

METROPOLITAN (PERTH) PASSENGER TRANSPORT TRUST.

No. 25 of 1980.

AN ACT to amend the Metropolitan (Perth)
Passenger Transport Trust Act 1957-1973.

[Assented to 23 October 1980.]

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 Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Metropolitan (Perth) Passenger Transport Trust Amendment Act 1980*.

Short title
and
citation.

(2) In this Act the Metropolitan (Perth) Passenger Transport Trust Act 1957-1973 is referred to as the principal Act.

Reprinted
as approved
3 March 1975.

(3) The principal Act as amended by this Act may be cited as the Metropolitan (Perth) Passenger Transport Trust Act 1957-1980.

Commence-
ment.

2. This Act shall come into operation on the twenty-eighth day after the day on which it is assented to by the Governor.

Section 3
amended.

3. Section 3 of the principal Act is amended by inserting after the reference to Division 3 of Part V the following—

“ *Division 3A.—Infringement Notices.* ” .

Section 78
amended.

4. Section 78 of the principal Act is amended by inserting after “may” the following—

“ , subject to Division 3A of this Part, ” .

Division 3A
inserted.

5. Part V of the principal Act is amended by inserting after Division 3 the following—

“ *Division 3A.—Infringement Notices.* ”

Inter-
pretation.

78A. In this Division—

“alleged offender” means person to whom an infringement notice has been given pursuant to this Division;

“authorised person” means person authorised under section 78C of this Act to give infringement notices;

“Commission” means The Western Australian Government Railways Commission constituted under the Government Railways Act 1904;

“Department” means that branch of the public service employed in connection with Government railways;

“infringement notice” means notice given under subsection (1) of section 78B of this Act.

78B. (1) Where an authorised person has reason to believe that a person has committed any such offence against this Act as is prescribed for the purposes of this Division the authorised person may, at or about the time the offence is believed to have been committed, personally give to that person a notice in the prescribed form informing the person that, if he does not wish to have a complaint of the alleged offence heard and determined by a court, he may pay to a person specified in the notice, within the time therein specified, the amount of the penalty prescribed for the offence, if dealt with under this Division.

Infringe-
ment
notice.

(2) A person given an infringement notice may decline to be dealt with under this Division and, if the prescribed penalty is not paid within the time specified in the notice or within such further time as may, in any particular case, be allowed, he is deemed to have declined to be dealt with under this Division.

(3) An infringement notice may, whether or not the prescribed penalty has been paid, be withdrawn, at any time within twenty-eight days after the giving of the notice, by the sending of a notice, in the prescribed form, signed by a prescribed person, to the alleged offender advising the alleged offender that the infringement notice has been withdrawn, and, in that event, the amount of any prescribed penalty that has been paid shall be refunded.

(4) Where a prescribed penalty has been paid pursuant to an infringement notice and the notice has not been withdrawn as provided by subsection (3) of this section proceedings shall not be brought against any person with respect to the offence alleged in the notice.

(5) The amount of any prescribed penalty paid pursuant to an infringement notice shall, subject to subsection (3) of this section, be dealt with as if it were a penalty imposed summarily under the provisions of the Justices Act 1902.

Authorised
persons.

78C. (1) An employee of the Trust or officer or servant of the Department or Commission may be authorised in writing signed by the Chairman of the Trust to give infringement notices.

(2) The Trust shall issue to each authorised person a certificate in the prescribed form which he shall produce whenever required to do so by a person to whom he has given, or is about to give, an infringement notice. ” .

Section 80
amended.

6. Section 80 of the principal Act is amended in subsection (2) by inserting before “and” after paragraph (c) the following paragraph—

“ (ca) regulations may be so made prescribing offences for the purposes of Division 3A of Part V of this Act by setting out the offences or by reference to the provisions contravention of which constitutes the offences, and, in respect of each such offence, prescribing the penalty, or different penalties according to the circumstances by which the offence is attended, applicable if the offence is dealt with under that Division, but so that no such penalty exceeds twenty dollars; ” .
