



Are you involved in the settlement of a property that includes grapevines?

Involved in a vineyard sale?

If you are involved in the settlement of a property that includes grapevines, there are additional specific legal requirements to manage, including those associated with the *Phylloxera and Grape Industry Act 1995*.

This Act, originally called the *Phylloxera Act 1899*, established Vinehealth Australia, a statutory authority dedicated to the protection of vineyards from phylloxera infestation. Vinehealth Australia has provided 120 years of continuous service to the South Australian wine industry.

Under the Act, all vineyards in South Australia of 0.5 hectares or more are required to be registered with Vinehealth Australia. Each vineyard owner pays a levy calculated on their area of grapevines registered, whether those vines are living or dead. Since 1997, this levy has been set at \$9.50 per hectare with a minimum of \$50.

Phylloxera levy funds are used to safeguard the South Australian wine industry from pests and diseases, such as phylloxera.

When vineyards are sold, it is a legal requirement that the ownership details are updated with Vinehealth Australia. All land parcels with grapevines in the ground are subject to a Section 7 Notice.

Vinehealth Australia must be notified of the settlement date no less than 10 working days prior to settlement. A settlement report will be issued along with the change of ownership form. Both the completed change of ownership form and payment in full of levy money owing to Vinehealth Australia must be returned before transfer of the property can take place on the Vinehealth Register.

It is a requirement of the Act for those involved in transferring ownership of a vineyard to provide the purchaser (new owner) details, including the legal land owner (as shown on the title), full name of the owner or director, address, email and phone number on the change of ownership form supplied. Failure to supply this information is in breach of the Act, and penalties can apply.

“In the unfortunate event of an outbreak, the Vineyard Register is vital in ensuring we can quickly contact vineyard owners with relevant information or instructions. This will help manage and minimise potential impacts on vineyard owners and the broader industry,” said Vinehealth Australia CEO Inca Pearce.

“Recent examples where the Vineyard Register has been deployed include the Grapevine Pinot gris virus incursion, the Loxton fruit fly outbreak and assistance with managing prescribed burns.”

If you have questions about your legal obligations associated with vineyard sales, please contact Jo Bainbridge at Vinehealth Australia on (08) 8273 0550 or email admin@vinehealth.com.au.