

WESTERN AUSTRALIA

ANNO QUINQUAGESIMO SEPTIMO

VICTORIÆ REGINÆ

No. 20

An Act to regulate the Use and Supply of Water on  
Crown Lands. [*Assented to 13th October, 1893.*]

**B**E it enacted by the Queen's Most Excellent Majesty, by and Preamble  
with the advice and consent of the Legislative Council and  
Legislative Assembly of Western Australia, in this present Parlia-  
ment assembled, and by the authority of the same, as follows :—

*The Water Supply Act, 1893*

Short title

1. This Act may be cited as 'The Water Supply Act, 1893.'

Governor may reserve lands wherein or near to which there is water

2. The Governor may, in addition to the powers conferred upon him by the thirty-second clause of the Land Regulations, subject to such conditions as he thinks fit, and in the manner in which the powers conferred thereby may be exercised, reserve for the purposes of water supply any waste lands of the Crown, or waste lands of the Crown upon which lands there is a lake, reservoir, tank, dam, stream, creek, well, spring, or other place containing water, and may also in like manner, and subject to like conditions, reserve such of the waste lands of the Crown surrounding, adjoining, or near to such lake, reservoir, tank, dam, stream, creek, well, spring, or other place containing water as he thinks fit, and may cancel or amend such reservation by publication in the 'Government Gazette.' Provided that in the event of such reserve being made of any land in the occupation of a pastoral or other lessee of Crown land, such lessee shall be paid for any improvements existing on the land, in accordance with the provisions of the Land Regulations of 1887.

Proviso

Minister may limit the quantity of water to be taken or supplied, and may charge for water

3. (1) The member of the Executive Council appointed by the Governor to administer this Act, hereinafter called the Minister, may, by himself or his agents authorised in that behalf, prescribe a limit to the quantity of water for each person, animal, or for any purpose whatsoever which may be taken or supplied from any lake, reservoir, tank, dam, stream, creek, well, spring, or other place containing water, situate or being in or upon any reservation made by the Governor as aforesaid or in or upon any other waste lands of the Crown, or any road, track, or route in the Colony and also may fix a scale of charges for the supply of any such water by measure or otherwise.

Penalty

(2) Any person taking or supplying any such water in quantities exceeding the prescribed limit shall be guilty of an offence against this Act, and be liable upon conviction to a penalty not exceeding One hundred pounds.

Recovery of moneys payable for water

4. All moneys payable in respect of any such charges as aforesaid shall be paid to and received by the persons authorised in that behalf by the Minister, and may be recovered by the persons so authorised before one or more Justices of the Peace in a summary manner under the provisions of an Ordinance passed in the fourteenth year of Her present Majesty and numbered five, or before the Warden in the Warden's Court in the manner prescribed by 'The Goldfields Act, 1886,' and the Regulations made thereunder for the conduct of proceedings in such Court.

Warden may prohibit use of water, except for human consumption

5. (1) The Warden of any goldfield may, by notice as hereinafter mentioned, prohibit the use of the water situate or being in or upon any reservation made by the Governor as aforesaid or contained in any lake, reservoir, tank, dam, stream, creek, well, spring, or other place, or any part thereof, situate or being in or upon any waste lands of the Crown or road, track, or route within a goldfield, for any purpose other than for human consumption; and

*The Water Supply Act, 1893*

any person using such water, contrary to such prohibition, shall be guilty of an offence against this Act, and be liable upon conviction to a penalty of not less than Ten pounds nor more than Fifty pounds.

(2) Such notice shall be put up outside the usual place where the Warden holds his Court, or at a post office within such goldfield, and also at the place mentioned in such notice, in such manner as the Warden deems necessary to give publicity thereto.

Notice

6. The Governor may from time to time make, alter, and revoke Regulations for preventing the waste or pollution by any means whatsoever of the water situate or being in or upon any reservation made by him as aforesaid or in or upon any road, track, or route in the Colony, and by such Regulations may impose a penalty for any breach or neglect thereof; provided always, that such penalty shall in no case exceed One hundred pounds.

Government may make Regulations and impose penalty for breach

7. Any person who is guilty of an offence against this Act, or of a breach or neglect of the Regulations made hereunder, shall be summarily punishable upon conviction before a Warden of a goldfield or one or more Justices of the Peace in Petty Sessions, and such Warden may enforce any penalty imposed by him under this Act or the said Regulations in the same manner as Justices of the Peace are authorised to enforce penalties imposed in Petty Sessions under this Act.

Offences against this Act or the Regulations to be summarily punished

8. Sections A, C, F, G, and H of 'The Shortening Ordinance, 1853,' shall be incorporated with and taken to form part of this Act to all intents and purposes, and in as full and ample a manner as if the said sections had been introduced and fully set forth in this Act.

Incorporation of Shortening Ordinance

9. The production of a document in writing, purporting to be signed by the Minister, and authorising any person to prescribe a limit to the quantity of water to be supplied, or to fix a scale of charges for such water, under the third section of this Act, or to receive moneys payable in respect of such charges, shall be *prima facie* proof that such person is so authorised in all proceedings taken in any Court of Justice against any person for acting in any way contrary to the provisions of such section or to recover such moneys.

Evidence

10. No holder of a Miner's Right, Mining License, or Water Right, or other person, shall be entitled to take, use, or divert any water contrary to the provisions of this Act or the Regulations made hereunder, and wherever any of the provisions of this Act or such Regulations are inconsistent with the provisions of 'The Goldfields Act, 1886,' or 'The Mineral Lands Act of 1892,' or the Regulations made thereunder respectively, the provisions of this Act and the Regulations made hereunder shall prevail.

Provisions of this Act to prevail over those of 'The Goldfields Act, 1886,' or 'The Mineral Lands Act of 1892'

W. C. F. ROBINSON,

GOVERNOR.