

# COUNTRY TOWNS SEWERAGE.

---

No. 96 of 1978.

---

AN ACT to amend the Country Towns Sewerage Act, 1948-1977.

[Assented to 17th November, 1978.]

**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 Act Amendment Act, 1978*. Short title and citation.

(2) In this Act the Country Towns Sewerage Act, 1948-1977, is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Country Towns Sewerage Act, 1948-1978.

Reprinted as approved 13th July, 1971 and amended by Acts Nos. 94 of 1972 (as amended by Act No. 19 of 1973), 49 of 1976 and 15 of 1977.

Commence-  
ment.

2. The provisions of this Act shall come into operation on a day to be fixed by proclamation.

Section 11  
amended.

3. Section 11 of the principal Act is amended—

- (a) by deleting the passage “to maintain, alter, and repair, and” in lines two and three of subsection (1);
- (b) in line four of subsection (1), by inserting after the word “works” the passage “, and from time to time may maintain, improve, alter, and repair the same”; and
- (c) by repealing subsection (3) and substituting the following subsections—

(3) The Minister may, at the request of a person or local authority and with the approval of the Governor, acquire from the person or local authority the whole or part of any sewerage works of that person or local authority and all or any property used in connection with those sewerage works on and subject to such terms and conditions as may be mutually agreed.

(4) The Minister shall cause notice of the fact of any acquisition made under subsection (3) of this section to be published in the *Government Gazette*.

(5) As from the date of the publication referred to in subsection (4) of this section, the sewerage works and property concerned shall, by force of this subsection and without any conveyance, transfer or assignment, be transferred to

and vested in the Minister and shall be deemed to be works under and for the purposes of this Act.

(6) The Minister shall not undertake the construction of works pursuant to subsection (1) of this section, other than works consisting wholly of exempt works, unless he has complied with the requirements of sections twelve, thirteen and fifteen of this Act and the Governor has thereupon by Order in Council, a notice of which is published in the *Government Gazette*, authorised the construction of those works. .

4. The principal Act is amended by repealing section 12 and re-enacting that section as follows—

Section 12  
repealed and  
re-enacted.

12. The Minister shall, before submitting proposals to the Governor for the construction of works pursuant to subsection (1) of section eleven of this Act, other than works consisting wholly of exempt works—

Preliminaries  
to construc-  
tion.

- (a) cause to be prepared plans of the proposed works, and cause the same, or certified copies thereof, to be deposited in the office of the Minister and in a convenient place within the sewerage area in which it is proposed to construct the works; and
- (b) cause an advertisement to be published in the *Government Gazette*, and in one or more newspapers generally circulating in the area, specifying—
  - (i) a description of the proposed works;
  - (ii) the localities in which they will be constructed;

(iii) the purposes for which they are to be constructed; and

(iv) the times when and places at which the plans may be inspected.

Section 13  
repealed and  
re-enacted.

5. The principal Act is amended by repealing section 13 and re-enacting that section as follows—

Plans open  
to  
inspection.

13. The plans so deposited shall be open to inspection by any person interested at the advertised times and places.

Section 15  
repealed and  
re-enacted.

6. The principal Act is amended by repealing section 15 and re-enacting that section as follows—

Submission  
for approval.

15. (1) Where the Minister considers that the requirements of sections twelve and thirteen of this Act have been complied with and that the objections, if any, are, in the general public interest, not sufficient to cause the proposals to be amended, the Minister shall submit the proposals to the Governor and shall furnish to the Governor such plans, specifications, estimates or other information as the Governor may require relating thereto.

(2) After considering the proposals submitted to him the Governor may—

(a) make an Order in Council pursuant to subsection (6) of section eleven of this Act; or

(b) decline to make such an Order.

Section 15A  
added.

7. The principal Act is amended by adding after section 15 a section as follows—

Exempt  
works.

15A. For the purposes of this Part of this Act the Governor may from time to time by Order in Council declare that works of the

nature specified in that Order shall be exempt works not subject to the provisions of subsection (1) or (6) of section eleven or of section twelve, thirteen, fourteen or fifteen of this Act notwithstanding that such works may form part of or be related to works comprised in proposals to which those provisions apply. .

8. The principal Act is amended by adding after section 46 a section as follows—

Section 46A  
added.

46A. (1) A person or local authority (in this section called "the subdivider") who subdivides or wishes to subdivide land, whether rateable land or not and whether or not situated within a sewerage area, into a lot or lots may in writing request the Minister to arrange for the lot or lots to be capable of being connected to a sewer of the Minister.

Drainage of  
subdivided  
land.

(2) On receiving a request made under subsection (1) of this section, the Minister may—

- (a) comply with that request on and subject to such terms and conditions, including the financial contribution to be made by the subdivider in respect of any sewerage works which benefit or will benefit the lot or all or any of the lots concerned, as may be mutually agreed; or
- (b) refuse that request.

(3) Whenever the Minister complies with a request made under subsection (1) of this section, he may, subject to the provisions of subsection (4) of this section, carry out, construct or provide all or any of the necessary sewerage works.

(4) If compliance with a request made under subsection (1) of this section does not involve the construction of sewerage works on land

other than land of the subdivider, the Minister may exercise the power of construction conferred on him by subsection (3) of this section without complying with the requirements of sections eleven, twelve, thirteen and fifteen of this Act and it shall not be necessary for the Governor by Order in Council to authorise the construction of the sewerage works concerned under subsection (6) of section eleven of this Act. .

Section 72  
amended.

9. Subsection (1) of section 72 of the principal Act is amended in the last line by deleting the word "water" and substituting the word "sewerage".

---