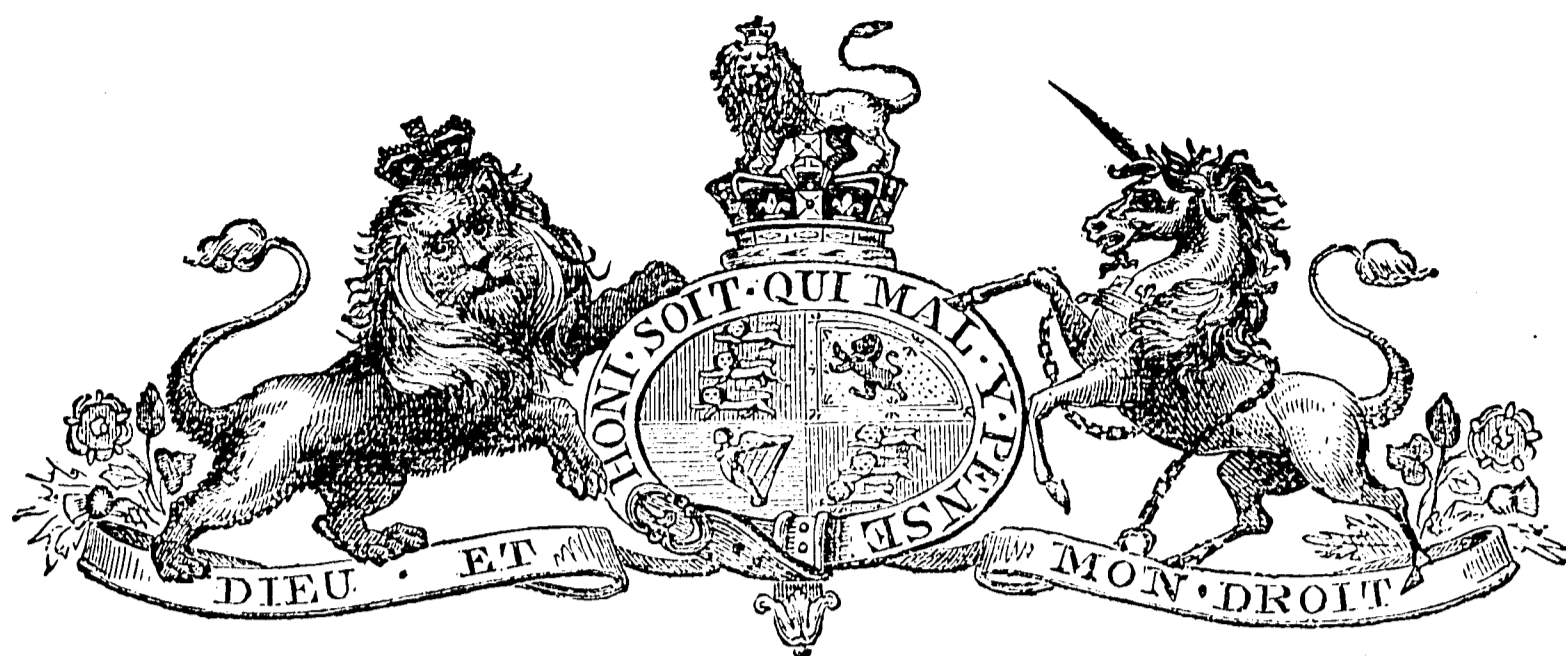


VICTORIA.



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VICTORIÆ REGINÆ.

No. 1342.

An Act to continue and amend the *Mildura Rating Act 1893.*

[6th November, 1893.]

BE it 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. This Act may be cited as the *Mildura Rating Act 1893* (No. 2), and shall be read and construed as one with the *Mildura Rating Act 1893* hereinafter called the Principal Act, and the said Act and this Act may be cited together as the Mildura Rating Acts.

Short title and construction.
No. 1304.

2. (1) The Directors of the Mildura Irrigation Company Limited during the year One thousand eight hundred and ninety-four shall for such year assess fix make levy collect enforce and recover a rate from all owners or occupiers of irrigable lands, the owners or occupiers of which lands would under the provisions of the Principal Act have been liable or subject to be rated for the year One thousand eight hundred and ninety-three.

Power to make rate for 1894.

(2) Notwithstanding anything contained in this Act George Chaffey and William Benjamin Chaffey Chaffey Brothers Limited and the Earl of Ranfurly shall either jointly or severally (as the case may be) be rated under this Act in respect only of any land held by them or any one or more of them for cultivation and irrigation purposes provided that as such holders or holder they or any of them have or has shares in the Mildura Irrigation Company Limited in respect of such land.

3. The

Application of provisions of Act No. 1304 to rate for 1894.

3. The provisions of the Principal Act relating to the rate for the year One thousand eight hundred and ninety-three and the assessing fixing making levying collecting enforcing and recovering such rate shall, subject to the provisions hereof, apply *mutatis mutandis* to the rate authorized by this Act for the year One thousand eight hundred and ninety-four, and shall be read and construed accordingly.

Power to make water rate on town lands.

4. During and for the year ending on the thirty-first day of August One thousand eight hundred and ninety-four the directors of the said company may assess fix make levy collect enforce and recover a rate on any lands at Mildura known as town lands and not being irrigable lands within the meaning of section two of this Act, such rate shall not exceed in amount the rate made fixed or assessed in respect of the said town lands for and during the year ended the thirty-first day of August One thousand eight hundred and ninety-three.

Rates to be applied only in defraying cost &c. during 1893-4.

5. (1) All moneys arising from the rates authorized by the Mildura Rating Acts may be collected enforced and recovered before the thirty-first day of December One thousand eight hundred and ninety-four, and shall be kept by the said Directors in the separate and distinct account heretofore called "The Mildura Rates Account 1893" but which after the commencement of this Act shall be called "The Mildura Rates Account 1893-4," and shall within forty-eight hours after the receipt thereof be lodged to the credit of an account in a bank named by the Governor in Council.

Application of separate account.

(2) Such account shall be applied only in defraying the cost and expense during the years One thousand eight hundred and ninety-three and One thousand eight hundred and ninety-four of and incidental to assessing fixing making levying collecting enforcing and recovering the rates and of pumping and distributing water to the lands owned or occupied by the several persons rated as aforesaid, so far as the channels and other waterworks constructed and erected by the said George Chaffey and William Benjamin Chaffey enable the same to be done.

(3) The directors may for the purposes of this Act borrow any sum of money not exceeding one-fifth of the amount of the rates authorized by this Act, and any money so borrowed shall be repaid from the said rates.

Power to make regulations.

6. (1) Subject to the approval of the Governor in Council the Directors of the Mildura Irrigation Company Limited may make regulations for or relating to the following purposes, namely:—

- (a) The prevention and remedying of the waste undue consumption or contamination of water contained in or supplied from any part of the works.
- (b) The protection of the water and works from trespass and injury.
- (c) The supply of water to the owner or occupier of any land;
- (d) The and

(d) The imposing of penalties for any breach of any regulation by this Act authorized to be made not exceeding for any offence the sum of Fifty pounds.

(2) Every penalty in respect of any breach of any regulation may be recovered in a summary way before the Court of Petty Sessions at Mildura. Recovery of penalties.

(3) Every regulation made in pursuance of this section shall be submitted to the Governor in Council for approval, and if so approved shall be published in the *Government Gazette* and thenceforth have the force of law. Publication.

7. No person by reason only of being a shareholder in the Mildura Irrigation Company Limited and not being a Director of such company shall be disqualified from acting or sitting as a justice in the Court of Petty Sessions at Mildura during the hearing of any proceedings for the recovery of any rate made under or in respect of any offences against any of the provisions of the Mildura Rating Acts. Members of company not disqualified as justices.

8. All irrigation machinery and works which have been or may be hereafter constructed upon any land at Mildura purporting to have been erected for the supply of water to persons acquiring land from or through George Chaffey and William Benjamin Chaffey Chaffey Brothers Limited or either of them or their successors or assigns shall not be liable to be seized attached or appraised for any levy execution or process of any court to the prejudice of the owners or occupiers of land served by such machinery or works. Certain irrigation works exempt from execution.

9. George Chaffey and William Benjamin Chaffey Chaffey Brothers Limited or either of them or their successors or assigns shall within five years from the first day of January One thousand eight hundred and ninety-four put all the irrigation works within the area described in the Indenture dated the thirty-first day of May One thousand eight hundred and eighty-seven referred to in the Principal Act in such a state of efficiency that not more than one-fifth of the whole of the water pumped shall be lost in the distribution and delivery to the persons entitled to the use thereof. Nothing herein contained shall relieve the Mildura Irrigation Company Limited from the obligation of maintaining the works machinery and channels or of pumping and distributing the water. Irrigation works made efficient.

10. (1) It shall be the duty of the Chief Engineer of the Victorian Water Supply during the said term of five years to inspect the said works at such times as he may think fit and ascertain whether reasonable progress is being made or whether the works are up to the standard aforesaid and to report once in each year to the Minister accordingly. Power to enforce preceding section.

(2) If

(2) If the Minister after reading the report and hearing such evidence as he may require and such evidence (if any) as may be adduced by the said George Chaffey and William Benjamin Chaffey Chaffey Brothers Limited or either of them or their successors or assigns is of opinion that reasonable progress has not been made or that the works have not been brought up to the standard aforesaid he shall have power to cause such works as may be necessary to be carried out and may recover the cost and expenses of the same from the said George Chaffey and William Benjamin Chaffey or Chaffey Brothers Limited or either of them or their successors or assigns in any court of competent jurisdiction.

Indenture of
31st May 1887 not
affected by Act.

11. Nothing in this Act shall in any way affect or alter or be deemed to affect or alter any of the provisions of the said Indenture dated the thirty-first day of May One thousand eight hundred and eighty-seven or to affect the rights or liabilities of any of the parties to such Indenture or any parties claiming under them.

Interpretation of
"Directors."

12. The word "Directors" wherever it occurs in this Act shall be deemed to mean "Directors or a majority thereof."

Amendment of s. 4
of No. 1304.

13. The fourth section of the Principal Act is hereby amended by repealing the words "upon the person named therein or affixed upon any part of the land in respect of which such person is rated at least seventy-two hours prior to the return of the said summons" and substituting therefor the words "in the manner provided by the twenty-third section of the *Justices Act* 1890."

MELBOURNE:

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