

Act No. 17, 1900.

An Act to consolidate the Acts regulating PUBLIC WATERING-PLACES.
Public Watering-places and protecting certain Reserves from trespass. [22nd September, 1900.]

BE it 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:—

1. This Act may be cited as the "Public Watering-places Act, Short title. 1900."

2. The Acts mentioned in the First Schedule hereto are, to the Repeal. extent therein expressed, hereby repealed.

3. (1) All persons appointed under the Acts hereby repealed, Persons appointed under repealed Acts. and holding office at the time of the passing of this Act, shall continue in office as if this Act had been in force when they were appointed and they had been appointed thereunder.

(2) All proclamations, notifications, and regulations made Proclamations and regulations under repealed Acts. under the Acts hereby repealed and being in force at the time of the passing of this Act shall continue in force as if they had been made under this Act, and references in such proclamations, notifications, and regulations to any of the provisions of the Acts hereby repealed shall be construed as references to the corresponding provisions of this Act.

4. In this Act, unless the context or subject-matter otherwise Interpretation. indicates or requires,—

"Reserves" means places declared to be travelling stock and camp- 48 Vic. No. 16, s. 2.
57 Vic. No. 31, s. 2. ing reserves.

"Public watering-places" means reserves declared to be public watering-places under this Act.

"Inspector" means an inspector under this Act.

"Justice" means justice of the peace.

"Stock" means any camel, dromedary, 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 1866, 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 1866, the Diseases in Sheep Act Amendment Act of 1878, or any Act amending the same.

Public Watering-places.

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

Power to make reserves.
48 Vic. No. 16, s. 3.

5. The Governor may by notification in the Gazette make and revoke reserves for the purpose of establishing public watering-places and for the accommodation and agistment of travelling stock, but such reserves shall not be withdrawn from pastoral lease except by a special notification to that effect.

Power to appoint inspectors and overseers.
Ibid. s. 4.

6. The Governor may appoint inspectors and overseers for the purposes of this Act, and such inspectors and overseers may exercise the powers hereby conferred upon them in any part of New South Wales, and shall be, *ex officio*, inspectors of stock.

Power to construct tanks and dams.
Ibid. s. 5.

7. The Minister may construct tanks, dams, or other works for storing or providing water adjacent to any roads or upon any reserves or public watering-places.

The Minister may appoint caretakers.
Ibid. s. 7.

8. The Minister may appoint caretakers and place them in charge of such tanks, dams, other works for storing water, or public watering-places, and such caretakers shall supply water to travelling stock at the rates prescribed by regulations in that behalf.

Governor may lease tanks and dams.
Ibid. s. 6.

9. The Governor may let by auction, tender, or otherwise for a term not exceeding five years any such tanks, dams, other works for storing water, or public watering-places upon such terms as he deems expedient, and the lessees shall supply water to the persons and stock at the rates prescribed by regulations in that behalf.

Governor may appoint trustees.
Ibid. s.

10. 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 require the same upon the terms prescribed by regulations in that behalf.

Power to impound stock trespassing on watering-places or reserves.
Ibid. s. 9.

11. (1) Any person duly authorised by the Minister may impound in the nearest pound any stock found trespassing upon any public watering-place or reserve, and may charge in respect of such stock the damages mentioned in the Second Schedule hereto, together with the driving and other fees imposed by the Impounding Act, 1898.

Wilful trespass.
Ibid.

(2) Any owner or person having charge of stock who wilfully allows the same to trespass upon any public watering-place or reserve may be prosecuted by any person duly authorised by the Minister, and upon conviction shall be liable for the first offence to a penalty not exceeding five pounds, and for any subsequent offence to a penalty not exceeding twenty pounds.

Definition.

Trespass a second time by stock belonging to the same owner shall be deemed to be a wilful trespass.

Obstruction of travelling stock.
Ibid. s. 10.

12. Any person who obstructs 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 under this or any other act, shall be liable to a penalty not exceeding twenty pounds.

Public Watering-places.

13. Every owner or person in charge of stock shall, when he requires to use any dam, tank, well, public watering-place or reserve, produce and show to the lessee, caretaker, or person in charge thereof, on demand, his proper permit or travelling statement, and on failure to do so shall be liable to a penalty not exceeding five pounds.

Owner of stock to produce permit or travelling statement, 48 Vic. No. 16, s. 11.

14. Any person who wilfully—

(a) destroys or injures any public dam, tank, or any structure or other work connected therewith in any public watering-place; or

Penalty for injuring dams or tanks.

Ibid. s. 12.

(b) destroys or injures any part thereof, or any machinery used in connection therewith; or

(c) 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.

15. Any lessee, caretaker, or trustee who refuses, or neglects to comply with the regulations under this Act shall be liable to a penalty not exceeding ten pounds for every such breach of such regulations.

Offences by lessees, &c.

Ibid. s. 13.

16. 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, and may impose any penalty not exceeding two pounds for the breach of any such regulations. All such regulations on being published in the Gazette shall have the 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.

Governor may make regulations.

Ibid. s. 14.

17. All penalties for any breach of this Act or of any regulations hereunder, and all charges, expenses, and sums due and payable under this Act or such regulations, may be recovered in a summary way before any two justices by any inspector, overseer, lessee, caretaker, trustee, or person authorised by the Minister in that behalf.

Penalties.

Ibid. s. 16.

18. Any person aggrieved by any penalty imposed upon him under this Act, or by the decision of any justices under or concerning the provisions of this Act, may appeal from the same.

Appeal.

Ibid. s. 15.

Act No. 18, 1900.

Newcastle Pasturage Reserve.

SCHEDULES.

FIRST SCHEDULE.

Section 2.

Reference to Act.	Title or short title.	Extent of repeal.
48 Vic. No. 16 ... 57 Vic. No. 31 ...	Public Watering-places Act of 1884 ... An Act to further amend the Impounding Act of 1865 and the Acts amending the same, and to amend the Public Watering-places Act of 1884.	The whole. The unrepealed portion.

Section 11.

SECOND SCHEDULE.

Damages to be charged for trespass.

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