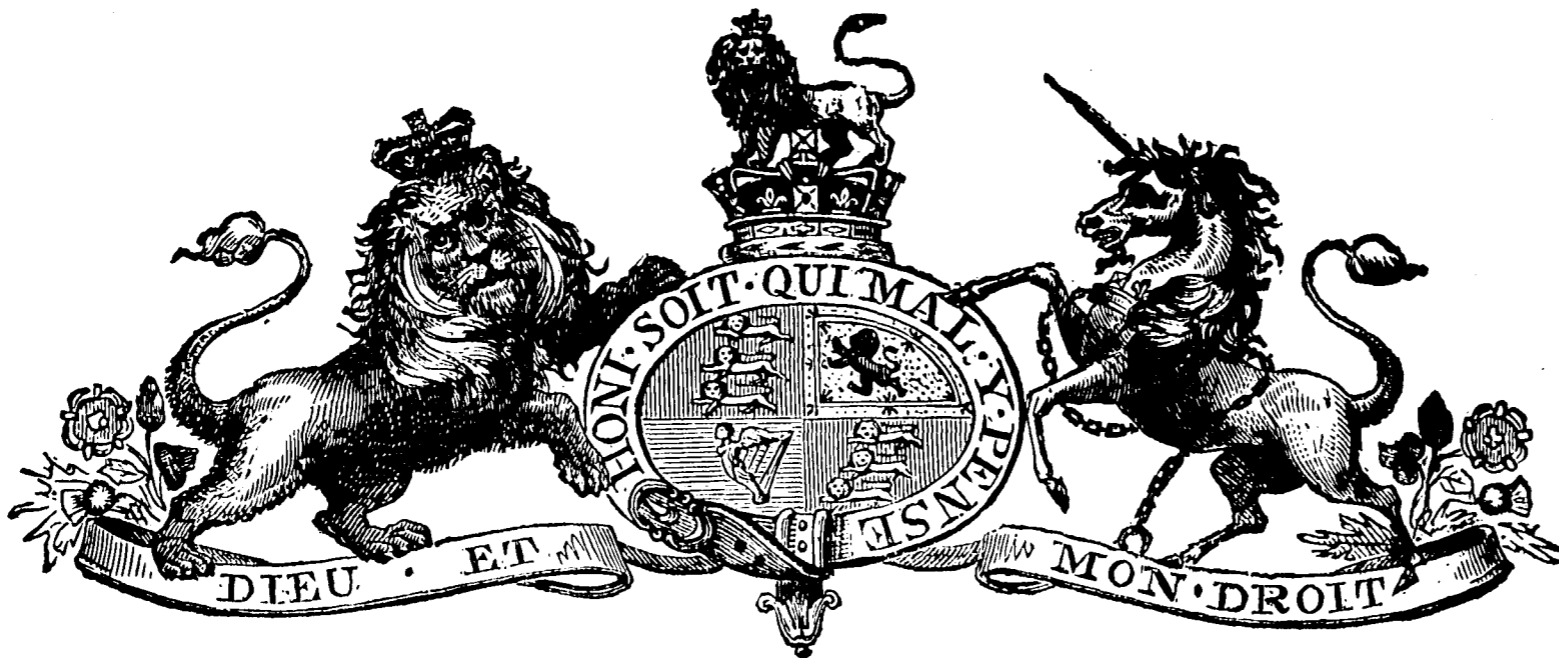


VICTORIA.



ANNO QUINQUAGESIMO SECUNDO

VICTORIÆ REGINÆ.

No. DCCCCLXXXIII.

An Act to enable certain Lessees to Vote at the Election of Commissioners of Irrigation and Water Supply Trusts under "*The Irrigation Act 1886*" and for other purposes.

[14th *December* 1888.]

WHEREAS it is expedient to extend the right of voting at the election of Commissioners of Irrigation and Water Supply Trusts under "*The Irrigation Act 1886*" to lessees entitled to acquire the freehold in leased land within the district of the Trust for which the election is held and to make some further provision as to the election of Commissioners and as to streams improved by National works. Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):—

1. At all elections for Commissioners of Irrigation and Water Supply Trusts held after the expiration of fourteen days from the passing of this Act, all lessees of land who by the terms of their lease or under any law regulating the granting of such lease are entitled to acquire the freehold of the whole or any part of the leased land such land being within the district for which the election is held shall be entitled to vote in the same manner and subject to the same regulations as owners of land within such district are entitled to vote for Commissioners at any such election under section forty-two of the "*The Irrigation Act 1886*," and the said section shall apply to such lessees in the same manner as though they had been named therein.

Certain lessees entitled to vote at election of Commissioners.

2. At

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Deposit by candidates for election as Commissioners

2. At every election for Commissioners of an Irrigation and Water Supply Trust every person intending to become a candidate for election as a Commissioner shall at such time before the day of election and in such manner as may from time to time be prescribed by the Governor in Council in any regulation made under section sixty-three of the said Act pay to the returning officer the sum of Ten pounds, and the returning officer shall apply the moneys so paid to him as aforesaid at any election by all such candidates as have not afterwards received at the same election a number of votes equal at least to one-fifth part of the votes received by the successful candidate if only one or by such one of the successful candidates if there be more than one as shall have received the smallest number of votes in and towards defraying the expenses incurred by the Trust in connexion with such election in such manner as may be directed by any such regulation. But in the event of any candidate not later than four days before the day appointed for taking the poll having delivered to the returning officer a notice in writing stating that he has retired from such election (and any such notice shall disqualify any such candidate for election at such election), or in the event of any candidate being elected without a poll or in the event of any candidate receiving at such election a number of votes equal at least to one-fifth part of the votes received by the successful candidate if only one or by such one of the successful candidates if there be more than one as shall have received the smallest number of votes, the candidate so retiring or being elected without a poll or receiving a number of votes equal at least to one-fifth part of the votes as aforesaid shall be entitled to repayment after the election of the said sum of Ten pounds so paid by him to the returning officer who shall repay the same to him accordingly.

The word "owner" in Section two of "The Irrigation Act 1886" to include Trustees of Agricultural Colleges.

3. The definition "owner" in Section two of "*The Irrigation Act 1886*" shall henceforth, for the purposes of that Act and of this Act, be deemed to include Trustees of Agricultural Colleges now or hereafter appointed under "*The Agricultural Colleges Act 1884*" or any Act amending the same, and such Trustees of Agricultural Colleges shall henceforth, during their respective tenure of office, have the same powers and rights as those which owners of land can exercise or enjoy under "*The Irrigation Act 1886*."

Regulations as to streams improved by National works.

4. All riparian rights in or in respect of any river stream or water-course which may be either wholly or partially supplied with water from or whose volume may be increased by any National works whether such works consist of reservoirs weirs dams channels flumes or works of any other description whatsoever shall be deemed to be held and shall be exercised only subject to the following provisions and to the regulations from time to time made thereunder.

- (1.) After the construction of any such National works, riparian owners and occupiers unless they are purchasers of water from the Board or from any Trust entitled to supply such water shall be entitled to use only so much water as would be equal in quantity to the quantity of the waters of the river

- river stream or watercourse which was available to them and to which they were legally entitled before any supply was derived from the National works.
- (2.) The Governor in Council may from time to time make alter and repeal such regulations as he may deem expedient for regulating and controlling the exercise of riparian rights for the purpose of securing the transmission of water in part or wholly supplied from such National works to owners or occupiers of land along the banks of every such river stream or watercourse who have purchased or who shall thereafter purchase water from such works and to all other purchasers of water from such works without any diversion or interference by any intermediate riparian owner or occupier : Provided that all such regulations shall be so framed as to preserve the existing rights of such intermediate riparian owners or occupiers to so much water as they would have enjoyed from the waters of such river stream or watercourse previously to and independently of such National works ; but nothing in this proviso shall be deemed to interfere with or in any way to lessen the powers of the Board or of any Trust under "*The Irrigation Act 1886.*"
 - (3.) All such regulations shall be made for a time to be fixed in such regulations, but may be renewed or other regulations made from time to time.
 - (4.) All such regulations shall fourteen days at least before the time fixed in the same for their coming into operation be published in the *Government Gazette*.
 - (5.) Penalties not exceeding for each offence the sum of Fifty pounds may be imposed by any such regulations for any breach of the regulations hereby authorized.

Every breach of such regulations shall be an offence, and every penalty in respect of a breach of such regulations may be recovered in a summary way before any two justices.

The power of making regulations under this section shall not be exercised unless and until in each instance the Chief Engineer of the Department for Water Supply has reported in writing to the Minister as interpreted in "*The Irrigation Act 1886*" that in the opinion of such officer the regulations proposed to be made are reasonably necessary to secure the transmission of the water supplied from the National works to purchasers whether Trusts or individuals without interception interference or diversion by riparian owners occupiers or others who are not purchasers of water supplied from such National works; and also that such proposed regulations will not prevent such owners or occupiers from the exercise of such rights to the supply of water as they may have legally enjoyed before the construction of such National works: Provided always that nothing in this section shall be deemed to interfere with or in any way to lessen the powers of the Board or of any Trust under "*The Irrigation Act 1886.*"

MELBOURNE:

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