

No. XVI.

PUBLIC WATERING-
PLACES (No. 2).

An Act to regulate Public Watering-places and to protect certain Reserves from trespass. [21st October, 1884.]

Preamble.

WHEREAS it is expedient to provide Public Watering-places and to regulate the management thereof and also to protect Travelling Stock and other Reserves from trespass Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows :—

Short title.

1. This Act may be cited as the "Public Watering-places Act of 1884" and shall come into force on the first day of January next.

Interpretation.

2. In this Act if not inconsistent with the context—

"Governor" means the Governor with the advice of the Executive Council.

"Minister" means the Minister charged with the administration of this Act.

"Reserves" means all such places as shall be declared to be travelling stock and camping reserves.

"Public Watering-places" means all such reserves as shall be declared to be public watering-places under this Act.

"Inspector" means any person who may be appointed an inspector under this Act.

"Stock"

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“ Stock ” means any horse mare gelding colt filly ass mule bull cow ox heifer steer calf ram ewe wether or lamb goat or pig.

“ Travelling Statement ” means any statement required by the “ Registration of Brands Act of 1886 ” and the “ Diseases in Sheep Act Amendment Act of 1878 ” or any Act amending the same.

“ Permit ” means any permit required by the “ Sheep Diseases Act of 1886 ” the “ Diseases in Sheep Act Amendment Act of 1878 ” or any Act amending the same.

“ Travelling Stock ” means any stock the driver of which is required to be provided with a permit or travelling statement.

3. The Governor may from time to time make and again revoke reserves for the purpose of establishing public watering-places and for the accommodation and agistment of travelling stock Such reserves shall be made by notification in the *Government Gazette* but shall not be withdrawn from pastoral lease except by a special notification to that effect.

Power to proclaim reserves for public watering-places.

4. The Governor may from time to time appoint inspectors and overseers for the purpose of this Act and such inspectors and overseers may exercise the powers hereby conferred upon them in any part of the Colony and shall be *ex officio* inspectors of stock.

Governor may appoint inspectors and overseers.

5. It shall be lawful for the Ministers to construct tanks dams or other works for storing or for providing water adjacent to any roads or upon any reserves or public watering-places.

Power to construct tanks and dams.

6. The Governor may from time to time let by auction by tender or otherwise for a term not exceeding five years any such tanks dams or other works for storing water and any such public watering-places upon such terms and conditions as may be deemed expedient and the lessees thereof shall supply water to such persons and such stock at such rate as shall from time to time be fixed by regulations for that purpose.

Governor may lease tanks and dams for term of years.

7. It shall be lawful for the Minister from time to time to place such tanks dams or other works for storing water and any public watering-places in charge of caretakers who shall supply water to travelling stock at such rate as shall from time to time be fixed by regulations for that purpose.

The Minister may appoint caretakers of tanks and dams.

8. The Governor may place any public watering-place for any period not exceeding three years under the control of trustees who shall supply water to travelling stock and to all persons who may require the same upon such terms as shall be prescribed by regulations for that purpose.

Watering-places may be vested in trustees.

9. It shall be lawful for any person duly authorized by the Minister to impound in the nearest pound any stock found trespassing upon any public watering-place or upon any reserve and to charge thereon the damages mentioned in the first Schedule to this Act together with the driving and other fees imposed by the Impounding Acts And the owner or person having charge of any stock who shall wilfully allow the same to trespass upon any such watering-place or reserve may be prosecuted by any such person and upon conviction shall for the first offence be liable to a penalty not exceeding the sum of five pounds and for any subsequent offence to a penalty not exceeding twenty pounds Provided that trespass a second time by stock belonging to the same owner shall be deemed to be a wilful trespass for the purposes of this Act.

Power to impound stock found trespassing in watering-places or reserves.

10. If any person shall obstruct travelling stock in the lawful use of any public watering-place or in the use of any pasture or water to which such stock are entitled under this Act or any regulation thereunder or under any other Act shall be liable to a penalty not exceeding twenty pounds.

Obstruction of travelling stock in the use of reserves.

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Owner of stock to produce permit or travelling statement

11. Every owner or person in charge of stock shall produce and show to the lessee caretaker or person in charge of any dam tank or well or public watering-places or reserves when he shall require to use the same his proper permit or travelling statement on demand and any person failing to do so shall be liable to a penalty not exceeding five pounds.

Penalty for destroying or injuring dams tanks or other structures.

12. If any person shall wilfully destroy or injure any public dam tank or any structure or other work connected therewith in any public watering-place or wilfully destroy or injure any part thereof or any machinery used in connection therewith or wilfully pollutes diverts or interferes with any water flowing into or in any such dam tank or well shall be liable to be fined by any two Justices any sum not exceeding one hundred pounds or to be imprisoned for any term not exceeding six months.

Penalty on lessee caretaker or trustee neglecting to comply with regulations.

13. Any lessee caretaker or trustees who shall refuse or neglect to comply with the regulations to be framed under this Act shall be liable to a penalty not exceeding ten pounds for every such breach of such regulations.

Power to frame regulations.

14. The Governor may make regulations for the purpose of carrying out this Act and of regulating the management maintenance and control of such dams wells tanks public watering-places and reserves as aforesaid and may impose any penalty not exceeding the sum of two pounds for the breach of any such regulations. And all such regulations shall on being published in the *Gazette* have the full force of law and copies thereof shall be laid before Parliament forthwith if then sitting and if not within one month after the commencement of the next Session.

Appeal

15. Any person who shall think himself aggrieved by any penalty under this Act imposed upon him or by decision of any Justices under or concerning the provisions of this Act may appeal against such penalty or decision to the Court of Quarter Sessions according to the law in force for the time being for the general regulation of appeals of such or the like nature.

Penalties.

16. All penalties for any breach of this Act or of any regulations made under the same and all charges expenses and sums due and payable thereunder may be recovered in a summary way before any two Justices of the Peace by any inspector overseer lessee caretaker or trustee or by any person authorized by the Minister to do so.

SCHEDULE.

Rates of Damages to be charged for Trespass.

Description of Animals trespassing.	Damages.
For every horse mare gelding colt filly ass mule bull cow ox heifer steer calf	Threepence per head.
For every ram ewe sheep or lamb	One half-penny per head.
For every goat	Sixpence per head.
For every pig	Sixpence per head.