III) The Governor may appoint a returning officer to conduct
50 such elections in any district.

26. (I) For the purposes of the first or any subsequent election Nomination and election of Board.
the returning officer shall appoint a time and place for receipt of nominations, of which not less than fourteen days' notice shall be given in one or more newspapers published or circulating in the district.

55 (II) Every nomination shall be in writing, and shall contain the consent of the person nominated.

(III) If, within the time appointed, the number of qualified persons nominated for election do not exceed the number of members
to

Vine Diseases.

to be elected at any election, the returning officer shall, at the expiration of the time appointed for receiving nominations, declare the persons so nominated to be elected as members of the Board.

(iv) If the number of members so elected be less than the required number, but more than a quorum, the vacancies shall be regarded as extraordinary vacancies, and be filled up as hereinafter provided; but, if the number elected be less than a quorum, the returning officer shall hold another election to fill the vacant seats.

(v) If the number of qualified persons nominated be in excess of the number to be elected at any election, the returning officer shall appoint a day for taking a poll, and shall appoint one or more polling-places, and shall notify the time and place, or places, in manner aforesaid, and may appoint a deputy returning officer to preside at each polling-place.

(vi) When a poll has to be taken the voting shall be by ballot, at which each vinegrower shall be entitled to the prescribed number of votes.

(vii) As soon as convenient after the poll has been taken, the returning officer shall declare elected as many of the candidates who have received the highest number of votes as shall be required to fill the vacant seats.

(viii) The name of every member elected shall be published in the *Gazette*.

27. (i) The first meeting of the Board after a general election shall be held within fourteen days after such election. If any Board fail to meet within such period, or fail at any time to act, any seven or more vinegrowers on the roll may convene a meeting of vinegrowers, and call upon the members of the Board to attend thereat and show cause why the election should not be annulled.

Meetings of Board and election of chairman.

(ii) At the first meeting of the Board after a general election, the members present shall elect from their number a chairman, who shall (when present) preside at all meetings of the Board.

(iii) If the chairman be absent from any meeting at which there is a quorum, the members present shall appoint an acting chairman, who shall, at such meeting, exercise all the powers of the chairman.

(iv) A quorum shall consist of not less than four members. All questions considered at any meeting shall be decided by a majority of the votes, and if the votes on any question be equal, the chairman shall have a casting vote in addition to his deliberative vote.

(v) If a quorum be not present within half an hour of the time appointed for any meeting, any member or any officer of the board present may adjourn the meeting to another hour on the same day, or to any hour on another day, and notice of such adjournment shall be given, as far as practicable, to every absent member.

28. If any Board, having failed to meet within fourteen days after a general election, or having failed or refused to carry out the provisions of this Act, also fails (when called upon) to show cause to the satisfaction of a meeting of vinegrowers convened for that purpose why the election of such Board should not be annulled, such meeting of vinegrowers may declare the seats of the several members of the Board vacant, and may call upon the returning officer to hold another election.

Election annulled if Board fail to meet within fourteen days.

29. (i) If any member of a Board be absent from three consecutive meetings of the Board without leave of absence duly granted by the Board, he shall forfeit his seat.

Extraordinary vacancies, how caused and how filled.

(ii) If any member of a Board die, or resign, or refuse to act, or from any cause whatever become incapable of acting, his seat may be declared vacant by the Board.

(iii)

Vine Diseases.

(III) Any extraordinary vacancy caused as provided in section twenty-two, subsection (IV), or by the forfeiture or vacating of a seat as hereinbefore provided, shall be filled by the Board from the vinegrowers on the roll.

5 30. (I) If at any election as aforesaid no candidates be nominated or elected, the Governor may appoint any seven vinegrowers on the roll of the district a Board; and every Board so appointed shall be the Board of such district until the next general election subject to the foregoing provisions relating to extraordinary
10 vacancies and to failure to meet and act.

If no Board elected, Governor may appoint Board or officers in lieu thereof.

(II) If a Board of any district fail or refuse to meet, or to carry out the provisions of this Act, and the vinegrowers of such district fail to convene a meeting as hereinbefore provided to inquire into the cause thereof, and, if necessary, to move for the election of
15 another Board, the Governor may appoint officers to carry out the provisions of this Act, and such officers shall have and may exercise within such district all the powers of a Board under this Act.

31. Every Board may nominate and the Governor may appoint one or more district inspectors, and the Board may appoint
20 such other officers as it may consider necessary, and may out of the funds at its disposal pay such salaries and allowances as it may think fit; but no member of a Board shall be paid for his services beyond a fee of one pound for every meeting which he attends.

Appointment and payment of district officers.

32. (I) Every owner or occupier of a vineyard within a district shall on or before the first day of December in each year deliver or forward by registered letter to the chairman of the Board, or, if there be no Board, to the officers appointed by the Governor, a return in the form in the Schedule hereto numbered Three, stating the number of
25 acres planted with vines owned or occupied by him.

Return of acreage of vineyards.

30 (II) Every owner or occupier who refuses or neglects to make such return within the prescribed time shall forfeit and pay a penalty not exceeding five pounds.

(III) For the purpose aforesaid any fraction of an acre shall be deemed an acre.

35 (IV) Any owner or occupier who shall make a false return shall forfeit and pay a penalty not exceeding five pounds.

33. (I) From the returns made as provided in the last preceding section, the Board shall compile a roll of vinegrowers for the district.

Vinegrowers' roll.

(II) Every roll so compiled shall be revised as hereinbefore
40 provided in regard to the list of vinegrowers of a newly-proclaimed district, and shall thereupon become the roll of the district, and a copy thereof shall be forthwith forwarded to the returning officer.

(III) Until a roll shall have been compiled and revised for the current year, the existing roll shall be and be used as the roll for
45 the district.

34. (I) Every Board shall have power to impose and levy annually a rate according to the value of every vineyard within the district not exceeding one pound per centum of the value of each such vineyard as entered in the assessment roll.

Power of Board to levy rate.

50 (II) Forthwith after imposing any rate, the Board shall have prepared an assessment roll, which shall set out the amount of such rate payable in respect of every vineyard in the district; and such roll, after careful revision, shall be signed by the chairman and treasurer of the board, and shall be *prima facie* evidence of the
55 amount payable as rate on each vineyard named therein, and of the person liable to pay such rate.

Assessment roll.

35. The Board shall, when imposing a rate, fix the date on which such rate shall be payable, not being less than fourteen days after the rate has been imposed, and every owner or occupier of any
60 such vineyard shall, within the period named by the Board, pay such rate to the treasurer or collector of the Board.

Date when rate is payable to be fixed.

Vine Diseases.

36. (I) A notice of every rate imposed by any Board under this Act, signed by the chairman and treasurer of such Board, shall, within fourteen days after the rate was imposed, be published in the *Government Gazette*, and also in one or more newspapers circulating in the district.

Notice of rate to be published.

(II) Every such notice shall specify the amount of the rate per pound, and the date on which the same is payable.

(III) No proceedings shall be commenced against any person for the recovery of such rate until the expiration of one month after the date in such notice aforesaid on which such rate is payable.

37. Every rate imposed under this Act shall be payable, in the first instance, by the occupier of the vineyard; but unless otherwise expressly provided in any lease or agreement, such occupier, if a tenant, may recover from his landlord one-half the amount of the rate paid by or recovered from him as money paid to the use of the landlord, or the same may be deducted from, or set off against, the rent then due or thereafter to become due; and such landlord, if he in respect of such vineyard be tenant of another person, may deduct from his landlord a sum equal to that recovered or deducted from him as aforesaid, and so on between successive tenants and landlords, till the one-half the rate payable in respect of the vineyard be recovered from the owner thereof.

Occupier liable to pay rate in the first instance.

38. The owner of any unoccupied vineyard shall be deemed the occupier, and any rate due in respect thereof shall be paid by or be recovered from such owner.

Unoccupied vineyards.

39. The collector or other officer of the board authorised in that behalf by the chairman may sue for and recover any rate which shall, after the expiration of one month from the date on which such rate became payable, remain due and unpaid.

Recovery of unpaid rates.

40. All moneys received by any collector or other officer of any Board shall in the time and manner prescribed be paid over to the treasurer, and all moneys received by the treasurer of any Board shall in the time and manner prescribed be paid by him into a bank to the credit of an account in the name of the Board of which he is treasurer.

Treasurer to pay all moneys into bank

41. All moneys disbursed by the Board shall be paid by cheques drawn upon the bank account aforesaid, and all cheques shall be signed by the chairman, or acting-chairman, and the treasurer.

Disbursement of moneys.

42. The accounts of every Board shall at least once in each year be audited by an officer appointed by the Governor, or by a competent accountant, and a statement of such accounts, when audited, shall be forthwith published in the *Government Gazette* and in one or more newspapers circulating in the district.

Accounts to be audited and published.

43. All proceedings of any meeting of a Board, together with the names of all the members present thereat, shall be entered in a book to be kept for that purpose, and shall be signed by the chairman of the meeting at which such proceedings are confirmed, and all entries of any such proceedings so confirmed and signed shall be received in all courts as *prima facie* evidence of the matters recorded.

Proceedings of Board to be recorded.

44. The Board of any district may make regulations for regulating its own proceedings and the powers and duties of its officers, and generally for enforcing and giving effect to the provisions of the Act in relation to all matters within the district to which it belongs, and all such regulations after publication in the *Government Gazette* shall, if not inconsistent with this Act, have the same force and effect as if embodied in and forming part of this Act.

Power of board to make regulations.

45. In the event of any district being divided, abolished, or united with another district the liabilities duly incurred by the Board of any such district shall be transferred in such proportions as the Governor shall direct to the Board or Boards of the district or districts in

Transfer of liabilities.

Vine Diseases.

in which the area or part of the area of the district so divided, abolished, or united is contained: Provided that if the abolished district be not included in any other district the liabilities as aforesaid of such district shall be dealt with as the Governor shall direct.

5 46. (I) When any vine district is divided into two or more districts, all moneys in any bank to the credit of the Board of such district, or in the hands of such Board, or any officer thereof, and any moneys and rates due or becoming due to such Board, and any property of any kind belonging to such Board shall be apportioned between the
10 Boards of the several districts into which such first-mentioned district has been divided, in such manner as the Governor shall direct.

Transfer of funds,
&c., in case of the
division, abolition,
or union of districts.

(II) When any vine district is abolished, and the area thereof is included in another or other districts, the moneys and properties of every description of the board of the abolished district shall be
15 transferred to the district, or apportioned amongst the districts as the Governor shall direct, and the Board of any such last-mentioned district or districts shall have power to collect or recover any rates or moneys due to the Board of the abolished district in respect of any property within the area assigned to it.

20 (III) When any vine district is abolished, and the area thereof is not included in any other district or districts, the moneys and property of every description of the Board of the abolished district, shall be dealt with as the Governor shall direct.

(IV) When any vine district is united to any other district,
25 all moneys or properties of every description of the Board of the first-mentioned district, and all moneys and rates due to it shall be transferred to the Board of the district, to which the first-mentioned district is united, and such Board shall have power to collect and recover all moneys and rates due as aforesaid.

30 47. Every person who sells or offers or exposes for sale any grapes or vines infected with the disease, shall be liable, in addition to any other penalty provided in this Act, to a penalty not exceeding five pounds.

Infected grapes or
vines.

35 48. In any proceedings against any person for any breach of or non-compliance with this Act, or any regulation, the onus of proving that he has not committed the breach complained of, or has complied with the Act or regulations, shall rest upon the defendant.

Onus of proof on
defendant.

49. If any person refuses to allow any inspector or district
40 inspector, on the production of his authority, to enter at any reasonable time his vineyard, ship, boat, store, or other building, premises, or place to examine any vine, part of vine, grapes, case, box, barrel, or other receptacle or package, or impedes, hinders, or attempts to impede or hinder any inspector or district inspector from inspecting or examining any vineyard, ship, boat, shop, store, or other building,
45 premises, or place, or any vine, part of vine, grapes, case, box, barrel, or other receptacle or package shall, in addition to any other penalty provided in this Act, be liable to pay a penalty not exceeding five pounds for each offence; or, if the offence be continuous, for each day during which the offence is continued.

Penalty for obstruct-
ing any officer.

50 50. If any inspector or any other officer of a Board wilfully violates or omits to comply with, or neglects or refuses to enforce any provisions of this Act or any regulations thereunder which he is required to comply with or enforce, he shall be liable to a penalty not exceeding fifty pounds.

Penalty on inspector
or other officer.

55 51. All sums of money recoverable from any person under this Act, and all penalties imposed or made payable under this Act, may be recovered in any court of petty sessions.

Recovery of penalties.

52. (I) All penalties and sums of money recovered by any officer appointed by the Governor, or authorised by the Minister shall be paid into the public revenue.

Appropriation of
penalties.

(II)

Vine Diseases.

(II) All penalties and sums of money recovered by any officer of a Board shall be paid to the treasurer of the Board to which such officer belongs.

53. The Governor may make all such regulations as may from ^{Power of Governor to make regulations.} 5 time to time appear to him necessary for carrying into effect the several provisions of this Act, and all regulations so made shall, after publication in the *Government Gazette*, have the same force and effect as if embodied in and forming part of this Act: Provided that all such regulations shall be laid before Parliament within fourteen days 10 after publication if Parliament be then sitting; if not, then within fourteen days after the commencement of the next Session of Parliament.

54. Any error in any proclamation made under this Act may be rectified by any subsequent proclamation, and after the rectification 15 of the error the original proclamation shall be deemed to have been made, and shall be read as corrected. And no misnomer, inaccurate description or omission in any such proclamation shall in any wise suspend or impair the operation of this Act with respect to the matter so misdescribed or omitted. ^{Rectification of errors.}

20

SCHEDULES.

SCHEDULE I.

Boundaries of the Cumberland, Murray River, and Hunter River Vine Districts.

1. The Cumberland Vine District comprises the counties of Cumberland and Camden.
- 25 2. The Murray River Vine District comprises the counties of Denison, Hume, and Goulburn.
3. The Hunter River Vine District comprises the counties of Northumberland, Durham, and Gloucester.

SCHEDULE II.

Notice of Temporary Quarantine.

30 NOTICE is hereby given that I have from this day forth quarantined the vineyard owned or occupied by you situated [*insert situation of vineyard*]. Such vineyard will continue quarantined until released therefrom by order of the [*insert Minister, or chairman of the board, as the case may require.*]

35

(Signed)

Inspector (or District Inspector).

SCHEDULE III.

Vine District.

RETURN of the number of acres planted with vines in the vineyard owned or occupied by the undersigned.

40	Name and Address.	Portion No. and Parish.	Area planted with Vines.	Remarks.

I, _____, of _____, do solemnly and sincerely declare that I am the [*owner and occupier, or occupier, 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 vineyard.

45

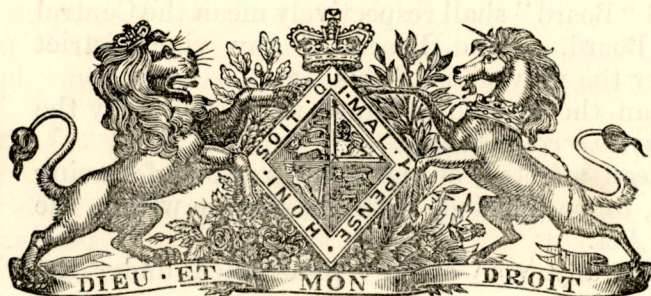
(Signature.)

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

*Legislative Assembly Chamber,
Sydney, 13 April, 1893.* }

F. W. WEBB,
Clerk of the Legislative Assembly.

New South Wales.



ANNO QUINQUAGESIMO SEXTO

VICTORIÆ REGINÆ.

No. .

An Act relating to Vine Diseases ; to prevent the introduction into this Colony, or removal from place to place in this Colony, of diseased grapes or grape vines, or any insect or other pest, or any other matter or thing which may injuriously affect any grape vine or vineyard ; and to eradicate a certain disease affecting grapes, grape vines, or vineyards ; to quarantine, and, if necessary, destroy any grapes, grape vine, vineyard, package, or implement ; to proclaim Vine Districts ; to appoint a Central and other Boards ; to make assessments and levy rates ; and for other purposes incidental thereto.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

5 1. This Act may be cited as the "Vine Diseases Act of 1893," and shall come into operation on the first day of June, one thousand eight hundred and ninety-three. Short title and commencement.

2. Notwithstanding the expiration of the "Vine Diseases Act, 1886," and the "Vine Diseases Act Amendment Act of 1888," any-
10 thing done or suffered after the thirty-first day of December, one thousand
80—A

Vine Diseases.

thousand eight hundred and ninety-two, by or by the direction of the persons who, at the time of the expiration of the said Acts, constituted the Board appointed under the said Acts, or who were inspectors, assistant inspectors, or persons authorised to Act or lawfully acting by 5 or under the authority of the said Acts, or either of them, shall be as valid and effectual as if the said Acts had been in force when the said things were done or suffered. And no suit or action shall be brought against those persons in respect of anything done or suffered by them as aforesaid.

10 3. In the construction and for the purposes of this Act, or any regulation or proclamation thereunder, the following words in inverted commas shall have the meaning hereinafter assigned to them respectively, that is to say :— Interpretation.

15 “Central Board” and “Board” shall respectively mean the Central Vine Diseases Board, or the Board of any vine district proclaimed under the provisions of this Act.

“Disease” shall mean the disease in grape-vines caused by the insect called *Phylloxera vastatrix*.

20 “Diseased” shall mean affected, or liable, by reason of having been in contact, to be affected, with the disease within the meaning of this Act.

“District” shall mean any vine district proclaimed under the provisions of this Act.

25 “District Inspector” shall mean an inspector of vineyards appointed by any Board of a vine district.

“Governor” shall mean the Governor with the advice of the Executive Council.

“Inspector” shall mean any inspector of vineyards appointed by the Minister.

30 “Minister” shall mean the Secretary for Mines and Agriculture.

“Prescribed” shall mean prescribed by this Act, or by any regulation made thereunder.

“Ratable Value”—The value of any vineyard as entered in the assessment roll of any district.

35 “Vine” shall mean a grape-vine, alive or dead, or any vine cutting.

“Vineyard” shall mean and include any parcel of land whereon one or more grape-vines may be planted or growing.

“Root or rooted-up” shall mean the removal of the whole of the original cutting, layer, or stock with at least six inches of the roots attached.

40 4. The Governor may from time to time, by proclamation in the *Gazette*, do any of the following acts :— Powers of the Governor.

Declare any portion of the Colony a vine district, and assign to such district a specific name.

45 Alter the boundaries or name of any such district.

Divide a vine district into two or more such districts.

Unite two or more vine districts into one vine district.

Abolish any vine district.

50 Prohibit the introduction into this Colony from any place outside the Colony of any vine or part thereof, or any grapes or any package containing, or which has contained or been in contact with grapes or vines, the introduction of which has been or may be prohibited.

55 Prohibit the removal from any place within this Colony to any other place in this Colony of any vine or part thereof, or any grapes, package, implement, matter, or thing.

Declare any parcel of land or any building a quarantine for the reception of any vines or parts of vines or grapes known or supposed to be diseased.

Quarantine

Vine Diseases.

5 Quarantine any vineyard, or any building, vessel, land, or place wherein or whereon any diseased vine or part thereof or grapes may be or may have recently been, or any vineyard within a radius of one mile from any vineyard in which disease has been found.

5. The Governor may appoint a Central Board, consisting of three members, who shall receive such fees or other remuneration as the Governor may from time to time fix, and such Board shall act as a Board of Advice to the Minister in all matters arising under this Act. Central Board.

10 6. The following vine districts, the respective boundaries of which are set out in the Schedule hereto numbered One, are hereby created, namely—(1) The Cumberland Vine District; (2) The Murray River Vine District; (3) The Hunter River Vine District. Forthwith after this Act comes into operation steps shall be taken as hereafter provided in regard to proclaimed districts to prepare a list of vinegrowers and to elect a Board for each of the three districts aforesaid, and the whole of the provisions relating to Boards of vine districts shall apply to these districts as if they had been proclaimed under this Act. Vine districts.
Schedule I.

20 7. (I) The Minister may appoint any such person or persons as he may think fit to be an inspector or inspectors of vineyards, and any inspector so appointed may exercise in any part of the Colony any of the powers conferred by this Act upon such Inspectors. Inspectors.

(II) Any Board of a vine district may nominate, and the Governor may appoint, one or more district inspectors of vineyards, and such last-mentioned inspectors may within such district exercise any of the powers conferred by this Act upon such inspectors.

8. Every inspector may, with or without notice, on the production of his authority— Powers of inspectors.

30 (a) Enter into at any time, with or without assistants, any vessel, building, land, or place, containing any vine or part of a vine, or any grapes imported or brought into this Colony, and search therein for diseased vines, parts of vines or grapes, and may, forthwith destroy or cause to be destroyed any diseased vines or parts of vines or grapes, and any package containing, or which may have contained or come in contact with any such vine, part of vine or grapes, or may remove such vines or parts of vines or grapes to a quarantine for further examination, and may destroy any such as may be found to be diseased.

40 (b) May, with or without assistants, at all reasonable hours in the day time, enter any vineyard and examine any vine or part of a vine, or any grapes therein, and by notice in the form of Schedule hereto numbered Two, temporarily quarantine any vineyard in which he finds the disease, or any sign thereof, pending report to the Minister and action thereon. Schedule II.

45 (c) Periodically inspect the vineyards in any vine district, and report to the Central Board whether the Board of such District, or its officers, are failing to give effect to the provisions of this Act, and in what respect they are so failing.

50 (d) Every district inspector may, within the district to which he is appointed, exercise similar powers to those hereinbefore conferred upon Inspectors, except that any temporary quarantine notified by him shall continue, pending his report to the Board of such district, and action thereon.

55 9. Upon the report of any inspector that disease, or signs of disease is or are found in any vineyard not within a vine district, the Minister may cause inquiry to be made into the truth of such report, and upon proof that disease actually exists therein, the Governor may— Destruction of vines, &c.

60 (a) Quarantine such vineyard, and every vineyard within a radius of one mile therefrom.

(b)

Vine Diseases.

- (b) Prohibit the removal therefrom of any vine, part of vine, grapes, package, implement, matter, or thing.
- 5 (c) Cause all the vines in such vineyard, and in any vineyard within a radius of one mile therefrom, to be rooted up, the land thoroughly trenched, and every vine or part thereof, destroyed by fire, and such other precautionary measures taken as may be deemed necessary to prevent the spread of the disease.
- 10 (d) Declare a vine district, including such vineyard.
- (e) Take such steps as hereinafter prescribed to secure the election of a Board.
- 15 (f) Pending the appointment by the Board of a district inspector cause a thorough inspection of all the vineyards in the district, quarantine any vineyard therein found to contain diseased vines, and any vineyard within a radius of one mile from such vineyard, prohibit the removal therefrom of vines, parts of vines, grapes, packages, or implements, and cause the vines in such vineyard to be destroyed as aforesaid.

20 Provided that as soon as the Board shall have been elected, and the district inspector appointed, the responsibility of eradicating disease from the vineyards in the district shall devolve upon the Board.

10. Upon receipt of a report from an inspector that any Board or its officers are failing to carry out the provisions of this Act, the Minister may call upon such Board to show cause why its election
25 should not be annulled, or its officers dismissed, as the case may be; and if the Board fail to show cause to the satisfaction of the Minister, he may recommend that the election of such Board be annulled, or the officers dismissed, as the case may be: Provided that if the vinegrowers of the district take action in terms of section twenty-eight
30 hereof, the Minister may stay his action till the result of the meeting of vinegrowers shall be known.

Election of Board may be annulled, or officers dismissed, for neglect.

11. If the owner, lessee, or occupier ceases for two years to cultivate his vineyard, he shall, within three months after service of notice from an inspector, at his own expense root up all vines therein. If he
35 fail to do so, the Central or District Board, as the case may be, may cause such vines to be rooted up, and may recover the cost thereof from the owner in any Court of summary jurisdiction upon proof that the sum claimed has been expended in rooting up vines upon such owner's land.

Neglected vineyard may be destroyed.

40 12. The owner, tenant, lessee, or person in charge of any vineyard shall immediately on the first appearance therein of the disease notify the fact in writing of such appearance to an inspector or district inspector, as the case may be, or to the Minister, and in the event of his wilfully neglecting so to do, all claim by any person whosoever to
45 any compensation under the provisions of the Act in respect of such vineyard shall be forfeited, and such owner, tenant, lessee, or person, shall on conviction thereof pay a penalty not exceeding one hundred pounds, or be imprisoned for any term not exceeding six months.

Appearance of disease to be notified.

13. Compensation may be claimed—

Compensation.

- 50 (I) In respect of any vineyard (in which there is no disease) which has been rooted up to an amount not exceeding the ratable value thereof.
- (II) In respect of any vineyard, except as provided in sections eleven and twelve, in which any vines are diseased, and
55 which has been rooted up, an amount not exceeding fifty pounds per centum of the ratable value thereof.

But no compensation shall be claimed or recovered—

- (III) In respect of any loss sustained by reason of or in connection with the destruction of any diseased vine, part of vine,
or

Vine Diseases.

or grapes brought into this Colony, or any package containing, or which may have contained, or come into contact with any such vine or grapes.

- 5 (IV) In respect of any loss sustained by reason of or in connection with the destruction of any vine, part of vine, grapes, package, or implements introduced into this Colony from any place outside the Colony or removed from any place within this Colony to any other place in this Colony contrary to or in violation of any prohibition proclaimed as aforesaid.

- 10 14. Claims for compensation allowable as aforesaid shall be made in the prescribed form within six months after the vineyard was rooted up— Claims for compensation how made.

(I) In respect of any vineyard rooted up by an inspector acting under the direction of the Minister to the Minister.

- 15 (II) In respect to any vineyard rooted up by a district inspector to the Board of the district.

(III) Claims not made within six months after the vineyard was rooted up may be disallowed.

- 20 15. (I) Every such claim shall be referred to an inspector or a district inspector, as the case may be, who shall estimate the amount of compensation to which the claimant is entitled. Compensation how determined.

(II) If the claimant and the inspector cannot agree upon the amount to be awarded, the matter in contention between the claimant and the inspector shall be referred to the Central Board to determine. If the claimant and the district inspector cannot so agree, the matter in contention between the claimant and the district inspector shall be referred to the Board of the vine district to determine. In either case, instead of a reference to the Central Board or the District Board, the claimant may cause a reference to arbitration in the usual way.

(III) In dealing with any such matter the Central Board or the Board, as the case may be, may take evidence on oath, and for that purpose the chairman for the time being of any such Board is hereby empowered to administer an oath.

- 35 (IV) The decision of the Central Board or the Board of the district, or the arbitrators, as to the amount of compensation to be paid shall be final.

- 40 16. (I) No member of the Central Board, nor of a Board interested directly or indirectly in any claim for compensation, or in any vineyard, the subject of such claim shall take part in determining the amount of compensation to be awarded in satisfaction of such claim. Persons interested not to act.

(II) No inspector or district inspector interested in any claim as aforesaid, or in any vineyard, the subject of such claim, shall make an estimate of the amount of compensation to be awarded or give evidence in respect thereof.

- 50 17. In the event of a lump sum having been awarded in satisfaction of the damage done by rooting up a vineyard, and such vineyard be let, leased, or mortgaged, or any person have a lien over the crop thereof, the sum awarded may be apportioned and paid to the landlord, tenant, lessee, mortgagee, or lienee in such proportions as may be agreed upon with the inspector or district inspector, or as may be determined by the Central Board, or the Board of the vine district, or the arbitrators, as the case may be. Apportionment of compensation.

- 55 18. (I) When the amount of compensation shall have been agreed upon between the inspector and the claimant, or determined by the Central Board, or the arbitrators, the same shall be paid out of the Consolidated Revenue within three months. Compensation how paid.

(II)

Vine Diseases.

(II) When the amount of compensation shall have been agreed upon between the district inspector and the claimant, or determined by the Board of the vine district, or the arbitrators, the same shall be paid out of the funds at the disposal of such Board.

5 19. The Minister shall cause to be paid out of the Consolidated Revenue each year to each Board by way of subsidy a sum of money equal to the sum collected as rates by such Board during the year. Subsidy to Boards

20. No vines shall be planted, or be permitted to grow either in any land from which any diseased vines have been removed, or in any Replanting of vineyards.
 10 land within a radius of one mile thereof for a period of four years after such removal, and any person who shall commit any breach of this section shall, on conviction thereof, pay a penalty not exceeding one hundred pounds, or be imprisoned for any term not exceeding six months; and all vines planted or growing in or on any such land
 15 within such period, shall be destroyed by an inspector or district inspector as the case may be.

21. No tenant or lessee shall be bound by any agreement or lease to contravene the provisions of this Act. Agreements with landlords void.

22. Forthwith, after the proclamation of a vine district, the
 20 Minister shall cause a list to be made containing the names in full and address of each vinegrower in such district, and the extent of the vineyard owned by him, and such list when complete, or a copy thereof, shall be exhibited for a period of seven days at the petty sessions court-house, or at each such court-house within such district,
 25 and notice thereof shall be published in one or more newspapers circulating in the district. Vine district and list of vinegrowers.

23. Any person may, within seven days after such list shall be first exhibited, lodge with any police magistrate or clerk of petty sessions within such district a notice requiring the insertion in the list
 30 of the name of any vinegrower omitted from such list, or the striking out from such list any name improperly inserted therein and requiring the correction of any error, or alleged error, in such list. Revision of list.

24. At any time after the expiration of the seven days referred to in the last preceding section, the Minister may cause a police
 35 magistrate to hold a court for the purpose of hearing evidence on oath in support or in opposition to any such insertion, striking out, or correction as aforesaid, and such magistrate shall thereupon determine the questions raised by every such notice, and revise the list of vinegrowers accordingly, and such list shall thereupon become and be the
 40 vinegrowers' roll for the district. Revision court, vinegrowers' roll.

25. (I) In every district the vinegrowers shall elect annually
 a Board, consisting of five members, being vinegrowers on the roll, and the first election in each district proclaimed under this Act, shall be held at such place in the district, and at such time as the Governor
 45 shall appoint. Vinegrowers' to elect board.

(II) All elections of a Board subsequent to the first election shall be held in the month of September in every year, and retiring members shall (if not disqualified) be eligible for re-election.

(III) The Governor may appoint a returning officer to conduct
 50 such elections in any district.

26. (I) For the purposes of the first or any subsequent election the returning officer shall appoint a time and place for receipt of nominations, of which not less than fourteen days' notice shall be given in one or more newspapers published or circulating in the district. Nomination and election of Board.

55 (II) Every nomination shall be in writing, and shall contain the consent of the person nominated.

(III) If, within the time appointed, the number of qualified persons nominated for election do not exceed the number of members to

Vine Diseases.

to be elected at any election, the returning officer shall, at the expiration of the time appointed for receiving nominations, declare the persons so nominated to be elected as members of the Board.

(IV) If the number of members so elected be less than the required number, but more than a quorum, the vacancies shall be regarded as extraordinary vacancies, and be filled up as hereinafter provided; but, if the number elected be less than a quorum, the returning officer shall hold another election to fill the vacant seats.

(V) If the number of qualified persons nominated be in excess of the number to be elected at any election, the returning officer shall appoint a day for taking a poll, and shall appoint one or more polling-places, and shall notify the time and place, or places, in manner aforesaid, and may appoint a deputy returning officer to preside at each polling-place.

(VI) When a poll has to be taken the voting shall be by ballot, at which each vinegrower shall be entitled to the prescribed number of votes.

(VII) As soon as convenient after the poll has been taken, the returning officer shall declare elected as many of the candidates who have received the highest number of votes as shall be required to fill the vacant seats.

(VIII) The name of every member elected shall be published in the *Gazette*.

27. (I) The first meeting of the Board after a general election shall be held within fourteen days after such election. If any Board fail to meet within such period, or fail at any time to act, any seven or more vinegrowers on the roll may convene a meeting of vinegrowers, and call upon the members of the Board to attend thereat and show cause why the election should not be annulled.

Meetings of Board
and election of
chairman.

(II) At the first meeting of the Board after a general election, the members present shall elect from their number a chairman, who shall (when present) preside at all meetings of the Board.

(III) If the chairman be absent from any meeting at which there is a quorum, the members present shall appoint an acting chairman, who shall, at such meeting, exercise all the powers of the chairman.

(IV) A quorum shall consist of not less than four members. All questions considered at any meeting shall be decided by a majority of the votes, and if the votes on any question be equal, the chairman shall have a casting vote in addition to his deliberative vote.

(V) If a quorum be not present within half an hour of the time appointed for any meeting, any member or any officer of the board present may adjourn the meeting to another hour on the same day, or to any hour on another day, and notice of such adjournment shall be given, as far as practicable, to every absent member.

28. If any Board, having failed to meet within fourteen days after a general election, or having failed or refused to carry out the provisions of this Act, also fails (when called upon) to show cause to the satisfaction of a meeting of vinegrowers convened for that purpose why the election of such Board should not be annulled, such meeting of vinegrowers may declare the seats of the several members of the Board vacant, and may call upon the returning officer to hold another election.

Election annulled if
Board fail to meet
within fourteen days.

29. (I) If any member of a Board be absent from three consecutive meetings of the Board without leave of absence duly granted by the Board, he shall forfeit his seat.

Extraordinary vacancies,
how caused and
how filled.

(II) If any member of a Board die, or resign, or refuse to act, or from any cause whatever become incapable of acting, his seat may be declared vacant by the Board.

(III)

Vine Diseases.

(III) Any extraordinary vacancy caused as provided in section twenty-two, subsection (IV), or by the forfeiture or vacating of a seat as hereinbefore provided, shall be filled by the Board from the vinegrowers on the roll.

5 30. (I) If at any election as aforesaid no candidates be nominated or elected, the Governor may appoint any seven vinegrowers on the roll of the district a Board; and every Board so appointed shall be the Board of such district until the next general election subject to the foregoing provisions relating to extraordinary
10 vacancies and to failure to meet and act.

If no Board elected, Governor may appoint Board or officers in lieu thereof.

(II) If a Board of any district fail or refuse to meet, or to carry out the provisions of this Act, and the vinegrowers of such district fail to convene a meeting as hereinbefore provided to inquire into the cause thereof, and, if necessary, to move for the election of
15 another Board, the Governor may appoint officers to carry out the provisions of this Act, and such officers shall have and may exercise within such district all the powers of a Board under this Act.

31. Every Board may nominate and the Governor may appoint one or more district inspectors, and the Board may appoint
20 such other officers as it may consider necessary, and may out of the funds at its disposal pay such salaries and allowances as it may think fit; but no member of a Board shall be paid for his services beyond a fee of one pound for every meeting which he attends.

Appointment and payment of district officers.

32. (I) Every owner or occupier of a vineyard within a district shall on or before the first day of December in each year deliver or forward by registered letter to the chairman of the Board, or, if there be no Board, to the officers appointed by the Governor, a return in the form in the Schedule hereto numbered Three, stating the number of
25 acres planted with vines owned or occupied by him.

Return of acreage of vineyards.

30 (II) Every owner or occupier who refuses or neglects to make such return within the prescribed time shall forfeit and pay a penalty not exceeding five pounds.

(III) For the purpose aforesaid any fraction of an acre shall be deemed an acre.

35 (IV) Any owner or occupier who shall make a false return shall forfeit and pay a penalty not exceeding five pounds.

33. (I) From the returns made as provided in the last preceding section, the Board shall compile a roll of vinegrowers for the district.

Vinegrowers' roll.

(II) Every roll so compiled shall be revised as hereinbefore provided in regard to the list of vinegrowers of a newly-proclaimed district, and shall thereupon become the roll of the district, and a copy thereof shall be forthwith forwarded to the returning officer.

(III) Until a roll shall have been compiled and revised for the current year, the existing roll shall be and be used as the roll for
45 the district.

34. (I) Every Board shall have power to impose and levy annually a rate according to the value of every vineyard within the district not exceeding one pound per centum of the value of each such vineyard as entered in the assessment roll.

Power of Board to levy rate.

50 (II) Forthwith after imposing any rate, the Board shall have prepared an assessment roll, which shall set out the amount of such rate payable in respect of every vineyard in the district; and such roll, after careful revision, shall be signed by the chairman and treasurer of the board, and shall be *prima facie* evidence of the
55 amount payable as rate on each vineyard named therein, and of the person liable to pay such rate.

Assessment roll.

35. The Board shall, when imposing a rate, fix the date on which such rate shall be payable, not being less than fourteen days after the rate has been imposed, and every owner or occupier of any
60 such vineyard shall, within the period named by the Board, pay such rate to the treasurer or collector of the Board.

Date when rate is payable to be fixed.

36.

Vine Diseases.

36. (I) A notice of every rate imposed by any Board under this Act, signed by the chairman and treasurer of such Board, shall, within fourteen days after the rate was imposed, be published in the *Government Gazette*, and also in one or more newspapers circulating
5 in the district.

Notice of rate to be published.

(II) Every such notice shall specify the amount of the rate per pound, and the date on which the same is payable.

(III) No proceedings shall be commenced against any person for the recovery of such rate until the expiration of one month after
10 the date in such notice aforesaid on which such rate is payable.

37. Every rate imposed under this Act shall be payable, in the first instance, by the occupier of the vineyard; but unless otherwise expressly provided in any lease or agreement, such occupier, if a tenant, may recover from his landlord one-half the amount of the rate
15 paid by or recovered from him as money paid to the use of the landlord, or the same may be deducted from, or set off against, the rent then due or thereafter to become due; and such landlord, if he in respect of such vineyard be tenant of another person, may deduct from his landlord a sum equal to that recovered or deducted from him
20 as aforesaid, and so on between successive tenants and landlords, till the one-half the rate payable in respect of the vineyard be recovered from the owner thereof.

Occupier liable to pay rate in the first instance.

38. The owner of any unoccupied vineyard shall be deemed the occupier, and any rate due in respect thereof shall be paid by or be
25 recovered from such owner.

Unoccupied vineyards.

39. The collector or other officer of the board authorised in that behalf by the chairman may sue for and recover any rate which shall, after the expiration of one month from the date on which such rate became payable, remain due and unpaid.

Recovery of unpaid rates.

40. All moneys received by any collector or other officer of any Board shall in the time and manner prescribed be paid over to the treasurer, and all moneys received by the treasurer of any Board shall in the time and manner prescribed be paid by him into a bank to the credit of an account in the name of the Board of which he is treasurer.

Treasurer to pay all moneys into bank

41. All moneys disbursed by the Board shall be paid by cheques drawn upon the bank account aforesaid, and all cheques shall be signed by the chairman, or acting-chairman, and the treasurer.

Disbursement of money.

42. The accounts of every Board shall at least once in each year be audited by an officer appointed by the Governor, or by a competent accountant, and a statement of such accounts, when audited,
40 shall be forthwith published in the *Government Gazette* and in one or more newspapers circulating in the district.

Accounts to be audited and published.

43. All proceedings of any meeting of a Board, together with the names of all the members present thereat, shall be entered in a
45 book to be kept for that purpose, and shall be signed by the chairman of the meeting at which such proceedings are confirmed, and all entries of any such proceedings so confirmed and signed shall be received in all courts as *prima facie* evidence of the matters recorded.

Proceedings of Board to be recorded.

44. The Board of any district may make regulations for regulating its own proceedings and the powers and duties of its officers, and generally for enforcing and giving effect to the provisions of the Act in relation to all matters within the district to which it belongs, and all such regulations after publication in the *Government Gazette* shall, if not inconsistent with this Act, have the same force and effect as if
55 embodied in and forming part of this Act.

Power of board to make regulations.

45. In the event of any district being divided, abolished, or united with another district the liabilities duly incurred by the Board of any such district shall be transferred in such proportions as the Governor shall direct to the Board or Boards of the district or districts

Transfer of liabilities.

Vine Diseases.

in which the area or part of the area of the district so divided, abolished, or united is contained: Provided that if the abolished district be not included in any other district the liabilities as aforesaid of such district shall be dealt with as the Governor shall direct.

- 5 46. (I) When any vine district is divided into two or more districts, all moneys in any bank to the credit of the Board of such district, or in the hands of such Board, or any officer thereof, and any moneys and rates due or becoming due to such Board, and any property of any kind belonging to such Board shall be apportioned between the
10 Boards of the several districts into which such first-mentioned district has been divided, in such manner as the Governor shall direct.

Transfer of funds,
&c., in case of the
division, abolition,
or union of districts.

- (II) When any vine district is abolished, and the area thereof is included in another or other districts, the moneys and properties of every description of the board of the abolished district shall be
15 transferred to the district, or apportioned amongst the districts as the Governor shall direct, and the Board of any such last-mentioned district or districts shall have power to collect or recover any rates or moneys due to the Board of the abolished district in respect of any property within the area assigned to it.

- 20 (III) When any vine district is abolished, and the area thereof is not included in any other district or districts, the moneys and property of every description of the Board of the abolished district, shall be dealt with as the Governor shall direct.

- (IV) When any vine district is united to any other district,
25 all moneys or properties of every description of the Board of the first-mentioned district, and all moneys and rates due to it shall be transferred to the Board of the district, to which the first-mentioned district is united, and such Board shall have power to collect and recover all moneys and rates due as aforesaid.

- 30 47. Every person who sells or offers or exposes for sale any grapes or vines infected with the disease, shall be liable, in addition to any other penalty provided in this Act, to a penalty not exceeding five pounds.

Infected grapes or
vines.

48. In any proceedings against any person for any breach of
35 or non-compliance with this Act, or any regulation, the onus of proving that he has not committed the breach complained of, or has complied with the Act or regulations, shall rest upon the defendant.

Onus of proof on
defendant.

49. If any person refuses to allow any inspector or district
40 inspector, on the production of his authority, to enter at any reasonable time his vineyard, ship, boat, store, or other building, premises, or place to examine any vine, part of vine, grapes, case, box, barrel, or other receptacle or package, or impedes, hinders, or attempts to impede or hinder any inspector or district inspector from inspecting or examining any vineyard, ship, boat, shop, store, or other building,
45 premises, or place, or any vine, part of vine, grapes, case, box, barrel, or other receptacle or package shall, in addition to any other penalty provided in this Act, be liable to pay a penalty not exceeding five pounds for each offence; or, if the offence be continuous, for each day during which the offence is continued.

Penalty for obstruct-
ing any officer.

- 50 50. If any inspector or any other officer of a Board wilfully violates or omits to comply with, or neglects or refuses to enforce any provisions of this Act or any regulations thereunder which he is required to comply with or enforce, he shall be liable to a penalty not exceeding fifty pounds.

Penalty on inspector
or other officer.

- 55 51. All sums of money recoverable from any person under this Act, and all penalties imposed or made payable under this Act, may be recovered in any court of petty sessions.

Recovery of penalties.

52. (I) All penalties and sums of money recovered by any officer appointed by the Governor, or authorised by the Minister shall be paid into the public revenue.

Appropriation of
penalties.

(II)

Vine Diseases.

(II) All penalties and sums of money recovered by any officer of a Board shall be paid to the treasurer of the Board to which such officer belongs.

53. The Governor may make all such regulations as may from time to time appear to him necessary for carrying into effect the several provisions of this Act, and all regulations so made shall, after publication in the *Government Gazette*, have the same force and effect as if embodied in and forming part of this Act: Provided that all such regulations shall be laid before Parliament within fourteen days after publication if Parliament be then sitting; if not, then within fourteen days after the commencement of the next Session of Parliament.

Power of Governor
to make regulations.

54. Any error in any proclamation made under this Act may be rectified by any subsequent proclamation, and after the rectification of the error the original proclamation shall be deemed to have been made, and shall be read as corrected. And no misnomer, inaccurate description or omission in any such proclamation shall in any wise suspend or impair the operation of this Act with respect to the matter so misdescribed or omitted.

Rectification of
errors.

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SCHEDULES.

SCHEDULE I.

Boundaries of the Cumberland, Murray River, and Hunter River Vine Districts.

1. The Cumberland Vine District comprises the counties of Cumberland and Camden.
2. The Murray River Vine District comprises the counties of Denison, Hume, and Goulburn.
3. The Hunter River Vine District comprises the counties of Northumberland, Durham, and Gloucester.

SCHEDULE II.

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*]. Such vineyard will continue quarantined until released therefrom by order of the [*insert Minister, or chairman of the board, as the case may require.*]

(Signed)

Inspector (or District Inspector).

SCHEDULE III.

Vine District.

RETURN of the number of acres planted with vines in the vineyard owned or occupied by the undersigned.

Name and Address.	Portion No. and Parish.	Area planted with Vines.	Remarks.

I, of , do solemnly and sincerely declare that I am the [*owner and occupier, or occupier, 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 vineyard.

(Signature.)

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