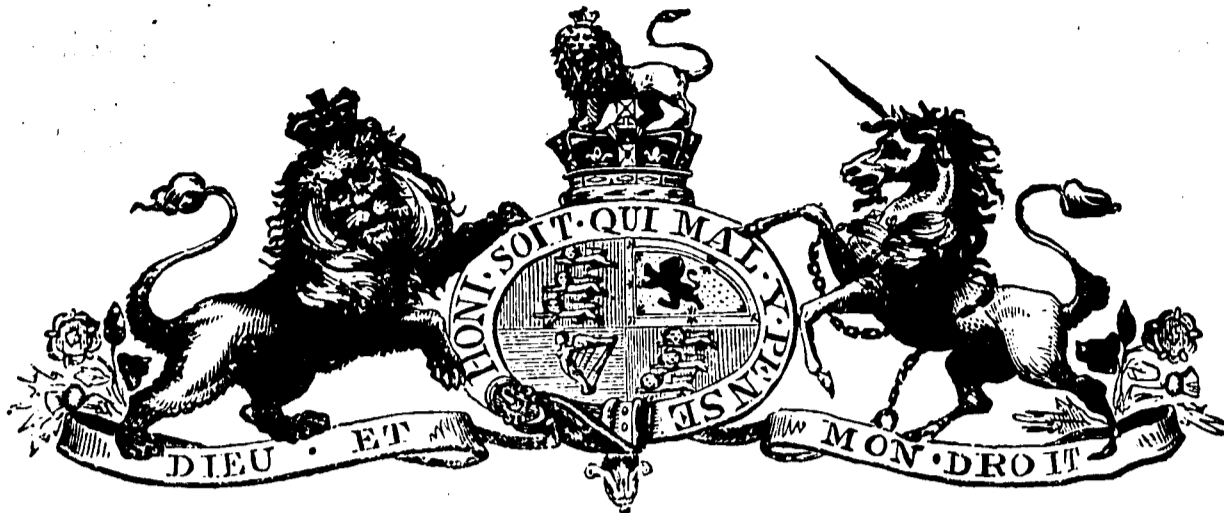


VICTORIA.



ANNO QUINTO

EDWARDI SEPTIMI REGIS.



No. 1994.

An Act relating to the Carrum Irrigation and Water Supply Trust District.

[12th December, 1905.]

WHEREAS in consequence of great floods during the month of Preamble.
 April One thousand nine hundred and four, the works for draining the land of the Carrum Irrigation and Water Supply Trust (hereinafter called the Trust) and taking off the flood waters of the Dandenong Creek were seriously damaged and rendered insufficient for the purposes for which they were constructed : And whereas the said works were constructed out of loans advanced by the State to the said Trust and other public moneys : And whereas the said Trust having made default in payment of the interest and other moneys due by it to the State, the Auditor-General has pursuant to the provisions No. 1561 s. 132. of the Water Acts entered upon and taken possession of the property of the Trust and is managing and maintaining the same : And whereas in order to save the loss to the State of the said loans and moneys and to preserve the said property it is necessary and desirable that further works estimated to cost Twenty-eight thousand one hundred and forty-seven pounds be constructed without delay : Be it therefore enacted by

by the King'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):—

Short title and construction.

Nos. 1156, 1425, 1651, &c.

Provision for extension of Trust district.

See No. 1156 s. 414. No. 1651 ss. 38, 132.

1. This Act may be cited as the *Carrum Drainage Works Act* 1905, and shall be read and construed as one with the Water Acts.

2. Upon the application of the Auditor-General the Governor in Council may, notwithstanding anything contained in the Water Acts, make an Order increasing the extent of the district of the Trust by including in such district such additional lands (not exceeding Four thousand acres) as in the opinion of the Governor in Council are or will be benefited by the works of the Trust.

Consent of owners not necessary.

No. 1156 ss. 158 and 414.

3. Notwithstanding anything contained in the Water Acts, the consent of the owner or occupier of any land either in such district or to be included in such district by the increase of the extent thereof as aforesaid shall not be required either before or after the making of such Order in Council.

Board to prepare plans for Trust works.

4. The Board of Land and Works shall prepare plans and specifications of such works as in the opinion of the Board are necessary for carrying out the objects of this Act and shall submit the same for the approval of the Governor in Council.

Construction of new works.

5. The works when so approved shall, notwithstanding anything to the contrary in Part VI. of the *Water Act* 1900, be constructed by the said Board, and shall upon the certificate of the Board be paid for by the Auditor-General out of any moneys at his disposal under the provisions of this Act.

Special grant.

6. (1) The Treasurer of Victoria may at any time after the extent of the said district is so increased and after the special works rate is made therein (as hereinafter provided) grant to the Auditor-General for or towards the construction of such works—

1904 s. 5. Sched. item 26.

(a) the sum of Three thousand pounds appropriated for the Carrum weir by the *Surplus Revenue Act* 1904; and also

(b) a sum out of the Consolidated Revenue not exceeding the amount of Ten thousand pounds.

Temporary advance.

(2) For the purpose of paying for the construction of the said works, the Treasurer of Victoria may also temporarily advance to the Auditor-General out of the Consolidated Revenue such sums not exceeding in the whole Fifteen thousand one hundred and forty-seven pounds as may be necessary, and all sums so temporarily advanced shall be repaid by the Auditor-General out of the proceeds of the special works rate or rates hereunder provided for.

7. (1) Notwithstanding

7. (1) Notwithstanding anything contained in the original Order in Council constituting the Trust, or in any amending Order in Council, the Auditor-General may upon all rateable property included within the district of the Trust as so increased in extent make and levy a rate (in this Act called special works rate) not exceeding fifty shillings for each and every pound of the annual valuation thereof and if necessary after the expiration of at least one year a further special works rate for the purposes of this Act.

Special works rate.
2 December, 1889.
29 August, 1898.
Sec No. 1156 s. 182
(10) s. 330.

(2) Each special works rate shall be paid by and recoverable from the owner of any land so rated, and shall not in any case be demanded or recovered from the occupier thereof unless he is also the owner.

Rate to be on
owner.

(3) Subject to this section such special works rates shall be so made and levied pursuant to the provisions of the Water Acts as to produce as nearly as practicable the sum of Fifteen thousand one hundred and forty-seven pounds and any further sum necessary to be expended for the purposes of this Act and each rate may be graduated in the manner provided by section three hundred and thirty-five of the *Water Act* 1890.

Graduation of rate.

(4) The special works rates shall be in addition to and not in substitution for any rates authorized by the *Water Act* 1890 as amended by the *Water Act* 1900.

Special works rate
to be additional.

(5) The Governor in Council may if he thinks fit extend either generally or in any particular case the time of payment of any special works rate.

Time of payment.

(6) The proceeds of the said special works rates shall be applied by the Auditor-General towards the repayment of all moneys temporarily advanced by the Treasurer as hereinbefore provided together with interest thereon at a rate of six per centum per annum and for the payment of any sum necessarily expended for the purposes of this Act.

Application of
proceeds.

8. Nothing in this Act contained shall relieve any occupier or owner of land within the Trust district from any liability to which such occupier or owner would have been subject if this Act had not been passed.

Existing liabilities
not diminished.

9. (1) The Governor in Council may at any time direct that for the purposes of the special works rates or any annual rate a valuation of the whole or of any described portion of the rateable property within the Trust district be made by the Auditor-General under and pursuant to the provisions of section one hundred and seventeen of the *Water Act* 1900.

Power to direct
valuation of lands.

No. 1651.

(2) Such valuation shall if so expressly directed by the Governor in Council be made exclusive of the value of any buildings fencing and cultivation upon the lands included in such valuation, but shall in other respects be made in the same manner and be of the same effect as if there were in fact no buildings fencing or cultivation upon any such lands.

Mode of valuation.

10. (1) The

Power to transfer
control of Trust
from Auditor-
General.

10. (1) The Governor in Council may by Order direct that the possession control and management of the property of the Trust be vested in and all the powers and authorities of the Trust and the Auditor-General exercised either by the Board of Land and Works or the State Rivers and Water Supply Commission if at any time such a Commission be constituted by Parliament.

Effect of Order in
Council.
No. 1651 s. 40.

(2) Upon the making of such Order all the powers authorities duties and liabilities of the Auditor-General with respect to the Trust and the property thereof and the Trust district shall, without prejudice to any mortgage or security held by the Auditor-General, be and become transferred to and vested in imposed upon and exercised accordingly by such Board or Commission as the case may be.

MELBOURNE:

By Authority: ROBT. S. BRAIN, Government Printer.