**PHYLLOXERA ACT AMENDMENT BILL 1922**

**House of Assembly, 29 November 1922, pages 1884-6**

Second reading

The MINISTER of AGRICULTURE (Hon. G. F. Jenkins)—This Bill is introduced at the request of the Phylloxera Board, which fears an outbreak of phylloxera in South Australia. The report of the Parliamentary Draftsman is:—

The Phylloxera Act, 1899, was framed at the instance of our leading and most far-seeing vignerons with a view to minimising, as far as humanly possible, the effects of the anticipated invasion into this State of the destructive vine disease known as Phylloxera vas- tatrix. That invasion was then and is now deemed imminent and inevitable. This disease by 1899 had secured a firm hold in the eastern States of Australia and had there proved to be ineradicable once it had established itself. It was first allowed to spread through carelessness and negligence, and as a result caused immense losses to the vignerons whose, vines were infected. South Australia vignerons resolved to take all precautions and necessary measures to prevent the inroad of the disease into South Australia. They accordingly secured the passing of the Phylloxera Act, 1899. Under this Act all vineyards are taxed and the proceeds form a fund called the “Phylloxera fund. ” The Act establishes a board of eight members, of whom two are appointed by the Minister of Agriculture, while the remaining six members are elected by the vignerons of the State. The board is given wide and stringent powers to effectively cope with any outbreak of disease in South Australia. Thus an infected area may be quarantined and all the vines within that area completely destroyed. The owner is, in such event, paid compensation out of the Phylloxera fund, and this is the principal purpose for which the fund exists. The steps taken by the board have up to the present been successful in keeping the phylloxera pest out of South Australia. Since 1899 a never ceasing vigilance has been maintained for that end. A proclamation has been issued under the Vine, Fruit, and Vegetable Protection Acts, 1885 and 1910, forbidding the introduction into South Australia of any vine plant. It has been felt that the only way to exclude phylloxera from this State is to completely close all avenues through which it might possibly be introduced into South Australia. Vignerons, however, are satisfied that, sooner or later, the disease must find its way over the borders from some other State. If phylloxera does break out in South Australia the board intend to take all possible measures to eradicate it. But the board wish to be prepared if they find any part of the State so infected that it is impossible to exterminate the disease in that part. The only thing to do in such event is to completely root out the infected vines and replant the land with phylloxera resistant vines. The board wish to be prepared for such an emergency, and to that end the Government has introduced this Bill. Clause 8 is the important clause of the Bill. The board is given power, not possessed at present, to establish nurseries for the cultivation and propagation of phylloxera resistant vine plants. The nurseries must be outside South Australia. This prevents any danger of introducing the disease into South Australia from any nursery established in the State, furthermore, it is thought that if the nursery is established in an infected district in other State the board may in some measure defray the cost of the nursery by disposing the resistant stocks to vignerons in infected areas. Subclause 6 provides that when the board is unable to stamp out the disease in any part of the State where it has gained a hold, the board may, with the consent of the Governor, and within the area fixed by proclamation, introduce phylloxera resistant vines from its nurseries for the purpose of planting within that area. The Governor will require to be satisfied that all possible means have been taken to exterminate the disease in the part of the State affected, and then the powers given will extend to that part only. Even if the board decide that it is impossible to stamp out the disease in one part of the State, efforts to keep the rest of the State free from the pest will in no wise.be relaxed. The affected part will be rigidly quarantined and treated as quite distinct from the rest of the State. The board will, in these circumstances, replant a vigneron’s vineyard if he so desires instead of paying him compensation out of the fund. The question whether the board should be given these powers has been recently submitted to a ballot of the vignerons and they, by an overwhelming majority, decided in favor of the proposal. Thus clause 8 embodies the wishes of the people whose interests are most vitally concerned. At the present time the phylloxera fund consists of about £21,000. This fund was primarily established for the purpose of .providing compensation for any vigneron whose vineyard was sacrificed for the common good. It is felt that the greater portion of this sum should be left intact for the original purpose intended and therefore subclause (3) provides that £18,000 out of the fund must be set aside for the general purposes of the board, the principal one of which is that of providing compensation when needed, and that the board must carry out its project of establishing nurseries without using any of this £18,000. The remainder of the Bill deals with the constitution of the board. At present, the State is divided into six districts and each district elects one member of the board. In view of the large expansion of vine growing on the Murray (for fruit vines come within the Act and are subject to phylloxera equally with wine-producing vines), it is thought that the Murray district should have a separate member. Accordingly the Bill increases the number of elective members to seven. The schedule alters the schedule to the principal Act and divides the State into seven new districts as, in order to fit in another district, it is necessary in some measure to alter the boundaries of the existing districts. The present board is in some doubt as to the validity of the title to office of some of their members. There is no provision in the principal Act dealing with the length of the term of office of members elected to fill extraordinary vacancies, and as some of the board’s present members were elected to fill casual vacancies, the board is not sure when the terms of some of their members expire. In order to fit in the new system of districts and to solve their other difficulties, the board has asked that this Bill provide that, all the elective offices be declared vacant and that an election be held next year for all seven elective members. This is provided for by clauses 4 to 6 of the Bill. Clause 7 provides: that, after the first year of the constitution of the new board, all members shall hold office for two years, four retiring from office one year and three the next. The clause also provides that a member elected to fill an extraordinary vacancy shall only be elected for the unexpired term of office of his predecessor. In consequence of the enactment of these new provisions relating to the constitution of the board, section. 7 of-the principal Act, which at present fixes the constitution of the board, is rendered unnecessary, and is repealed by clause 3.

This Bill does not deal with any public funds. The fund available for the Phylloxera Board is one for which they voluntarily tax themselves, and the powers sought are asked for by the vignerons themselves. The measure is to deal with the introduction of a disease which is more dreaded by vignerons than any other disease. I have been asked why we are not establishing nurseries here? There are nurseries in the other States, and it has been felt that there is a danger in introducing phylloxera resisting vines into this State of bringing the disease with them. I move the second reading.

Mr. PRICE secured the adjournment of the debate until November 30.