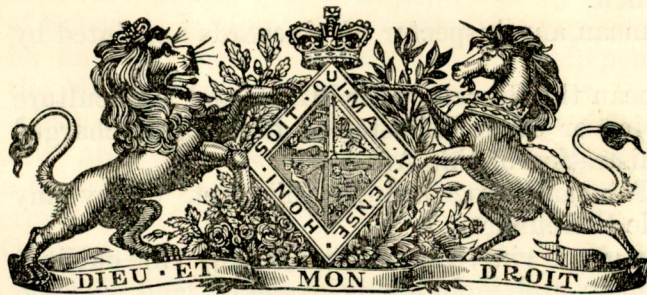


This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

Legislative Assembly Chamber,  
Sydney, 23 May, 1895. }

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

## New South Wales.



ANNO QUINQUAGESIMO OCTAVO

# VICTORIÆ REGINÆ.

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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 other matter or thing which may injuriously affect any grape vine or vineyard ; and to eradicate the disease known as *Phylloxera vastatrix* affecting grapes, grape vines, or vineyards ; to quarantine, and if necessary destroy any grapes, grape vine, vineyard, package, or implement ; to appoint a Central Board ; and for other purposes incidental thereto ; and to repeal the Act 56 Victoria No. 22.

**B**E 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 1895," Short title and commencement. and shall come into operation on the first day of June, one thousand eight hundred and ninety-five.

10 2. The Act fifty-sixth Victoria number twenty-two is hereby Repeal. repealed ; but such repeal shall not affect any proclamation, appointment, regulation, or order made, or notice, notification, or authority given, or any compensation due or payable, or proceedings begun, under the said Act before the commencement of this Act.

*Vine Diseases.*

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:—

5 “Central Board” shall mean the Central Vine Diseases Board proclaimed under the provisions of this Act.

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

10 “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.

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

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

“Minister” shall mean the Secretary for Mines and Agriculture for the time being or other Minister of the Crown charged with the administration of this Act.

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

“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, or be found.

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

30 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.

35 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 the disease.

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.

40 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, or any vineyard within a radius not exceeding one quarter of a mile from any vineyard in which disease has been found.

45 5. The Governor shall create a central board, consisting of seven members, three of whom shall be elected as hereinafter provided, and four may be appointed by the Governor; and the Governor may proclaim three districts, and the vine growers in each of such districts shall have power in the prescribed manner to elect one member of such board, and the members of such board who shall receive such

50 fees (not exceeding fifty pounds per annum for each member) 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.

6. The Minister may appoint any such person or persons as he may think fit to be an inspector or inspectors of vineyards, and any

55 inspector so appointed may exercise in any part of the Colony any of the powers conferred by this Act upon such inspectors.

7. Every inspector may, with notice, on producing his authority—

(a) Enter into at any time, with or without assistants, any vessel, building, land, or place, containing any vine or part of

*Vine Diseases.*

- 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.
- 5
- 10 (b) May, with or without assistants, within the hours of nine ante meridiem and five post meridiem, on producing his authority, enter any vineyard and examine any vine or part of a vine, or any grapes therein, and by notice in the form of Schedule I, temporarily quarantine any vineyard in which he finds any disease, or any sign thereof, pending report to the Minister and action thereon. Schedule I.
- 15
8. Upon the report of any inspector that disease, or signs of disease, is or are found in any vineyard, 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.
- 20
- (a) Quarantine such vineyard, and any vineyard within a radius not exceeding a quarter of a mile therefrom.
- (b) Prohibit the removal from the area so quarantined, or any vineyard within such area, of any vine, part of vine, grapes, package, implement, matter, or thing.
- 25
- (c) Cause a thorough inspection to be made of all vineyards within such area.
- (d) Cause all the vines in any vineyard, and in any vineyard not exceeding a quarter of a mile therefrom, to be treated in the manner prescribed.
- 30
- (e) Declare a district, including such vineyard, infected.
9. 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 Appearance of disease to be notified.
- 35 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
- 40 fifty pounds, or to be imprisoned for any term not exceeding one month.
10. Compensation may be claimed— Compensation.
- (I) In respect of any vineyard in which there is no disease and which has been destroyed, to an amount not exceeding the estimated value thereof.
- 45
- (II) In respect of any vineyard, except as provided in section nine, in which any vines are diseased, and which has been destroyed, to an amount not exceeding fifty pounds per centum of the value thereof.
- 50 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.
- 55
- (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

