

## COUNTRY TOWNS SEWERAGE.

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No. 16 of 1984.

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### AN ACT to amend the Country Towns Sewerage Act 1948-1982.

[Assented to 31 May 1984.]

**B**E 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 *Country Towns Sewerage Amendment Act 1984*. Short title and citation.

(2) In this Act the Country Towns Sewerage Act 1948-1982 is referred to as the principal Act. Reprinted as approved 11 March 1980 and amended by Acts Nos. 63 and 104 of 1981 and 14 of 1982.

(3) The principal Act as amended by this Act may be cited as the Country Towns Sewerage Act 1948-1984.

Commence-  
ment.

2. (1) Subject to subsections (2) and (3) of this section this Act shall come into operation on the day on which it is assented to by the Governor.

(2) Section 8 of this Act shall come into operation on the 28th day after the day on which this Act is assented to by the Governor.

(3) Sections 6 and 7 of this Act shall come into operation on such day as is fixed by proclamation.

Section 3  
amended.

3. Section 3 of the principal Act is amended in the definition of "sewer" by deleting "sewerage" and substituting the following—

“ sewage ”.

Section 67  
amended.

4. Section 67 of the principal Act is amended by inserting after paragraph (d) the following paragraph—

“ (e) To provide funds to pay by way of reimbursement to the Consolidated Revenue Fund an amount agreed with the Treasurer in respect of moneys, other than moneys collected by way of rates or charges under this Act, expended in the area in previous years for the purposes of this Act. ”.

Section 102  
amended.

5. Section 102 of the principal Act is amended by inserting after paragraph (22a) the following paragraph—

“ (22b) Prescribing fees payable for the issue upon request of statements as to moneys due or paid for rates or charges for sewerage or other services under this Act, and making provision as to the recovery of such fees. ”.

6. Section 105 of the principal Act is amended by inserting after "this Act" the following—

Section 105  
amended.

" , other than a notice under section 115, "

7. After section 114 of the principal Act the following section is inserted—

Section 115  
inserted.

"        115. (1) In this section—

Infringe-  
ment notices.

"alleged offence", in relation to an infringement notice, means offence to which the infringement notice relates;

"alleged offender", in relation to an infringement notice, means the person to whom the infringement notice is given;

"authorized person" means a person authorized under subsection (10) of this section to give infringement notices;

"designated person" means a person designated, or of a class designated, under subsection (10) of this section;

"infringement notice" means a notice given under subsection (2) of this section;

"modified penalty", in respect of an offence to which an infringement notice relates, means the amount of money specified in the notice as being the modified penalty for that offence;

"officer" has the same meaning as is given to that expression by section 5 of the Public Service Act 1978;

“prescribed person” means a person prescribed to be a prescribed person for the purposes of this section.

(2) An authorized person who has reason to believe that a person has committed an offence against this Act that is prescribed to be an offence that may be dealt with under this section may give to that person a notice in the prescribed form informing him that if he does not wish to have a complaint of the alleged offence heard and determined by a court he may, within a period of 21 days after the giving of the notice, pay to a person specified in the notice, other than the person giving the notice, the amount of money specified in the notice as being the modified penalty for that offence.

(3) In an infringement notice—

- (a) the amount of money specified as being the modified penalty for an offence to which the infringement notice relates shall be the amount that is, when the infringement notice is given, for the time being prescribed to apply in respect of the offence if it is dealt with under this section; and
- (b) the persons specified as being persons to whom the modified penalty may be paid shall be designated persons.

(4) An infringement notice may be given to an alleged offender personally at or about the time the alleged offence is believed to have been committed or, where the offence is one that is committed by the owner or occupier of land in relation to which the offence is committed, by posting it to him at his address as shown in a rate book kept under this Act.

(5) A person to whom an infringement notice is given may decline to be dealt with under this section and, if the modified penalty is not paid within the period specified in the notice or within such further time as may, whether before or after the expiry of that period, be allowed by a prescribed person, is deemed to have declined to be so dealt with.

(6) A prescribed person may, whether or not the modified penalty has been paid, withdraw an infringement notice at any time within a period of 28 days after it was given by sending to the alleged offender a notice in the prescribed form, signed by the prescribed person, advising the alleged offender that the infringement notice has been withdrawn.

(7) Any amount paid by way of modified penalty pursuant to an infringement notice that has been withdrawn under subsection (6) of this section shall be refunded.

(8) Where, pursuant to an infringement notice, the modified penalty has been paid in accordance with the notice within the period specified therein or within such further time as is allowed and the infringement notice has not been withdrawn under subsection (6) of this section, no proceedings shall be brought or penalty shall be imposed that could not be brought or imposed if the person to whom the infringement notice was given had been convicted by a court of, and punished for, the alleged offence.

(9) The amount of any modified penalty paid pursuant to an infringement notice shall, subject to subsection (7) of this section, be dealt with as if it were a penalty imposed summarily under the Justices Act 1902.

(10) The Minister may—

(a) in writing, authorize persons who are officers of the Department to give infringement notices;

(b) by notice published in the *Government Gazette* designate persons or classes of persons who are officers as persons to whom payment may be made of any modified penalty,

and may, in like manner, revoke any such authorization or notice.

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

Various  
penalties  
increased.

8. The principal Act is amended by deleting in the provisions referred to in column 1 hereunder the penalties respectively set out in column 2 and substituting in each case the corresponding penalty set out in column 3.

Column 1. <i>Provision.</i>	Column 2. <i>Deleted Penalty.</i>	Column 3. <i>New Penalty.</i>
section 21 (4)	“one hundred dollars”	“\$1 000”
section 32	“one hundred dollars”	“\$200”
section 33	“twenty dollars”	“\$200”
section 33	“four dollars”	“\$50”
section 34	“one hundred dollars”	“\$1 000”
section 38	“one hundred dollars”	“\$1 000”
section 39 (1)	“twenty dollars”	“\$200”
section 42 (2)	“forty dollars”	“\$500”
section 42 (2)	“ten dollars”	“\$100”
section 43	“twenty dollars”	“\$200”
section 44	“twenty dollars”	“\$200”
section 55	“forty dollars”	“\$500”
section 81	“ten dollars”	“\$100”
section 103 (1)	“forty dollars”	“\$500”
section 103 (1)	“ten dollars”	“\$100”
section 110	“forty dollars”	“\$500”
section 111	“four hundred dollars”	“\$4 000”