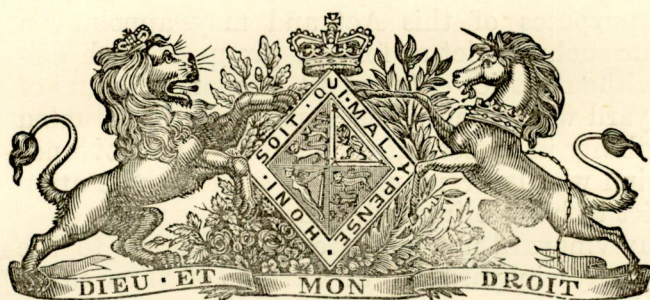


This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

*Legislative Assembly Chamber,
Sydney, 17 August, 1886.* }

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

New South Wales.



ANNO QUINQUAGESIMO

VICTORIÆ REGINÆ.

No. .

An Act to prohibit the Importation of Grape-vines Grape-vine-cuttings and Grapes and to deal with the disease known as Phylloxera.

WHEREAS it is necessary that immediate action be taken to Preamble.
eradicate the disease in vines caused by the insect called
"Phylloxera Vastatrix" and to prevent the further introduction into
the Colony of the said disease Be it therefore enacted by the Queen's
5 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 1886" Short title and interpretation of terms.
and in its construction "Disease" means the disease in grape-vines
10 caused by the "Phylloxera Vastatrix" and any other disease in grape-
vines proclaimed by the Governor as a disease within the meaning
of this Act "Diseased" means affected with disease as aforesaid
"Governor" means the Governor with the advice of the Executive
Council "District" means a Vine Disease District proclaimed under
15 this Act "Minister" means the responsible Minister of the Crown
charged with the administration of this Act "Vine" means grape-
vine And "Vineyard" means any portion of land whether enclosed
or not wholly or in part planted with vines.

Vine Diseases.

2. The Governor may by proclamation in the *Gazette* from time to time prohibit or restrict the importation into New South Wales of any vines vine-cuttings or grapes either generally or from any place or places to be named in such proclamation and may in like manner alter
 5 revoke or suspend for any specified time the operation of any such proclamation and while any such proclamation shall be in force all vines or vine-cuttings or grapes imported or brought into New South Wales contrary to any such proclamation shall be forfeited and shall be destroyed or otherwise disposed of as the Minister may direct and
 10 whosoever shall import or attempt to import any vines vine-cuttings or grapes contrary to any such proclamation shall on conviction thereof pay a penalty not exceeding fifty pounds Provided that nothing contained in this section shall operate to prohibit or restrict the importation of raisins currants or any other form of dried grapes.
- 15 3. The Governor may by proclamation in the *Gazette* declare any portion of the Colony defined in such proclamation to be a vine disease district for the purposes of this Act and may appoint an Inspector of vineyards for such district or for any group of such districts who may with or without notice enter at all reasonable hours of
 20 the day upon any vineyard wheresoever the same may be situated without incurring any liability in respect of such entry The Governor may in like manner rescind wholly or in part any such proclamation or may declare any district to be free from vine disease.
4. All vines in any vineyard now or hereafter reported to the
 25 Minister as diseased or in any vineyard within a radius of three miles from any such first-mentioned vineyard shall (if the Minister so direct) be rooted up and destroyed by any Inspector or person authorized by the Minister to act as Assistant Inspector in such manner and by such methods as may be prescribed by the regulations or authorized by the
 30 Governor Provided always that the owner of vines so rooted up and destroyed shall whether the same were actually diseased or not be entitled by way of compensation to an amount not exceeding the value of such vines if the same had not been rooted up to be ascertained as hereafter provided.
- 35 5. The compensation to be paid to any owner of a vineyard under this Act shall be such sum as may be agreed upon between the Inspector for the district in which the vineyard is situate and such owner or in default of agreement as may be determined by a Board of three persons to be appointed by the Governor but no Inspector
 40 shall be competent to be appointed to such Board In the event of any vineyard being let or mortgaged or of a lien having been given over any crop the produce of such vineyard the compensation to be paid to the owner of the vines shall be apportioned and paid to the lessor mortgagor or lienor and the tenant mortgagee or lienee in such
 45 proportions as the Inspector for the district or Board shall determine The estimate or determination of such Inspector or Board shall when approved by the Governor be final and conclusive.
6. Where land containing a vineyard on which any vines have
 50 been rooted up and destroyed under the provisions of this Act is under lease at the time of such rooting up and destruction the owner of such vines (if a tenant of such land) shall be entitled to give written notice to his landlord or to the agent of such landlord requiring him to make such abatement in the rent reserved on such land as may be a fair compensation for the loss or injury sustained by such tenant in consequence of such rooting up and destruction (to be determined if
 55 necessary by arbitration in the manner prescribed by regulations) If such land was wholly or mainly cultivated as a vineyard the tenant may at his option declare the lease to be cancelled The manner of giving effect to such abatement of rent and of modifying the covenants
 or

The importation of grape-vines or grape-vine-cuttings may be prohibited or restricted.

Not to apply to dried grapes.

Proclamation of districts and powers of Inspector.

Destructions of vines and compensation therefor.

Compensation how determined.

Adjustments as between landlord and tenant.

Vine Diseases.

or agreements in the lease as also the manner of giving effect to the declaration of cancellation shall be prescribed by the regulations.

7. Any compensation to which any person shall become entitled under the provisions of this Act and which shall be voted on an estimate laid before the Legislative Assembly shall be paid out of the Consolidated Revenue which is hereby appropriated for the purpose accordingly.

Compensation payable out of revenue.

8. If any person removes or carries away or orders or causes to be removed or carried away from any diseased district any vine or part of a vine or plants or transplants within or brings into any part of New South Wales any diseased vine or part of a vine or any vine or part thereof which has been removed or carried away from any vine disease district or from any place outside New South Wales infected or reasonably believed to be infected with vine disease every such person shall on conviction thereof pay a penalty not exceeding one hundred pounds or in default of payment of such penalty or unless such penalty shall be sooner paid may be imprisoned for any term not exceeding six months.

Removal &c. of grape-vines.

9. The owner tenant or person in charge of any vineyard shall immediately on the first appearance therein of any disease notify that fact to the Inspector of the district or to the Minister and if he neglects to do so any claim to compensation which he might otherwise have had under this Act shall be forfeited and if he shall be proved to have so neglected to notify such disease for the space of fourteen days after he had known of its existence or had reasonable grounds to suspect its existence he shall be liable to a penalty not exceeding one hundred pounds and in default of payment thereof or unless such penalty be sooner paid be imprisoned for any term not exceeding six months.

Disease to be notified.

10. If any person shall plant with vines any vineyard or portion of a vineyard in which vines have been rooted up and destroyed under the provisions of this Act before the district in which such vineyard or portion thereof is situated has been proclaimed free from vine disease as hereinbefore provided such person shall be liable to a penalty not exceeding fifty pounds and any vines so planted shall be rooted up and destroyed as in the case of a vineyard reported to be diseased within the meaning of section four of this Act without compensation to the owner thereof and the cost of rooting up and destroying the same may be recovered in a summary way from such owner or from the person who planted such vines as a penalty under this Act is recoverable.

When vines not to be replanted.

11. Whosoever shall wilfully obstruct any person lawfully acting in the execution of this Act shall forfeit and pay for every such offence any sum not exceeding ten pounds.

Penalty on person wilfully obstructing constable.

12. All informations for offences against this Act may be heard and determined and all penalties under this Act may be imposed by any Stipendiary or Police Magistrate or two or more Justices in a summary way. Provided always that any person aggrieved by any adjudication of such Magistrate or Justices may appeal therefrom to the next Court of General Sessions held within the district where the adjudication was had or nearest thereto. And such appeal and the parties thereto shall be governed by the provisions regulating appeals contained in sections four hundred and forty—four hundred and forty-one—four hundred and forty-two—and four hundred and forty-three of the "Criminal Law Amendment Act of 1883."

Summary jurisdiction.

13. The Governor may make regulations for the purpose of carrying this Act into effect and all such regulations when published in the *Gazette* shall have the force of law.

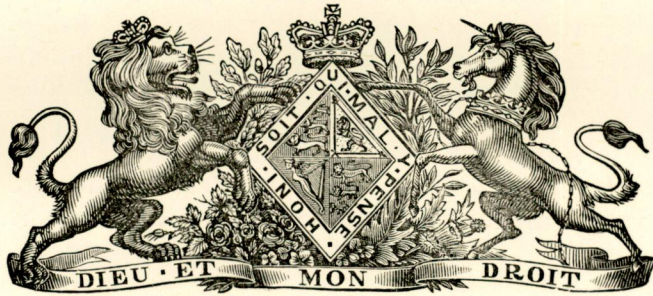
Regulations.

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, 17 August, 1886.* }

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

New South Wales.



ANNO QUINQUAGESIMO

VICTORIÆ REGINÆ.

No. .

An Act to prohibit the Importation of Grape-vines ~~Grape-vine cuttings and Grapes~~ and to deal with the disease known as Phylloxera.

(As amended and agreed to in Select Committee.)

WHEREAS it is necessary that immediate action be taken to Preamble.

eradicate the disease in vines caused by the insect called "Phylloxera Vastatrix" and to prevent the further introduction into the Colony of the said disease Be it therefore enacted by the Queen's

5 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 1886" Short title and interpretation of terms.
and in its construction "Disease" means the disease in grape-vines
10 caused by the "Phylloxera Vastatrix" ~~and any other disease in grape-vines proclaimed by the Governor as a disease within the meaning of this Act~~ "Diseased" means affected with disease as aforesaid "Governor" means the Governor with the advice of the Executive Council "District" means a Vine Disease District proclaimed under this Act "Minister"
15 means the responsible Minister of the Crown charged with the administration of this Act "Vine" means all parts of a grape-vine **except grapes** And "Vineyard" means any portion of land ~~whether enclosed or not wholly or in part~~ planted with vines "Owner" means owner tenant or person in charge.

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2.

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

Vine Diseases.

2. The Governor may by proclamation in the *Gazette* from time to time prohibit or restrict the importation into New South Wales of any vines ~~vine cuttings or grapes~~ either generally or from any place or places to be named in such proclamation and may in like manner alter
 5 revoke or suspend for any specified time the operation of any such proclamation and while any such proclamation shall be in force all vines ~~or vine cuttings or grapes~~ imported or brought into New South Wales contrary to any such proclamation shall be forfeited and shall
 10 be destroyed or otherwise disposed of as the Minister may direct and whosoever shall import or attempt to import any vines ~~vine cuttings or grapes~~ contrary to any such proclamation shall on conviction thereof pay a penalty not exceeding fifty pounds ~~Provided that nothing~~ contained in this section shall operate to prohibit or restrict the importation of raisins currants or any other form of dried grapes.
 15 3. The Governor may by proclamation in the *Gazette* declare any portion of the Colony defined in such proclamation to be a ~~vine~~ disease district for the purposes of this Act and may appoint an Inspector of vineyards for such district or for any group of such districts who may with ~~or without~~ **twenty-four hours notice to the owner**
 20 enter at all reasonable hours of the day upon any vineyard ~~wheresoever the same may be situated~~ without incurring any liability in respect of such entry The Governor may in like manner rescind wholly or in part any such proclamation or may declare any district to be free from ~~vine~~ disease.
 25 4. All vines in any vineyard now or hereafter reported ~~to and~~ **proved to the satisfaction of the Minister as to be diseased or in any vineyard within a radius of three miles from any such first mentioned vineyard** shall if the Minister so direct be rooted up and destroyed by any Inspector or person authorized by the Minister to act as Assistant Inspector in
 30 such manner and by such methods as may be prescribed by the regulations ~~or authorized by the Governor~~ Provided always that the owner of vines so rooted up and destroyed shall whether the same were actually diseased or not be entitled by way of compensation to an amount not exceeding the value of such vines if the same had not been rooted up
 35 to be ascertained as hereafter provided.
 5. The Compensation to be paid to any owner of a vineyard ~~destroyed under this Act and shall be such sum as may be agreed upon between the Inspector for the district in which the vineyard is situate and such owner or in default of agreement as may be determined by a Board~~
 40 of three persons to be appointed by the Governor but no Inspector shall be competent to be appointed to such Board In the event of any vineyard being let or mortgaged or of a lien having been given over any crop the produce of such vineyard the compensation to be paid to the owner of the vines shall be apportioned and paid to the
 45 lessor mortgagor or lienor and the tenant mortgagee or licensee in such proportions as the ~~Inspector for the district or~~ Board shall determine The estimate or determination of such ~~Inspector or~~ Board shall when approved by the Governor be final and conclusive.
 50 6. Where land containing a vineyard on which any vines have been rooted up and destroyed under the provisions of this Act is under lease at the time of such rooting up and destruction the ~~owner of such vines if a~~ tenant of such land shall be entitled to give written notice to his landlord or to the agent of such landlord requiring him to make such abatement in the rent reserved on such land as may be a fair com-
 55 pensation for the loss or injury sustained by such tenant in consequence of such rooting up and destruction (to be determined if necessary by ~~arbitration~~ the Board in the manner prescribed by regulations) If such land was wholly or mainly cultivated as a vineyard the tenant may at his option declare the lease to be cancelled The manner of
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 or

The importation of grape-vines or grape-vine-cuttings may be prohibited or restricted.

Not to apply to dried grapes.

Proclamation of districts and powers of Inspector.

Destructions of vines and compensation therefor.

Compensation how determined.

Adjustments as between landlord and tenant.

Vine Diseases.

or agreements in the lease as also the manner of giving effect to the declaration of cancellation shall be prescribed by the regulations.

7. Any compensation to which any person shall become entitled under the provisions of this Act and which shall be voted on an estimate laid before the Legislative Assembly shall be paid out of the Consolidated Revenue which is hereby appropriated for the purpose accordingly.

Compensation payable out of revenue.

8. If any person removes or carries away or orders or causes to be removed or carried away from any diseased district any vine or part of a vine or plants or transplants within or brings into any part of New South Wales any diseased vine or part of a vine or any vine or part thereof which has been removed or carried away from any vine disease district or from any place outside New South Wales infected or reasonably believed to be infected with vine disease every such person shall on conviction thereof pay a penalty not exceeding one hundred pounds or in default of payment of such penalty or unless such penalty shall be sooner paid may be imprisoned for any term not exceeding six months.

Removal &c. of grape-vines.

9. The owner tenant or person in charge of any vineyard shall immediately on the first appearance his ascertaining or having reasonable grounds for suspecting the existence therein of any disease notify that fact to the Inspector of the district or to the Minister and if he neglects to do so any claim to compensation which he might otherwise have had under this Act shall be forfeited and if he shall be proved to have so neglected to notify such disease or his suspicion of its existence for the space of fourteen days after he had known of its existence or had reasonable grounds to suspect its existence he shall be liable to a penalty not exceeding one hundred pounds and in default of payment thereof or unless such penalty be sooner paid be imprisoned for any term not exceeding six months.

Disease to be notified.

10. If any person shall plant with vines any vineyard or portion of a vineyard in which vines have been rooted up and destroyed under the provisions of this Act before the district in which such vineyard or portion thereof is situated has been proclaimed free from vine disease as hereinbefore provided such person shall be liable to a penalty not exceeding fifty pounds and any vines so planted shall be rooted up and destroyed as in the case of a vineyard reported to be diseased within the meaning of section four of this Act without compensation to the owner thereof and the cost of rooting up and destroying the same may be recovered in a summary way from such owner or from the person who planted such vines as a penalty under this Act is recoverable.

When vines not to be replanted.

11. Whosoever shall wilfully obstruct any person lawfully acting in the execution of this Act shall forfeit and pay for every such offence any sum not exceeding ten pounds.

Penalty on person wilfully obstructing.

12. All informations for offences against this Act may be heard and determined and all penalties under this Act may be imposed by any Stipendiary or Police Magistrate or two or more Justices in a summary way Provided always that any person aggrieved by any adjudication of such Magistrate or Justices may appeal therefrom to the next Court of General Sessions held within the district where the adjudication was had or nearest thereto And such appeal and the parties thereto shall be governed by the provisions regulating appeals contained in sections four hundred and forty—four hundred and forty-one—four hundred and forty-two—and four hundred and forty-three of the "Criminal Law Amendment Act of 1883."

Summary jurisdiction.

13. The Governor may make regulations for the purpose of carrying this Act into effect and all such regulations when published in the *Gazette* shall have the force of law.

Regulations.

The South District



VICTORIA REVIEW

Faded, illegible text, likely bleed-through from the reverse side of the page. The text is arranged in several paragraphs, but the characters are too light to be read accurately.

VINE DISEASES BILL.

SCHEDULE of Amendments referred to in Message of 7th October, 1886.

- Page 1, title. *Omit* "Grape-vine cuttings and grapes"
Page 1, title. *After* "Phylloxera" *insert* "**Vastatrix**"
Page 1, clause 1, lines 10 to 12. *Omit* "and any other disease in grape-vines proclaimed
" by the Governor as a disease within the meaning of this Act"
Page 1, clause 1, line 16. *After* "means" *insert* "**all parts of a**"
Page 1, clause 1, line 16. *After* "grape-vine" *insert* "**except grapes**"
Page 1, clause 1, lines 17 and 18. *Omit* "whether enclosed or not wholly or in part"
Page 1, clause 1. At end of clause *add* "**'Owner' means owner tenant or person in
" charge**"
Page 2, clause 2, line 3. *Omit* "vine cuttings or grapes"
Page 2, clause 2, line 7. *Omit* "or vine cuttings or grapes"
Page 2, clause 2, lines 10 and 11. *Omit* "vine cuttings or grapes"
Page 2, clause 2, line 12. *After* "pounds" *omit* remainder of clause.
Page 2, clause 3, lines 16 and 17. *Omit* "vine disease"
Page 2, clause 3, line 19. *Omit* "or without" *insert* "**twenty-four hours**"
Page 2, clause 3, line 19. *After* "notice" *insert* "**to the owner**"
Page 2, clause 3, lines 20 and 21. *Omit* "wheresoever the same may be situated"
Page 2, clause 3, line 24. *Omit* "vine"
Page 2, clause 4, line 25. *Omit* "to" *insert* "**and proved to the satisfaction of the
" Minister**"
Page 2, clause 4, line 26. *Omit* "as" *insert* "**to be**"
Page 2, clause 4, lines 26 and 27. *Omit* "or in any vineyard within a radius of three
" miles from any such first-mentioned vineyard" *insert* "**or such vines therein
" as the Minister may deem necessary**"
Page 2, clause 4, line 32. *Omit* "or authorized by the Governor"
Page 2, clause 5, line 37. *Omit* "a vineyard" *insert* "**vines destroyed**"
Page 2, clause 5, lines 38 to 40. *Omit* "as may be agreed upon between the Inspector
" for the District in which the vineyard is situate and such owner or in default
" of agreement"
Page 2, clause 5, line 42. *After* "Board" *omit* remainder of clause
Page 2, clause 6, lines 52 and 53. *Omit* "owner of such vines if a"
Page 2, clause 6, line 58. *Omit* "arbitration" *insert* "**the Board**"
Page 3, clause 7. *Omit* clause 7.
Page 3, clause 8, lines 11 and 12. *Omit* "or part of a vine"
Page 3, clause 8, line 13. *Omit* "diseased"
Page 3, clause 8, lines 13 and 14. *Omit* "or part of a vine or any vine or part
" thereof"
Page 3, clause 8, line 16. *Omit* "or reasonably believed to be infected"
Page 3, clause 8, line 16. *Omit* "vine"
Page 3, clause 9, line 21. *Omit* "tenant or person in charge"
Page 3, clause 9, line 22. *Omit* "the first appearance" *insert* "**his ascertaining the
" existence**"
Page 3, clause 9, line 23. *Omit* "any"
Page 3, clause 9, line 23. *Omit* "to the Inspector of the District or"
Page 4, clause ~~13~~ 12, lines 1 and 2. *Omit* "for the purpose of carrying this Act into
" effect" *insert* "**to provide for the proper destruction of vines for the
" manner of giving effect to the abatement of rent and of modifying
" the covenants or agreements in any lease as also for the manner of
" giving effect to any declaration of cancellation of such lease**"
Page 4, clause ~~13~~ 12. *After* clause ~~13~~ 12, *insert* new clause 13.

The present Bill is introduced in the Legislative Assembly, and is intended to amend the law relating to the Government of the Territory of New South Wales.

T. W. HARRIS

The Government of New South Wales, in the year 1881.

JOHN A. GILBERT

Bill South Wales

That the Governor of New South Wales may, in his discretion, cause to be printed and distributed to the members of the Legislative Assembly, a copy of the Bill.

BY APPOINTMENT

THE GOVERNMENT OF NEW SOUTH WALES

in the year 1881.

26

Printed and Published by the Government Printer, New South Wales.

The Governor of New South Wales, in the year 1881.

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, 17 August, 1886.* }

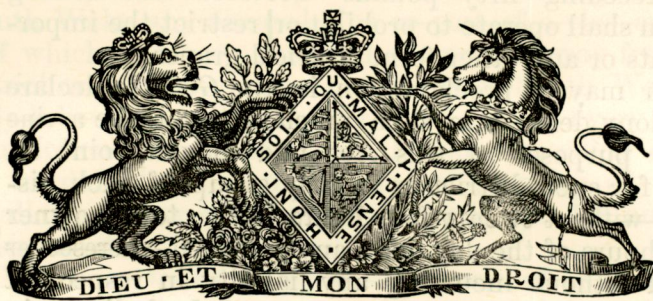
F. W. WEBB,
Acting Clerk of Legislative Assembly.

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

*Legislative Council Chamber,
Sydney, 7th October, 1886.* }

JOHN J. CALVERT,
Clerk of the Parliaments.

New South Wales.



ANNO QUINQUAGESIMO

VICTORIÆ REGINÆ.

No. .

An Act to prohibit the Importation of Grape-vines ~~Grape-vine-cuttings and Grapes~~ and to deal with the disease known as *Phylloxera Vastatrix*.

WHEREAS it is necessary that immediate action be taken to Preamble.
eradicate the disease in vines caused by the insect called
“*Phylloxera Vastatrix*” and to prevent the further introduction into
the Colony of the said disease Be it therefore enacted by the Queen’s
5 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 1886*” Short title and interpretation of terms.
and in its construction “*Disease*” means the disease in grape-vines
10 caused by the “*Phylloxera Vastatrix*” ~~and any other disease in grape-~~
~~vines proclaimed by the Governor as a disease within the meaning of this~~
~~Act~~ “*Diseased*” means affected with disease as aforesaid “*Governor*”
means the Governor with the advice of the Executive Council “*District*”
means a Vine Disease District proclaimed under this Act “*Minister*”
15 means the responsible Minister of the Crown charged with the admin-
istration of this Act “*Vine*” means **all parts of a grape-vine except**
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~~or not wholly or in part~~ planted with vines “*Owner*” means owner
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128—

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

Vine Diseases.

2. The Governor may by proclamation in the *Gazette* from time to time prohibit or restrict the importation into New South Wales of any vines ~~vine cuttings or grapes~~ either generally or from any place or places to be named in such proclamation and may in like manner alter ^{The importation of grape-vines or grape vine cuttings may be prohibited or restricted.}
- 5 revoke or suspend for any specified time the operation of any such proclamation and while any such proclamation shall be in force all vines ~~or vine cuttings or grapes~~ imported or brought into New South Wales contrary to any such proclamation shall be forfeited and shall be destroyed or otherwise disposed of as the Minister may direct and
- 10 whosoever shall import or attempt to import any vines ~~vine cuttings or grapes~~ contrary to any such proclamation shall on conviction thereof pay a penalty not exceeding fifty pounds ^{Not to apply to dried grapes.} ~~Provided that nothing~~ contained in this section shall operate to prohibit or restrict the importation of raisins currants or any other form of dried grapes.
- 15 3. The Governor may by proclamation in the *Gazette* declare any portion of the Colony defined in such proclamation to be a ~~vine~~ disease district for the purposes of this Act and may appoint an Inspector of vineyards for such district or for any group of such districts who may with ~~or without~~ **twenty-four hours** notice to the owner
- 20 enter at all reasonable hours of the day upon any vineyard ~~wheresoever the same may be situated~~ without incurring any liability in respect of such entry The Governor may in like manner rescind wholly or in part any such proclamation or may declare any district to be free from ~~vine~~ disease. ^{Proclamation of districts and powers of Inspector.}
- 25 4. All vines in any vineyard now or hereafter reported to and proved to the satisfaction of the Minister as to be diseased ~~or in any vineyard within a radius of three miles from any such first mentioned vineyard or such vines therein as the Minister may deem necessary~~ shall if the Minister so direct be rooted up and destroyed by any Inspector
- 30 or person authorized by the Minister to act as Assistant Inspector in such manner and by such methods as may be prescribed by the regulations ~~or authorized by the Governor~~ ^{Destructions of vines and compensation therefor.} Provided always that the owner of vines so rooted up and destroyed shall whether the same were actually diseased or not be entitled by way of compensation to an amount not
- 35 exceeding the value of such vines if the same had not been rooted up to be ascertained as hereafter provided.
5. The compensation to be paid to any owner of a ~~vineyard~~ vines destroyed under this Act shall be such sum as ~~may be agreed upon between the Inspector for the district in which the vineyard is situate and such owner or in default of agreement as may be determined by a Board of three persons to be appointed by the Governor but no Inspector shall be competent to be appointed to such Board~~ ^{Compensation how determined.} ~~In the event of~~ any vineyard being let or mortgaged or of a lien having been given over any crop the produce of such vineyard the compensation to be
- 40 paid to the owner of the vines shall be apportioned and paid to the lessor mortgagor or lienor and the tenant mortgagee or lienee in such proportions as the Inspector for the district or Board shall determine The estimate or determination of such Inspector or Board shall when
- 45 approved by the Governor be final and conclusive.
- 50 6. Where land containing a vineyard on which any vines have been rooted up and destroyed under the provisions of this Act is under lease at the time of such rooting up and destruction the ~~owner of such vines if a tenant of such land shall be entitled to give written notice to his landlord or to the agent of such landlord requiring him to make~~ ^{Adjustments as between landlord and tenant.} such abatement in the rent reserved on such land as may be a fair compensation for the loss or injury sustained by such tenant in consequence of such rooting up and destruction (to be determined if necessary by ~~arbitration~~ the Board in the manner prescribed by regulations) If such land was wholly or mainly cultivated as a vineyard the tenant may

Vine Diseases.

may at his option declare the lease to be cancelled. The manner of giving effect to such abatement of rent and of modifying the covenants or agreements in the lease as also the manner of giving effect to the declaration of cancellation shall be prescribed by the regulations.

5 7. Any compensation to which any person shall become entitled under the provisions of this Act and which shall be voted on an estimate laid before the Legislative Assembly shall be paid out of the Consolidated Revenue which is hereby appropriated for the purpose accordingly. Compensation payable out of revenue.

10 8. 7. If any person removes or carries away or orders or causes to be removed or carried away from any diseased district any vine ~~or part of a vine~~ or plants or transplants within or brings into any part of New South Wales any diseased vine ~~or part of a vine or any vine or part thereof~~ which has been removed or carried away from any vine disease district or from any place outside New South Wales infected ~~or reasonably believed to be infected~~ with vine disease every such person shall on conviction thereof pay a penalty not exceeding one hundred pounds or in default of payment of such penalty or unless such penalty shall be sooner paid may be imprisoned for any term not exceeding six months. Removal &c. of grape-vines.

15 9. 8. The owner ~~tenant or person in charge~~ of any vineyard shall immediately on the first appearance ~~his ascertaining the existence~~ therein of any disease notify that fact to the Inspector of the district or to the Minister and if he neglects to do so any claim to compensation ~~which he might otherwise have had under this Act~~ shall be forfeited and if he shall be proved to have so neglected to notify such disease for the space of fourteen days after he had known of its existence or had reasonable grounds to suspect its existence he shall be liable to a penalty not exceeding one hundred pounds and in default of payment thereof or unless such penalty be sooner paid be imprisoned for any term not exceeding six months. Disease to be notified.

20 10. 9. If any person shall plant with vines any vineyard or portion of a vineyard in which vines have been rooted up and destroyed under the provisions of this Act before the district in which such vineyard or ~~portion thereof~~ is situated has been proclaimed free from vine disease as hereinbefore provided such person shall be liable to a penalty not exceeding fifty pounds and any vines so planted shall be rooted up and destroyed as in the case of a vineyard reported to be diseased within the meaning of section four of this Act without compensation to the owner thereof and the cost of rooting up and destroying the same may be recovered in a summary way from such owner or from the person who planted such vines as a penalty under this Act is recoverable. When vines not to be replanted.

35 11. 10. Whosoever shall wilfully obstruct any person lawfully acting in the execution of this Act shall forfeit and pay for every such offence any sum not exceeding ten pounds. Penalty on person wilfully obstructing.

40 12. 11. All informations for offences against this Act may be heard and determined and all penalties under this Act may be imposed by any Stipendiary or Police Magistrate or two or more Justices in a summary way. Provided always that any person aggrieved by any adjudication of such Magistrate or Justices may appeal therefrom to the next Court of General Sessions held within the district where the adjudication was had or nearest thereto. And such appeal and the parties thereto shall be governed by the provisions regulating appeals contained in sections four hundred and forty—four hundred and forty-one—four hundred and forty-two—and four hundred and forty-three of the "Criminal Law Amendment Act of 1883." Summary jurisdiction.

Vine Diseases.

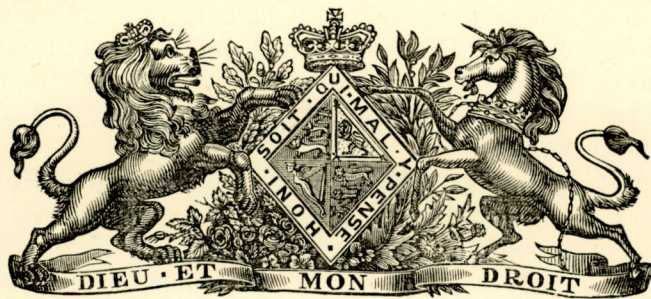
12. The Governor may make regulations ~~for the purpose of~~ Regulations. carrying this Act into effect to provide for the proper destruction of vines for the manner of giving effect to the abatement of rent and of modifying the covenants or agreements in any lease as also for the **5** manner of giving effect to any declaration of cancellation of such lease and all such regulations when published in the *Gazette* shall have the force of law.

13. This Act shall remain in force for the period of three years Duration of Act. from the first of January one thousand eight hundred and eighty-seven.

Sydney: Thomas Richards, Government Printer. -1886.

[3d.]

New South Wales.



ANNO QUINQUAGESIMO

VICTORIÆ REGINÆ.

No. XXIII.

An Act to prohibit the Importation of Grape-vines and to deal with the disease known as *Phylloxera Vastatrix*. [Assented to, 23rd October, 1886.]

WHEREAS it is necessary that immediate action be taken to eradicate the disease in vines caused by the insect called "*Phylloxera Vastatrix*" and to prevent the further introduction into the Colony of the said disease Be it therefore 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 1886*" and in its construction "*Disease*" means the disease in grape-vines caused by the "*Phylloxera Vastatrix*" "*Diseased*" means affected with disease as aforesaid "*Governor*" means the Governor with the advice of the Executive Council "*District*" means a Vine Disease District proclaimed under this Act "*Minister*" means the responsible Minister of the Crown charged with the administration of this Act "*Vine*" means all parts of a grape-vine except grapes And "*Vineyard*" means any portion of land planted with vines "*Owner*" means owner tenant or person in charge.

Preamble.

Short title and interpretation of terms.

Vine Diseases.

The importation of grape-vines may be prohibited or restricted.

2. The Governor may by proclamation in the *Gazette* from time to time prohibit or restrict the importation into New South Wales of any vines either generally or from any place or places to be named in such proclamation and may in like manner alter revoke or suspend for any specified time the operation of any such proclamation and while any such proclamation shall be in force all vines imported or brought into New South Wales contrary to any such proclamation shall be forfeited and shall be destroyed or otherwise disposed of as the Minister may direct and whosoever shall import or attempt to import any vines contrary to any such proclamation shall on conviction thereof pay a penalty not exceeding fifty pounds.

Proclamation of districts and powers of Inspector.

3. The Governor may by proclamation in the *Gazette* declare any portion of the Colony defined in such proclamation to be a district for the purposes of this Act and may appoint an Inspector of Vineyards for such district or for any group of such districts who may with twenty-four hours notice to the owner enter at all reasonable hours of the day upon any vineyard without incurring any liability in respect of such entry The Governor may in like manner rescind wholly or in part any such proclamation or may declare any district to be free from disease.

Destructions of vines and compensation therefor.

4. All vines in any vineyard now or hereafter reported and proved to the satisfaction of the Minister to be diseased or such vines therein as the Minister may deem necessary shall if the Minister so direct be rooted up and destroyed by any Inspector or person authorized by the Minister to act as Assistant Inspector in such manner and by such methods as may be prescribed by the regulations Provided always that the owner of vines so rooted up and destroyed shall whether the same were actually diseased or not be entitled by way of compensation to an amount not exceeding the value of such vines if the same had not been rooted up to be ascertained as hereafter provided.

Compensation how determined.

5. The compensation to be paid to any owner of vines destroyed under this Act shall be such sum as may be determined by a Board of three persons to be appointed by the Governor but no Inspector shall be competent to be appointed to such Board.

Adjustments as between landlord and tenant.

6. Where land containing a vineyard on which any vines have been rooted up and destroyed under the provisions of this Act is under lease at the time of such rooting up and destruction the tenant of such land shall be entitled to give written notice to his landlord or to the agent of such landlord requiring him to make such abatement in the rent reserved on such land as may be a fair compensation for the loss or injury sustained by such tenant in consequence of such rooting up and destruction (to be determined if necessary by the Board in the manner prescribed by regulations) If such land was wholly or mainly cultivated as a vineyard the tenant may at his option declare the lease to be cancelled The manner of giving effect to such abatement of rent and of modifying the covenants or agreements in the lease as also the manner of giving effect to the declaration of cancellation shall be prescribed by the regulations.

Removal &c. of grape-vines.

7. If any person removes or carries away or orders or causes to be removed or carried away from any diseased district any vine or plants or transplants within or brings into any part of New South Wales any vine which has been removed or carried away from any vine disease district or from any place outside New South Wales infected with disease every such person shall on conviction thereof pay a penalty not exceeding one hundred pounds or in default of payment of such penalty or unless such penalty shall be sooner paid may be imprisoned for any term not exceeding six months.

Vine Diseases.

8. The owner of any vineyard shall immediately on his ascertaining the existence therein of disease notify that fact to the Minister and if he neglects to do so any claim to compensation which he might otherwise have had under this Act shall be forfeited and if he shall be proved to have so neglected to notify such disease for the space of fourteen days after he had known of its existence or had reasonable grounds to suspect its existence he shall be liable to a penalty not exceeding one hundred pounds and in default of payment thereof or unless such penalty be sooner paid be imprisoned for any term not exceeding six months. Disease to be notified.

9. If any person shall plant with vines any vineyard or portion of a vineyard in which vines have been rooted up and destroyed under the provisions of this Act before the district in which such vineyard or portion thereof is situated has been proclaimed free from vine disease as hereinbefore provided such person shall be liable to a penalty not exceeding fifty pounds and any vines so planted shall be rooted up and destroyed as in the case of a vineyard reported to be diseased within the meaning of section four of this Act without compensation to the owner thereof and the cost of rooting up and destroying the same may be recovered in a summary way from such owner or from the person who planted such vines as a penalty under this Act is recoverable. When vines not to be replanted.

10. Whosoever shall wilfully obstruct any person lawfully acting in the execution of this Act shall forfeit and pay for every such offence any sum not exceeding ten pounds. Penalty on person wilfully obstructing.

11. All informations for offences against this Act may be heard and determined and all penalties under this Act may be imposed by any Stipendiary or Police Magistrate or two or more Justices in a summary way. Provided always that any person aggrieved by any adjudication of such Magistrate or Justices may appeal therefrom to the next Court of General Sessions held within the district where the adjudication was had or nearest thereto. And such appeal and the parties thereto shall be governed by the provisions regulating appeals contained in sections four hundred and forty—four hundred and forty-one—four hundred and forty-two—and four hundred and forty-three of the "Criminal Law Amendment Act of 1883." Summary jurisdiction.

12. The Governor may make regulations to provide for the proper destruction of vines for the manner of giving effect to the abatement of rent and of modifying the covenants or agreements in any lease as also for the manner of giving effect to any declaration of cancellation of such lease and all such regulations when published in the *Gazette* shall have the force of law. Regulations.

13. This Act shall remain in force for the period of three years from the first of January one thousand eight hundred and eighty-seven. Duration of Act.

