Western Australia

Queen Elizabeth II Medical Centre (Delegated Site) By-laws 1986

Compare between:

[22 Feb 2023, 03-j0-00] and [01 Jul 2023, 03-k0-01]

Queen Elizabeth II Medical Centre Act 1966

Interpretation Act 1984 (Section 25)

Queen Elizabeth II Medical Centre (Delegated Site) By-laws 1986

Part I — Preliminary

1. Citation

These by-laws may be cited as the *Queen Elizabeth II Medical Centre (Delegated Site) By-laws 1986*.

2. Commencement

These by-laws shall come into operation on the day on which the *Queen Elizabeth II Medical Centre Amendment Act 1985* comes into operation.

3. Terms used

(1) In these by-laws, unless the contrary intention appears —

authorised person means a person appointed as an authorised person under by-law 3A for the purpose of the by-law in which the term is used;

driver, in relation to a vehicle, includes rider;

Hospital means the public hospital known as Sir Charles Gairdner Hospital;

North Metropolitan Health Service means the health service provider with that corporate name established by the *Health Services (Health Service Providers) Order 2016*;

on-demand rank or hail vehicle authorisation means a passenger transport vehicle authorisation (as defined in the

Transport (Road Passenger Services) Act 2018 section 4(1)) that authorises the operation of the vehicle for use in providing an on-demand rank or hail passenger transport service (as defined in that section);

parking facility means any land or structure on the site containing a parking space or parking spaces;

parking permit means a permit granted under by-law 26AD;

parking space means a place on the site set aside and identified as a place where a vehicle may be parked;

prescribed fee, in relation to a matter, means the fee specified for that matter in Schedule 1;

public hospital has the meaning given in the *Health Services Act 2016* section 8(6);

responsible person, for a vehicle, means the person responsible for the vehicle under the *Road Traffic (Administration) Act 2008* section 6;

roadway means part of the site which, although it is not a road as defined in the *Road Traffic (Administration) Act 2008* section 4, is set aside for use by vehicular traffic, but excludes a parking facility;

secretary means the person holding or acting in the office of chief executive officer (however designated) of the Hospital;

sign means marking, notice or sign marked, erected or displayed by or by authority of the secretary;

site means the land in respect of which powers are for the time being delegated to the Hospital under section 13 of the Act;

speed restriction sign means a sign erected or marked in or about a roadway containing a numeral or numerals;

ticket means a ticket from a ticket vending machine showing —

(a) the day of issue of the ticket; and

(b) the time of issue or expiry, or the time of issue and expiry, of the ticket;

ticket vending machine means machine situated in a parking facility which issues a ticket;

vehicle has the meaning given in the *Road Traffic (Administration) Act 2008* section 4.

(2) Subject to sub-bylaw (3), when these by-laws prohibit the doing of an act or thing without permission —

(a) that permission shall be in writing and may be given and revoked by the secretary or by an employee in the North Metropolitan Health Service authorised by the secretary to give and revoke that permission; and

(b) that permission shall be obtained before the act or thing is done.

(3) An employee in the North Metropolitan Health Service acting in the course of that employment has the permission referred to in sub-bylaw (2) without that sub-bylaw being complied with in respect of the employee.

(4) These by-laws are subject to any written law and any law of the Commonwealth about assistance animals as defined in the *Disability Discrimination Act 1992* (Commonwealth) section 9(2).

[By-law 3 amended: Gazette 29 Jun 2001 p. 3112; 22 Jun 2010 p. 2772; 10 Feb 2015 p. 618 ; 1 Jul 2016 p. 2746; 14 Jun 2019 p. 1901.]

3A. Authorised persons

(1) The secretary may, in writing, appoint persons or classes of persons to be authorised persons for the purposes of one or more of these by-laws.

(2) The secretary must issue to each authorised person who is authorised to give a direction under by-law 16A(1), or issue an infringement notice under by-law 30(1), a certificate stating that the person is so authorised.

[By-law 3A inserted: Gazette 29 Jun 2001 p. 3112; amended: Gazette 8 May 2015 p. 1620.]

3B. Delegation

The secretary may, in writing and either generally or as otherwise provided by the instrument of delegation, delegate to another person or class of person any of the powers or duties of the secretary under these by-laws, other than this power of delegation.

[By-law 3B inserted: Gazette 29 Jun 2001 p. 3112.]

Part II — Grounds

4. No entry without cause

A person who enters or remains on the site without a reasonable excuse commits an offence.

[By-law 4 inserted: Gazette 8 May 2015 p. 1620.]

5. Bill sticking

A person who, without permission —

(a) posts, sticks, stamps, stencils or otherwise affixes any placard, handbill, notice, advertisement, paper or other document on or to any tree, fence, post, gate, wall, pavement, roadway, footway or building or other structure on the site; or

(b) writes, draws or paints on or defaces any tree, fence, post, gate, wall, pavement, roadway, footway or building or other structure on the site; or

(c) causes an act described by paragraph (a) or (b) to be done,

commits an offence.

6. Litter

A person who throws or leaves rubbish, refuse, paper, bottles, glass (broken or otherwise) or litter of any kind on the site, otherwise than in a receptacle provided for the purpose, commits an offence.

7. Prohibited items

(1) In this by-law —

prohibited item means —

(a) an alcoholic beverage; or

(b) a firearm as defined in the *Firearms Act 1973* section 4; or

(c) a controlled weapon as defined in the *Weapons Act 1999* section 3; or

(d) a prohibited weapon as defined in the *Weapons Act 1999* section 3; or

(e) a prohibited drug as defined in the *Misuse of Drugs Act 1981* section 3(1).

(2) A person who brings onto the site a prohibited item without permission commits an offence.

[By-law 7 inserted: Gazette 8 May 2015 p. 1620.]

8A. Smoking

A person who smokes on the site commits an offence.

[By-law 8A inserted: Gazette 22 Jun 2010 p. 2773.]

8. Protection of trees, buildings etc.

A person who, without permission —

(a) cuts, breaks, defaces, picks, injures, destroys or removes any tree, shrub, plant, flower, garden or lawn on the site; or

(b) damages, removes or interferes with any stake or label on or near any tree, shrub, plant, flower, garden or lawn on the site; or

(c) walks on or causes damage to any area on the site containing or being prepared for shrubs or flowers; or

(d) pollutes, enters or remains in any pond, lake or ornamental water on the site; or

(e) cuts, damages, injures, disfigures, removes or interferes with the soil or surface of the site, or any roadway or footway on the site, or any fence, building, rockwork, water cock, plant, tool, seat, sign, notice, notice board,

bus passenger shelter, post, railing, barrier or other structure or thing that may be from time to time erected or placed on the site by or by authority of the secretary,

commits an offence.

9. Dangerous activities

A person who, without permission —

(a) kindles, makes or lights a fire; or

(b) creates or discharges an offensive or dangerous gas, smoke, smell or noise; or

(c) discharges a firearm or other offensive weapon; or

(d) throws or releases a stone, missile or other dangerous object or material; or

(e) brings or makes a bomb or other explosive device,

on or onto the site commits an offence.

[By-law 9 amended: Gazette 8 May 2015 p. 1620.]

10. Animals

A person who, without permission —

(a) catches, chases, traps, interferes with, disturbs, injures, destroys or places a trap for, or otherwise attempts to capture or kill, a bird, fish or animal on the site; or

(b) brings a bird, fish or animal onto the site,

commits an offence.

11. Selling, distributing or hiring

(1) A person shall not on the site, without permission —

(a) sell, or expose for sale, or distribute for the purpose of promoting the sale of, any goods, wares or merchandise of any kind; or

(b) solicit or gather money; or

(c) sell, distribute, or carry or expose for sale or distribution, any printed or written matter; or

(d) place or install on the reserve any chair, seat or other thing for hire.

(2) A person who contravenes this by-law commits an offence.

12. Removal of property

A person who, without permission, removes from the site, or disturbs, moves or interferes with, any article or property that is lying or left on the site, commits an offence, unless that person is legally entitled to possession of that article or property.

13. Public performances etc.

A person who, without permission, arranges, advertises or takes part in —

(a) any fete, picnic, concert or other performance; or

(b) any public speaking or preaching,

on the site commits an offence.

14. Gambling

A person who, without permission —

(a) bets or offers to bet or accept a bet; or

(b) sells, purchases or offers to sell or purchase any ticket or coupon for, or which purports to be for, a sweep or lottery; or

(c) plays cards for money or engages in any other form of gambling,

on the site commits an offence.

15. Directions concerning use of certain areas

(1) An authorised person may, either orally or by the display, erection or marking of a sign or notice, direct that a specified part of the site —

(a) shall be open to members of the public or a specified section of the public subject to compliance with such conditions as may be specified; or

(b) may be used for specified activities by members of a specified club or organisation, or by other specified persons, subject to compliance with such conditions as may be specified; or

(c) shall be cleared of and closed to all persons, other than specified persons, and that all persons, other than specified persons, shall forthwith leave and disperse from that part.

(2) A direction given under sub-bylaw (1) may be varied or cancelled by the secretary.

(3) In this by-law ***specified*** means specified in the relevant direction given under sub-bylaw (1).

(4) A person who contravenes a direction given under sub-bylaw (1) commits an offence.

16A. Persons may be directed to leave site

(1) An authorised person may direct a person to leave the site if the authorised person reasonably believes that the person has —

(a) used abusive language on the site; or

(b) threatened a person on the site; or

(c) behaved in an indecent or disorderly manner on the site; or

(d) unreasonably interfered with the privacy of a person on the site; or

(e) committed an offence under by-law 4 or 7.

(2) A person who contravenes a direction under sub-bylaw (1) commits an offence.

(3) The person whom an authorised person has given, or is about to give, a direction under sub-bylaw (1) may require the authorised person to produce the certificate referred to in by-law 3A(2).

(4) The authorised person must comply with a request under sub-bylaw (3).

[By-law 16A inserted: Gazette 8 May 2015 p. 1621.]

Part III — Traffic control

Division 1 — General

16. Driving of vehicles

(1) A person shall not, without permission, drive or bring a vehicle on any portion of the site unless that portion is a roadway or a parking facility.

(2) A person shall not drive, use or stand a vehicle in any portion of the site contrary to any sign displayed in relation to that portion of the site.

17. Driver to obey reasonable direction

Notwithstanding anything in these by-laws, the driver of a vehicle shall obey any reasonable direction given to him by an authorised person in relation to the parking or movement of the vehicle.

[By-law 17 amended: Gazette 29 Jun 2001 p. 3113.]

18. Application of *Road Traffic Code 2000*

Subject to these by-laws, the *Road Traffic Code 2000* applies to and in relation to the driving of a vehicle within the site.

[By-law 18 amended: Gazette 22 Jun 2010 p. 2773.]

19. Speed limits

(1) A person shall not drive a vehicle on a roadway —

(a) where no speed restriction sign is displayed — at a speed exceeding 30 kilometres an hour;

(b) where a speed restriction sign is displayed in relation to a portion of a roadway — at a speed exceeding the speed indicated on the speed restriction sign.

(2) Sub-bylaw (1) does not apply to or in relation to an emergency vehicle.

20. Use of roads on site

(1) A person must not drive a vehicle —

(a) on Hospital Avenue; or

(b) on any part of —

(i) Gairdner Drive; or

(ii) Banksia Road; or

(iii) Caledonia Road,

where a sign prohibiting vehicles is displayed,

except for the purposes of entering or leaving a parking facility.

(2) Sub-bylaw (1) does not apply if the vehicle is —

(a) an ambulance; or

(b) a patient transfer vehicle; or

(c) a delivery vehicle; or

(d) a shuttle bus for persons working on the site; or

(e) a bus involved in the provision of a public passenger transport service by the Public Transport Authority of Western Australia under the *Public Transport Authority Act 2003*; or

(f) a vehicle in relation to which an on-demand rank or hail vehicle authorisation is in force.

[(g) deleted]

[By-law 20 inserted: Gazette 22 Jun 2010 p. 2773; amended: Gazette 14 Jun 2019 p. 1901.]

21. Give way

The driver of a vehicle that is entering or preparing to enter a parking facility shall give way to any vehicle that is —

(a) leaving the parking facility; or

(b) travelling in the roadway in the vicinity of his vehicle.

22. Roadway not to be used for instructions or repairs

A person shall not on a roadway in the site —

(a) drive a vehicle for the purposes of giving or receiving driving instructions;

(b) except in an emergency, effect repairs or adjustments or both to a vehicle.

Division 2 — Parking

23. Parking only in parking spaces

A person shall not park a vehicle in the site except in a parking space.

24. Signs to be obeyed

A person shall not park, stand or move a vehicle in any portion of the site contrary to any direction contained in a sign.

[By-law 24 amended: Gazette 22 Feb 1991 p. 881.]

25. Parking in parking spaces

(1) A person shall not park, stand or move a vehicle in a parking facility in the site contrary to any directions contained in a sign.

(2) Where a sign indicates that a parking facility or portion of a parking facility is set aside —

(a) for a specified vehicle or specified class of vehicles; or

(b) for the vehicle of a specified person or specified class of persons; or

(c) for parking of vehicles for a specified period of time; or

(d) for the parking of vehicles for a maximum period of time so specified,

a person shall not park a vehicle in the parking facility or portion of the parking facility unless —

(e) the vehicle is the particular vehicle or is within the class of vehicle so specified;

(f) the vehicle is the vehicle of the person or a person of the class so specified;

(g) the vehicle is parked within the period of time so specified;

(h) the vehicle is parked for a period that does not exceed the maximum period of time so specified,

as the case requires.

[(3), (4) deleted]

(5) In this by-law ***specified*** means specified in a sign.

[By-law 25 amended: Gazette 9 Dec 1988 p. 4820; 22 Feb 1991 p. 881; 22 Aug 1995 p. 3802; 29 Jun 2001 p. 3113; 22 Jun 2010 p. 2774.]

26. Types of parking areas

(1) The secretary may set aside a parking facility, or part of a parking facility as —

(a) a ticket parking area or a boom gate controlled ticket parking area for the purposes of by-law 26AA; or

(b) a paid staff parking area for the purposes of by-law 26AB; or

(c) a permit parking area for the purposes of by-law 26AC.

(2) An area set aside under sub-bylaw (1) must be identified as such by a sign or signs.

[By-law 26 inserted: Gazette 22 Jun 2010 p. 2774.]

26AA. Parking in ticket parking area or boom gate controlled ticket parking area

(1) In this by-law —

boom gate controlled ticket parking area means a boom gate controlled ticket area set aside under by-law 26(1)(a);

ticket parking area means a ticket parking area set aside under by-law 26(1)(a).

(2) A person must not park a vehicle in a ticket parking area unless —

(a) the person has purchased a ticket by paying the prescribed fee for the length of time for which the vehicle is to be parked; and

(b) if a sign in the parking area requires that the ticket be displayed in the vehicle — the ticket is displayed as required.

(3) A person must not drive a vehicle into or park a vehicle in a boom gate controlled ticket parking area unless the person has obtained a ticket from a ticket vending machine situated at the entrance to the parking area.

(4) A person must not remove a vehicle from a boom gate controlled ticket parking area without paying the prescribed fee for the length of time for which the vehicle has been parked before removing the vehicle from the parking area.

(5) A person who has parked a vehicle in a ticket parking area or a boom gate controlled ticket parking area must not leave the site while the vehicle is parked there.

[By-law 26AA inserted: Gazette 22 Jun 2010 p. 2774; amended: Gazette 17 Dec 2010 p. 6355.]

26AB. Paid staff parking area

(1) In this by-law —

eligible staff member means a person who is in a class of persons determined by the secretary under sub-bylaw (5);

paid staff parking area means an area set aside under by-law 26(1)(b).

(2) A person must not park a vehicle in a paid staff parking area unless the person is an eligible staff member.

(3) An eligible staff member who parks a vehicle in a paid staff parking area must pay the prescribed fee for the length of time for which the vehicle has been parked before removing the vehicle from the parking area.

(4) A fee payable under this by-law is to be paid in a manner approved by the secretary.

(5) The secretary may determine classes of persons who are eligible to park in paid staff parking areas.

[By-law 26AB inserted: Gazette 22 Jun 2010 p. 2775.]

26AC. Parking in permit parking area

(1) In this by-law —

permit parking area means an area set aside under by-law 26(1)(c).

(2) A person must not park a vehicle in a permit parking area unless —

(a) the person holds a parking permit of the class (if any) for which the area is set aside; and

(b) the person parks the vehicle in accordance with that permit; and

(c) the permit is displayed in or on the vehicle in the manner specified in the permit.

[By-law 26AC inserted: Gazette 22 Jun 2010 p. 2775.]

26AD. Parking permits

(1) The secretary may determine classes of parking permits and the eligibility criteria for each class of parking permit.

(2) An authorised person may grant parking permits of such classes and subject to any conditions the authorised person thinks fit.

(3) Without limiting sub-bylaw (2) a parking permit may be subject to conditions relating to all or any of the following —

(a) the vehicle, vehicles, or kind of vehicles, to which it relates;

(b) the areas in which the permit holder is permitted to park;

(c) the times during which, or period of time for which, the permit holder is permitted to park;

(d) the number of persons who must be in the vehicle at the time it arrives at, or departs from, the site.

(4) A parking permit —

(a) takes effect on the day specified in it; and

(b) remains in effect for the period specified in it, unless it is cancelled before the end of that period.

(5) If the holder of a parking permit of a particular class ceases to satisfy any of the eligibility criteria for that class of permit, the permit holder must notify an authorised person.

[By-law 26AD inserted: Gazette 22 Jun 2010 p. 2775-6.]

26AE. Application for parking permit

(1) A person may apply to an authorised person for the grant of a parking permit.

(2) An application must be made in writing in a form approved by the secretary.

(3) An applicant must provide the authorised person with any additional information or document that the authorised person asks for.

(4) If an applicant does not comply with the requirements of this by-law the authorised person may decline to deal with the application and is to advise the applicant accordingly.

(4A) Unless sub-bylaw (4) applies, within 14 days of receiving an application for a parking permit, an authorised person is to —

(a) grant a parking permit to the applicant; or

(b) by written notice given to the applicant, refuse to grant a parking permit to the applicant.

(4B) An authorised person is to give written notice to an applicant who is granted a parking permit if —

(a) the parking permit granted is not of the class requested by the applicant; or

(b) the parking permit is granted subject to a condition.

(4C) Written notice under sub-bylaw (4A)(b) or (4B) must state the reasons for the decision and provide information about the right to a review of the decision under by-law 26AF.

(5) An applicant or other person must not give information in relation to an application that the person knows to be —

(a) false or misleading in a material particular; or

(b) likely to deceive in a material way.

[By-law 26AE inserted: Gazette 22 Jun 2010 p. 2776; amended: Gazette 1 Jul 2016 p. 2743-4.]

26AF. Review of decisions about parking permits

(1) In this by-law —

committee means the committee appointed under sub-bylaw (4);

decision means a decision by an authorised person under by-law 26AE to —

(a) refuse to grant a parking permit; or

(b) grant a parking permit of a class other than the class requested by the applicant; or

(c) grant a parking permit subject to a condition.

(2) An applicant for a parking permit who is aggrieved by a decision may apply in writing in an approved form to the committee for a review of the decision.

(3) An application for a review of a decision must be made by the applicant within 14 days after the applicant receives notice of the decision under by-law 26AE(4A)(b) or (4B).

(4) The committee is to consist of 3 members appointed by the secretary, one of whom is to be a practitioner as defined in the *Private Hospitals and Health Services Act 1927*[1] section 2(1).

(5) An applicant must provide the committee with any additional information or document that the committee asks for to enable it to review the decision.

(6) An applicant or other person must not give information in relation to a review that the person knows to be —

(a) false or misleading in a material particular; or

(b) likely to deceive in a material way.

(7) After reviewing a decision the committee, by written notice given to the applicant, is to affirm, reverse or vary the decision.

(8) The committee is to give the notice referred to in sub-bylaw (7) within 30 days of receiving the application for a review of the decision under sub-bylaw (2).

[By-law 26AF inserted: Gazette 1 Jul 2016 p. 2744-5.]

26AG. Cancellation of parking permit

(1) There are grounds for cancelling a parking permit if —

[(a) deleted]

(b) the permit holder fails to comply with a condition on the permit; or

(c) the permit holder breaches any of the by-laws in this Part; or

(d) the permit was granted in error in consequence of information provided in breach of by-law 26AE(5); or

(e) the permit holder ceases to satisfy any of the eligibility criteria for the relevant class of permit; or

(f) the secretary has determined that it is not practicable, for reasons relating to the operation or development of the site, for permits of a class to which the permit belongs to remain in force; or

(g) the permit holder requests that the permit be cancelled.

(2) If an authorised person considers that there are grounds for cancelling a parking permit under sub-bylaw (1)(b) to (e), the authorised person may cancel the permit by giving the permit holder 14 days written notice.

(3) If the secretary has made a determination under sub-bylaw (1)(f) in relation to a class of parking permits, an authorised person may cancel a parking permit in that class by giving the permit holder 60 days written notice.

(4) If the permit holder requests an authorised person to do so, the authorised person may cancel the permit by giving the permit holder written notice.

(5) The notice given under this by-law must set out the grounds on which the permit is cancelled.

[By-law 26AG inserted: Gazette 22 Jun 2010 p. 2777-8; amended: Gazette 28 Jun 2013 p. 2755.]

*[**26AH.** Deleted: Gazette 28 Jun 2013 p. 2756.]*

*[**26A.** Deleted: Gazette 22 Jun 2010 p. 2774.]*

26B. Removal of vehicles

(1) A vehicle parked in breach of these by-laws or a vehicle which is believed to have been left on the site for more than 3 days may be removed by order of the secretary to the security compound within the site and there stored.

(2) For the purpose of removing a vehicle under sub-bylaw (1), an authorised person may take such action by way of unlocking, driving, towing or otherwise as is reasonably necessary.

(3) The North Metropolitan Health Service may retain possession of a vehicle removed and stored under this by-law until the responsible person for that vehicle has paid to the chief executive of the North Metropolitan Health Service the prescribed fee.

[By-law 26B inserted: Gazette 9 Dec 1988 p. 4821; amended: Gazette 29 Jun 2001 p. 3113; 22 Jun 2010 p. 2778; 10 Feb 2015 p. 618; 1 Jul 2016 p. 2747.]

Part V — Offences and penalties

27. Terms used

In this Part —

alleged offender, in respect of a vehicle on or in which an infringement notice has been left under by-law 30 by an authorised person includes the responsible person for the vehicle;

infringement notice means infringement notice referred to in by-law 30;

modified penalty means modified penalty prescribed in Schedule 2 for an offence under these by-laws.

[By-law 27 amended: Gazette 29 Jun 2001 p. 3113; 22 Jun 2010 p. 2778; 10 Feb 2015 p. 619.]

27A. Offences

A person who contravenes or fails to comply with any of the provisions of these by-laws commits an offence.

[By-law 27A inserted: Gazette 9 Dec 1988 p. 4821.]

28. General penalty

A person who commits an offence under these by-laws is liable to a penalty not exceeding $200.

[By-law 28 amended: Gazette 1 Jul 2016 p. 2747.]

29. Modified penalties

(1) A person who does not contest an allegation that he committed an offence under these by-laws may pay to the Hospital within the time specified in the relevant infringement notice or within such extended time as the secretary allows the modified penalty prescribed for that offence in Schedule 2.

(2) The production of an acknowledgement from the Hospital of the payment under sub-bylaw (1) of the modified penalty concerned is a defence to a charge of the offence in respect of which that modified penalty was paid.

30. Infringement notices

(1) An authorised person who believes on reasonable grounds that a person has committed an offence under these by-laws may serve on that person an infringement notice by delivering it to the alleged offender or by affixing it to the vehicle of the alleged offender.

(2) An infringement notice shall be in the form of Form 1 or 2 Schedule 3 and shall —

(a) be identified by a serial number; and

(b) identify the alleged offender by reference to his name and address or the vehicle make and registration number of his vehicle; and

(c) state the by-law under which the offence is alleged to have been committed, and the brief description of offence and modified penalty set out opposite that by-law in Schedule 2; and

(d) inform the alleged offender in general terms that if he does not wish to have the alleged offence heard and determined by a court of summary jurisdiction, then he may deliver the amount of the modified penalty to an authorised person within the time provided in the infringement notice, which shall not be less than 21 days.

[By-law 30 amended: Gazette 9 Dec 1988 p. 4821; 29 Jun 2001 p. 3113; 22 Jun 2010 p. 2778.]

31. Modified penalties

(1) A person who does not contest an allegation that he has committed an offence under these by-laws may complete the infringement notice by signing the admission on that notice and

forwarding the infringement notice and the amount of the modified penalty set out in Schedule 2 opposite the by-law alleged to have been breached to an authorised person.

(2) Upon receipt of a modified penalty under sub-bylaw (1) sent within the time provided in the infringement notice or such further time as an authorised person allows, an authorised person shall issue to the person paying that modified penalty an acknowledgement.

(3) An acknowledgement under sub-bylaw (2) shall be a defence to a charge of the offence in respect of which the modified penalty was paid.

32. Withdrawal of infringement notice

(1) Subject to sub-bylaw (2), an authorised person may by notice in the form of Form 3 in Schedule 3 served on the alleged offender withdraw an infringement notice.

(2) A person shall not be authorised to withdraw an infringement notice which was issued by that person.

[By-law 32 inserted: Gazette 9 Dec 1988 p. 4821.]

33A. Authorised persons to produce certificate

(1) The person whom an authorised person has given, or is about to give, an infringement notice may require the authorised person to produce the certificate referred to in by-law 3A(2).

(2) The authorised person must comply with a request under sub-bylaw (1).

[By-law 33A inserted: Gazette 8 May 2015 p. 1621.]

33. Removal and endorsement of infringement notices

A person other than an authorised person who —

(a) makes an endorsement on or alteration to an infringement notice; or

(b) not being the driver of, responsible person for, or person in charge of, a vehicle to which an infringement notice is attached, removes the infringement notice,

commits an offence.

[By-law 33 amended: Gazette 29 Jun 2001 p. 3113; 10 Feb 2015 p. 619.]

34. Prosecutions

Proceedings for an offence against these by-laws may be taken by an authorised person.

[By-law 34 inserted: Gazette 9 Dec 1988 p. 4821; amended: Gazette 29 Jun 2001 p. 3114.]

Part VI — General

35. Responsible person may be treated as driver or person in charge of vehicle

(1) Where an offence under these by-laws is alleged to have been committed by the driver or person in charge of a vehicle, the responsible person for the vehicle shall, within 14 days of the date of receipt of a notice in writing from an authorised person or the secretary, requesting the name and address of the driver or person in charge of the vehicle, supply the name and address of the person driving or in charge of the vehicle at the time the offence is alleged to have been committed.

(2) A responsible person for a vehicle who fails to comply with sub-bylaw (1) shall be deemed to be the driver or person in charge of the vehicle at the time the offence is alleged to have been committed.

[By-law 35 inserted: Gazette 28 Jun 1991 p. 3146; amended: Gazette 29 Jun 2001 p. 3114; 10 Feb 2015 p. 619.]

36. Other offences

A person who —

(a) wilfully obstructs any member or employee in the North Metropolitan Health Service in the discharge of his duty under these by-laws;

(b) wilfully obstructs, disturbs, interrupts or annoys any person in the exercise and enjoyment by him of any lawful activity on the site;

(c) removes, damages, defaces or misuses a ticket vending machine or sign;

(d) disobeys or fails to comply with any notice or sign, including a traffic sign erected or displayed by the

delegate or an authorised person in accordance with these by-laws,

commits an offence.

[By-law 36 amended: Gazette 1 Jul 2016 p. 2747.]

Schedule 1 — Fees

~~[bl. 3(1)]~~

[Heading inserted: SL ~~2022/140~~2023/83 bl. 4.]

[bl. 3(1)]

By-law		Fee
26AA(2) or 26AA(4)	Ticket parking	~~$3.60 per hour~~For each day: 0-15 minutes = free 15 minutes - 1 hour = $3.~~60~~70 1 hour - 2 hours = $7.~~20~~40 2 hours - 3 hours = $11.10.~~8 0~~ 3 hours - 4 hours = $14.~~40~~8 0 4 hours - 5 hours = $18.~~00~~5 0 5 hours - 6 hours = $~~21.60~~2 2.20 More than 6 hours = $25.~~20~~9 0
26AB(3)	Paid staff parking	$6.~~30~~40 per day, to a maximum of $~~31.50~~32 per week

By-law		Fee
26B(3)	Removal and storage of vehicle — (a) basic fee *plus* (b) if the vehicle is stored for more than 24 hours — for each 7 days or part of 7 days for which the vehicle is stored after the first 24 hours	 $200 $20

[Schedule 1 inserted: SL ~~2022/140~~2023/83 bl. 4.]

Schedule 2

[By-law 29(1)]

By-law	Brief description of offence	Modified penalty ($)
16	Driving or bringing vehicle on site other than roadway or parking area or standing area	45
17	Disobeying any reasonable order or directive given by authorised person	45
19	Driving in excess of speed limit specified in traffic sign	45
19	Driving in excess of 30 kph	45
20	Using Hospital Avenue or Gairdner Drive as a thoroughfare	30
21	Failing to give way when entering or leaving parking area or standing area	40
22	Repairing vehicle on site	30
22	Instructing learner driver on site	30
24	Failing to comply with an indication displayed on a sign in particular	
	— STOP	45
	— GIVE WAY	40

By-law	Brief description of offence	Modified penalty ($)
	— ONE WAY	40
	or any other sign displayed directing the driver of a motor vehicle to do a particular thing	40
23	Parking or standing on site outside of a parking space	40
24	Parking contrary to a sign specifying	
	— No Standing at Any time	45
	— No Parking at Any time	40
25	Parking contrary to a sign	40
26AA(2)	Parking in ticket parking area —	
	(a) failing to purchase ticket for required period	30
	.....	30
	(b) failing to display ticket	
	.....	
26AA(3)	Parking in boom gate controlled ticket parking area without a ticket	20
26AA(4)	Removing a vehicle from boom gate controlled ticket parking area without paying the prescribed fee	20

By-law	Brief description of offence	Modified penalty ($)
26AA(5)	Parking a vehicle in a ticket parking area or a boom gate controlled ticket parking area and leaving the site while the vehicle is parked there	30
26AB(2)	Parking in paid staff parking area when not an eligible staff member	45
26AB(3)	Failing to pay before leaving a paid staff parking area	20
26AC(2)	Unlawfully parking in a permit parking area	45
33	Unauthorised person endorsing an infringement notice	45
33	Removal of infringement notice by unauthorised person	45
35	Refusing to supply name and address to authorised person when required	45
36	Wilfully obstructing person employed on site in discharge of his duty	45
36	Obstructing, disturbing, interrupting or annoying person lawfully using site	45

[Schedule 2 inserted: Gazette 22 Feb 1991 p. 881-2; amended: Gazette 29 Jun 2001 p. 3114; 22 Jun 2010 p. 2779-80; 17 Dec 2010 p. 6355; 17 Jun 2014 p. 1981.]

Schedule 3

[By-law 30]

Forms

Form 1

Queen Elizabeth II Medical Centre Act 1966

Queen Elizabeth II Medical Centre (Delegated Site) By-laws 1986

(By-law .....)

INFRINGEMENT NOTICE (PART II OFFENCES)

No. .....

Date of service .....

It is alleged that at about ..... a.m./p.m. on the ..... day of ..... 20 ..... you contravened the by-law specified and briefly described hereunder.

Authorised person .....

By-law No. Brief description offence Modified penalty

You may dispose of this matter either —

(a) by payment of the modified penalty within days of the date of this notice, or such further time as the delegate allows, to the delegate; or

(b) by having it dealt with by a court.

If the modified penalty is not paid within days, or such further time as the delegate allows, court proceedings may be taken against you.

I, (Name) ..... of (Address) .....

(Number and street)

.....

(Town or suburb) (Postcode)

admit contravening the by-law indicated in this form.

.....

(Signature of offender).

Form 2

Queen Elizabeth II Medical Centre Act 1966

Queen Elizabeth II Medical Centre (Delegated Site) By-laws 1986

(By-law 30)

INFRINGEMENT NOTICE (PARTS III AND IV OFFENCES)

No. .....

Date of service ..... / ..... / .....

To the responsible person for/driver/person in charge of motor vehicle make ..... type .....

Plate No ..... C/R ..... or bicycle make .....

It is alleged that at about ..... a.m./p.m. on the ..... day of ..... 20 ..... you contravened the by-law specified and briefly described hereunder.

Authorised person .....

By-law No.	Brief description of offence	Modified penalty

You may dispose of this matter either —

(a) by payment of the modified penalty within days of the date of this notice, or such further time as the delegate allows, to the delegate; or

(b) by having it dealt with by a court.

If the modified penalty is not paid within days, or such further time as the delegate allows, court proceedings may be taken against you.

I, (Name) ..... of (Address) .....
(Number and street)

.....
(Town or suburb) (Postcode)

admit contravening the by-law indicated in this form.

.....
(Signature of offender).

[Form 2 amended: Gazette 9 Dec 1988 p. 4822; 29 Jun 2001 p. 3114; 10 Feb 2015 p. 620.]

Form 3

Queen Elizabeth II Medical Centre Act 1966

Queen Elizabeth II Medical Centre (Delegated Site) By-laws 1986

(By-law 32)

WITHDRAWAL OF INFRINGEMENT NOTICE

No. ..... / ..... / .....

Date of service .....

To ..... of .....
(Name) (Address)

Infringement notice No. ..... served on you on the ..... day of ..... 20 ..... for the alleged offence of .... is hereby withdrawn and no further action will be taken against you in respect of the alleged offence.

.....
Authorised person.

[Form 3 amended: Gazette 9 Dec 1988 p. 4822.]

Notes

This is a compilation of the *Queen Elizabeth II Medical Centre (Delegated Site) By-laws 1986* and includes amendments made by other written laws [2]. For provisions that have come into operation, and for information about any reprints, see the compilation table. For provisions that have not yet come into operation see the uncommenced provisions table.

Compilation table

Citation	Published	Commencement
Queen Elizabeth II Medical Centre (Delegated Site) By-laws 1986	24 Oct 1986 p. 3947-54	1 Nov 1986 (see bl. 2 and *Gazette* 24 Oct 1986 p. 3938)
Queen Elizabeth II Medical Centre (Delegated Site) Amendment By-laws 1988	9 Dec 1988 p. 4820-2	9 Dec 1988
Queen Elizabeth II Medical Centre (Delegated Site) Amendment By-laws 1991	22 Feb 1991 p. 881-2	1 Mar 1991 (see bl. 2)
Queen Elizabeth II Medical Centre (Delegated Site) Amendment By-laws (No. 2) 1991	28 Jun 1991 p. 3145-6	1 Jul 1991 (see bl. 2)
Queen Elizabeth II Medical Centre (Delegated Site) Amendment By-laws (No. 3) 1991	24 Dec 1991 p. 6433-4	1 Jan 1992 (see bl. 2)
Queen Elizabeth II Medical Centre (Delegated Site) Amendment By-laws 1992	26 Jun 1992 p. 2693	1 Jul 1992 (see bl. 2)
Queen Elizabeth II Medical Centre (Delegated Site) Amendment By-laws (No. 2) 1992	15 Dec 1992 p. 6028-9	1 Jan 1993 (see bl. 2)
Queen Elizabeth II Medical Centre (Delegated Site) Amendment By-laws 1995	22 Aug 1995 p. 3802-3	22 Aug 1995
Queen Elizabeth II Medical Centre (Delegated Site) Amendment By-laws 1996	28 Jun 1996 p. 3019-20	28 Jun 1996
Reprint of the *Queen Elizabeth II Medical Centre (Delegated Site) By-laws 1986* as at 10 Nov 2000 (includes amendments listed above)		
Queen Elizabeth II Medical Centre (Delegated Site) Amendment By-laws 2001	29 Jun 2001 p. 3111-14	29 Jun 2001

Citation	Published	Commencement
Queen Elizabeth II Medical Centre (Delegated Site) Amendment By-laws 2010	22 Jun 2010 p. 2772-80	bl. 1 and 2: 22 Jun 2010 (see bl. 2(a)); By-laws other than bl. 1 and 2: 23 Jun 2010 (see bl. 2(b))
Queen Elizabeth II Medical Centre (Delegated Site) Amendment By-laws (No. 2) 2010	17 Dec 2010 p. 6354-5	bl. 1 and 2: 17 Dec 2010 (see bl. 2(a)); By-laws other than bl. 1 and 2: 1 Jan 2011 (see bl. 2(b))
Queen Elizabeth II Medical Centre (Delegated Site) Amendment By-laws 2011	21 Jun 2011 p. 2220-1	bl. 1 and 2: 21 Jun 2011 (see bl. 2(a)); By-laws other than bl. 1 and 2: 1 Jul 2011 (see bl. 2(b))
Queen Elizabeth II Medical Centre (Delegated Site) Amendment By-laws (No. 2) 2011	9 Dec 2011 p. 5233-4	bl. 1 and 2: 9 Dec 2011 (see bl. 2(a)); By-laws other than bl. 1 and 2: 1 Jan 2012 (see bl. 2(b))
Queen Elizabeth II Medical Centre (Delegated Site) Amendment By-laws (No. 2) 2013	28 Jun 2013 p. 2755-6	bl. 1 and 2: 28 Jun 2013 (see bl. 2(a)); By-laws other than bl. 1 and 2: 1 Jul 2013 (see bl. 2(b))
Reprint 2: The *Queen Elizabeth II Medical Centre (Delegated Site) By-laws 1986* as at 18 Apr 2014 (includes amendments listed above)		
Queen Elizabeth II Medical Centre (Delegated Site) Amendment By-laws (No. 2) 2014	17 Jun 2014 p. 1980-1	bl. 1 and 2: 17 Jun 2014 (see bl. 2(a)); By-laws other than bl. 1 and 2: 1 Jul 2014 (see bl. 2(b))
Queen Elizabeth II Medical Centre (Delegated Site) Amendment By-laws 2015	10 Feb 2015 p. 617-20	bl. 1 and 2: 10 Feb 2015 (see bl. 2(a)); By-laws other than bl. 1 and 2: 27 Apr 2015 (see bl. 2(b) and *Gazette* 17 Apr 2015 p. 1371)
Queen Elizabeth II Medical Centre (Delegated Site) Amendment By-laws (No. 2) 2015	8 May 2015 p. 1619-21	bl. 1 and 2: 8 May 2015 (see bl. 2(a)); By-laws other than bl. 1 and 2: 9 May 2015 (see bl. 2(b))
Queen Elizabeth II Medical Centre (Delegated Site) Amendment By-laws (No. 3) 2015	30 Jun 2015 p. 2335-6	bl. 1 and 2: 30 Jun 2015 (see bl. 2(a)); By-laws other than bl. 1 and 2: 1 Jul 2015 (see bl. 2(b))

Citation	Published	Commencement
Queen Elizabeth II Medical Centre (Delegated Site) Amendment By-laws 2016	1 Jul 2016 p. 2743-5	bl. 1 and 2: 1 Jul 2016 (see bl. 2(a)); By-laws other than bl. 1 and 2: 1 Jul 2016 (see bl. 2(b))
Queen Elizabeth II Medical Centre (Delegated Site) Amendment By-laws (No. 2) 2016	1 Jul 2016 p. 2745-7	bl. 1 and 2: 1 Jul 2016 (see bl. 2(a)); By-laws other than bl. 1 and 2: 1 Jul 2016 (see bl. 2(b) and *Gazette* 24 Jun 2016 p. 2291)
Queen Elizabeth II Medical Centre (Delegated Site) Amendment By-laws 2017	30 Jun 2017 p. 3574	bl. 1 and 2: 30 Jun 2017 (see bl. 2(a)); By-laws other than bl. 1 and 2: 1 Jul 2017 (see bl. 2(b))
Reprint 3: The *Queen Elizabeth II Medical Centre (Delegated Site) By-laws 1986* as at 4 Aug 2017 (includes amendments listed above)		
Queen Elizabeth II Medical Centre (Delegated Site) Amendment By-laws 2018	8 Jun 2018 p. 1833-4	bl. 1 and 2: 8 Jun 2018 (see bl. 2(a)); By-laws other than bl. 1 and 2: 1 Jul 2018 (see bl. 2(b))
Queen Elizabeth II Medical Centre (Delegated Site) Amendment By-laws (No. 2) 2019	7 Jun 2019 p. 1825	bl. 1 and 2: 7 Jun 2019 (see bl. 2(a)); By-laws other than bl. 1 and 2: 1 Jul 2019 (see bl. 2(b))
Queen Elizabeth II Medical Centre (Delegated Site) Amendment By-laws 2019	14 Jun 2019 p. 1900-1	bl. 1 and 2: 14 Jun 2019 (see bl. 2(a)); By-laws other than bl. 1 and 2: 2 Jul 2019 (see bl. 2(b) and *Gazette* 28 Jun 2019 p. 2473)
Queen Elizabeth II Medical Centre (Delegated Site) Amendment By-laws 2021	SL 2021/179 5 Nov 2021	bl. 1 and 2: 5 Nov 2021 (see bl. 2(a)); By-laws other than bl. 1 and 2: 6 Nov 2021 (see bl. 2(b))
Queen Elizabeth II Medical Centre (Delegated Site) Amendment By-laws 2022	SL 2022/140 5 Aug 2022	bl. 1 and 2: 5 Aug 2022 (see bl. 2(a)); By-laws other than bl. 1 and 2: 6 Aug 2022 (see bl. 2(b))
Queen Elizabeth II Medical Centre (Delegated Site) Amendment By-laws 2023	SL 2023/83 30 Jun 2023	bl. 1 and 2: 30 Jun 2023 (see bl. 2(a)); By-laws other than bl. 1 and 2: 1 Jul 2023 (see bl. 2(b))

Uncommenced provisions table

To view the text of the uncommenced provisions see *Acts as passed* on the WA Legislation website.

Citation	Published	Commencement
~~*Health Services Act 2016* s. 307(j) assented to 26 May 2016~~		~~To be proclaimed (see s. 2(b))~~
Queen Elizabeth II Medical Centre Act 1966 s. 22 (as amended by Act No. 2023/1 s. 97)		To be proclaimed (see s. 2(b))

Other notes

[1] Formerly referred to as the *Hospitals and Health Services Act 1927*, the short title of which was changed to the *Private Hospitals and Health Services Act 1927* by the *Health Services Act 2016* s. 261. The reference was changed under the *Reprints Act 1984* s. 7(3)(gb).

[2] The *Health Services Act 2016* s. 307(j) had not come into operation when it was deleted by the *Health Services Amendment Act 2023* s. 85.

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