

Western Australia

**Government Railways (Parking Stations)
By-law 1997**

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Government Railways (Parking Stations) By-law 1997

Contents

1A.	Citation	1
1.	Interpretation	1
2.	Application	3
3.	Constitution of parking stations	3
4.	Parking in specified areas	4
5.	Parking within parking space	5
6.	Obstruction	5
7.	No standing area	5
8.	Direction not to park in area	5
9.	One vehicle only in parking space	5
10.	Loading zone	6
11.	Designation of parking spaces for vehicles of persons with disability	6
12.	Disabled parking	6
13.	Offence	7
14.	Parking charges	7
15.	Payment of charge	7
16.	Receipt	8
17.	Production of receipt	8
18A.	Removing vehicle from secured parking station between designated hours	8
18.	Removal of vehicles from parking station by Authority	8
19.	Appointment of authorised persons	9
20.	Personation of authorised person	9
21.	Obstruction of authorised person	9
22.	Powers of authorised person	10

Contents

23.	Owner to reveal identity of driver	10
24.	Erection of signs	10
25.	Damage to parking station and removal of tickets	11
26.	Offences and penalties	11
27.	Infringement notices	12
28.	Owner deemed to be driver	12
29.	Record of infringement notices to be kept	13
30.	Recovery of penalty	13
31.	Service of notices	13

Schedule 1

Parking charges

1.	14
2A.	14
2.	14

Schedule 2

Notes

Compilation table	20
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Defined terms

Government Railways (Parking Stations) By-law 1997

1A. Citation

- (1) This by-law may be cited as the *Government Railways (Parking Stations) By-law 1997*¹.
- (2) The main legislative units of this by-law are called rules, and a rule may contain 2 or more subrules (this sentence, for example, being subrule (2) of rule 1A).

[Rule 1A inserted in Gazette 12 Dec 2003 p. 5042.]

1. Interpretation

- (1) In this by-law, unless the context otherwise requires —
 - ACROD permit* means a current parking permit issued by National Disability Services Limited ABN 52 008 445 485, a company limited by guarantee, trading as National Disability Services WA;
 - authorised person* means a person appointed by the Authority under rule 19;
 - bicycle* has the meaning given in the *Road Traffic Code 2000* regulation 3(1);
 - designated* means designated by a sign placed by the Authority;
 - driver* means any person driving or in control of a vehicle;
 - motor cycle* has the meaning given in the *Road Traffic Code 2000* regulation 3(1);

motorised scooter has the meaning given in the *Road Traffic Code 2000* regulation 3(1);

owner in relation to a vehicle, means the person who is the holder of the requisite vehicle licence under the *Road Traffic Act 1974* in respect of the vehicle, or, if the vehicle is not licensed under that Act, the person who owns the vehicle or is entitled to the possession of the vehicle;

paid parking station means a parking station designated by the Authority for parking subject to the payment of a charge;

park means to permit a vehicle, whether attended or not, to remain stationary, except for the purpose of avoiding conflict with other traffic, of complying with provisions of any law or of immediately taking up or setting down persons or goods and **parking** has a correlative meaning;

parking space means a section or part of a parking station, which is marked or defined by painted lines or by metallic studs or by similar devices for the purpose of indicating where a vehicle may stand or be parked whether on payment of a charge or otherwise;

parking station means a parking station constituted under rule 3(a);

secured parking station means a parking station which is fenced and to which entry can only be gained through a gate that is locked between designated hours;

sign includes a marking on the ground or other surface;

stand, in relation to a vehicle, means to stop the vehicle and permit it to remain stationary, except for the purpose of avoiding conflict with other traffic or of complying with the provisions of any law and **standing** has a correlative meaning;

vehicle has the meaning given in the *Road Traffic Act 1974* section 5(1).

- (2) A reference in this by-law to a Form followed by an alphanumeric designation is a reference to the Form so designated set out in Schedule 2.

[Rule 1 amended in Gazette 12 Dec 2003 p. 5042-3, 5044 and 5045; 5 Nov 2013 p. 4943-4.]

2. Application

- (1) This by-law applies to the parking of vehicles in a parking station.
- (2) Any sign that —
 - (a) was placed by The Western Australian Government Railways Commission prior to the coming into operation of the *Public Transport Authority Act 2003* Part 7 Division 2; and
 - (b) relates to the parking or standing of vehicles within a parking station,

is deemed, for the purposes of this by-law, to have been placed by the Authority under the authority of this by-law.

[Rule 2 amended in Gazette 12 Dec 2003 p. 5043 and 5044; 5 Nov 2013 p. 4944.]

3. Constitution of parking stations

The Authority may constitute, determine and vary, and also indicate by signs, from time to time —

- (a) parking stations, being any land, building or other structure containing a parking space or parking spaces that is provided on a railway for the purpose of accommodating vehicles with or without charge;
- (b) parking spaces;
- (c) permitted times and conditions of parking in parking spaces and parking stations depending on and varying with locality;
- (d) permitted classes of vehicles to park in parking spaces and parking stations; and
- (e) the manner of parking in parking spaces and parking stations.

[Rule 3 amended in Gazette 12 Dec 2003 p. 5043 and 5044.]

4. Parking in specified areas

- (1) A person shall not stand a vehicle in a parking space —
 - (a) if that parking space is by any sign thereon or adjacent or referable thereto, set apart for the standing of vehicles of a different class;
 - (b) if by such a sign the standing of vehicles in that parking space is prohibited or restricted during any period or periods, during such a period or periods; or
 - (c) if by such a sign the standing of vehicles in that parking space is permitted for a specified time, for longer than that time.

- (2) A person shall not stand a vehicle —
 - (a) in a no standing area;
 - (b) in a parking station, except in a manner indicated by the inscription on the sign or signs associated with the parking station and where the parking station includes parking spaces, except as in this by-law provided, with reference to the parking spaces;
 - (c) in a parking station contrary to any limitation or condition indicated by the inscription on the sign or signs associated with the parking station; or
 - (d) in a defined area marked “M/C”, unless it is a motor cycle without a side-car, motorised scooter or bicycle.

- (3) A person shall not stand a motor cycle without a side-car, motorised scooter or a bicycle in a parking space unless the traffic sign “M/C” is marked on that space.

[Rule 4 amended in Gazette 5 Nov 2013 p. 4944-5.]

5. Parking within parking space

Unless otherwise directed by an authorised person, a person shall not park a vehicle in a parking station otherwise than wholly within a parking space.

6. Obstruction

A person shall not stand a vehicle so as to obstruct an entrance to, an exit from, or a roadway within, a parking station or beyond the limits of any defined row within a parking station.

7. No standing area

A person shall not stand a vehicle except with the permission of the Authority or an authorised person on any part of a parking station, whether or not the part be marked as a parking space if a sign is exhibited prohibiting the standing of vehicles thereon.

[Rule 7 amended in Gazette 12 Dec 2003 p. 5044.]

8. Direction not to park in area

A person shall not permit a vehicle to stand on any part of a parking station, whether or not that part is marked as a parking space, if an authorised person directs the driver of the vehicle to move the vehicle.

9. One vehicle only in parking space

A person shall not stand or attempt to stand a vehicle in a parking space in which another vehicle is standing, but this rule does not prevent the parking of a motor cycle or motorised scooter and a bicycle together in a space marked "M/C" if the motor cycle or motorised scooter and bicycle are parked in accordance with rule 4(3).

[Rule 9 amended in Gazette 12 Dec 2003 p. 5045; 5 Nov 2013 p. 4945.]

10. Loading zone

- (1) A person must not permit a vehicle to stand in a parking space if there is a sign on it or adjacent to it marked “Loading Zone” unless —
- (a) the vehicle is being used for delivering or collecting goods in the course of commerce; and
 - (b) the vehicle remains in the space for not more than 30 minutes.
- (2) In this rule —

goods means an article or collection of articles weighing at least 14 kilograms of which the content is at least 0.2 cubic metre.

[Rule 10 inserted in Gazette 12 Dec 2003 p. 5043.]

11. Designation of parking spaces for vehicles of persons with disability

- (1) A parking space set aside for the parking of vehicles of persons with a disability is to be designated by the symbol described in Australian Standard 1428 as the international symbol for access, displayed in the manner set out in Australian Standard 2890.6.
- (2) The vehicle of a disabled person shall be identified by displaying a current ACROD permit in a prominent position in such a manner as to be clearly visible from the front of the vehicle.

[Rule 11 amended in Gazette 5 Nov 2013 p. 4945.]

12. Disabled parking

A person shall not stand or park a vehicle, other than the vehicle of a disabled person in any parking space which has been set aside for the parking of vehicles of disabled persons.

13. Offence

A person other than a disabled person shall not identify or purport to identify a vehicle in accordance with rule 11(2).

[Rule 13 amended in Gazette 12 Dec 2003 p. 5045.]

14. Parking charges

(1) In this rule —

ticket vending machine means a machine at a paid parking station which, following payment by note, coin, card or token, issues a parking ticket for parking at the station.

(2) A person must not park a vehicle in a paid parking station at any time when a charge applies unless the charge for the relevant time —

(a) has been paid into a ticket vending machine and, during the relevant time, a parking ticket issued from the ticket vending machine is displayed in accordance with subrule (3); or

(b) has been paid to the Authority in an alternative manner approved by the Authority under subrule (4).

(3) The ticket must be displayed so that the date and an expiry time for permitted parking are clearly visible from outside the vehicle.

(4) The Authority may approve an alternative manner of payment for the purposes of this rule by notice published in the *Gazette*.

[Rule 14 inserted in Gazette 5 Nov 2013 p. 4945-6.]

15. Payment of charge

A person shall not remove a vehicle which has been parked in a paid parking station until there has been paid the charge appropriate to the period for which the vehicle has been parked.

[Rule 15 amended in Gazette 5 Nov 2013 p. 4946.]

16. Receipt

A person paying a charge at a paid parking station shall be entitled to receive a receipt showing the period of parking covered by the payment.

[Rule 16 amended in Gazette 5 Nov 2013 p. 4946.]

17. Production of receipt

A driver of a vehicle in a paid parking station shall, on demand, produce to an authorised person a receipt showing that the appropriate parking charge has been paid in respect of that vehicle.

[Rule 17 amended in Gazette 5 Nov 2013 p. 4946.]

18A. Removing vehicle from secured parking station between designated hours

- (1) A person who wishes to remove a vehicle from a secured parking station between the designated hours must pay to the Authority the charge set out in Schedule 1 item 2A to have the gate to the secured parking station unlocked and opened during those hours.
- (2) The Authority may reduce, waive or refund, in whole or in part, the charge prescribed under subrule (1) in a particular case.

[Rule 18A inserted in Gazette 5 Nov 2013 p. 4947.]

18. Removal of vehicles from parking station by Authority

- (1) Where —
 - (a) a vehicle is left in a part of the parking station in such a manner as to obstruct the proper use of the parking station; or
 - (b) a vehicle is left in a parking station for a period in excess of 24 hours,

an officer or servant of the Authority may remove the vehicle to a place appointed by the Authority.

- (2) The Authority is to cause a record to be kept of each vehicle removed under this rule including —
 - (a) a description of the vehicle;
 - (b) details of the date and time of removal; and
 - (c) details of the place from which the vehicle was removed.
- (3) Where a vehicle has been removed under this rule —
 - (a) the vehicle may be recovered on payment of the charges prescribed in item 2 of Schedule 1; and
 - (b) the Authority may hold the vehicle until the charges prescribed in item 2 of Schedule 1 have been paid.

[Rule 18 amended in Gazette 12 Dec 2003 p. 5044 and 5045; 5 Nov 2013 p. 4947.]

19. Appointment of authorised persons

- (1) The Authority may appoint persons to control parking in a parking station.
- (2) The Authority shall issue to every authorised person a certificate of his or her appointment in a form from time to time determined by the Authority.
- (3) An authorised person shall produce his or her certificate of appointment whenever requested to do so when exercising a power or performing a duty under this by-law.

[Rule 19 amended in Gazette 12 Dec 2003 p. 5044.]

20. Personation of authorised person

A person who is not an authorised person shall not in any way assume the duties of or personate an authorised person.

21. Obstruction of authorised person

A person shall not in any way obstruct or hinder an authorised person in the execution of his or her duty.

[Rule 21 amended in Gazette 5 Nov 2013 p. 4947.]

22. Powers of authorised person

Authorised persons are authorised —

- (a) to carry into effect the provisions of this by-law;
- (b) to report to the Authority on the working, effectiveness and functioning of this by-law; and
- (c) to recommend to the Authority the institution of prosecutions.

[Rule 22 amended in Gazette 12 Dec 2003 p. 5044.]

23. Owner to reveal identity of driver

- (1) The owner of a vehicle shall, if required by an authorised person, inform the authorised person of the name and address of the driver of the vehicle at the time when an offence is alleged to have been committed against this by-law by the driver of the vehicle (in this rule and in rule 28 referred to as ***the relevant time***).
- (2) If the owner of the vehicle does not —
 - (a) inform the authorised person of the name and address of the driver of the vehicle at the relevant time; or
 - (b) satisfy the authorised person that at the relevant time the vehicle had been stolen or was being unlawfully used,

the owner is, in the absence of proof to the contrary, deemed to be the driver of the vehicle.

[Rule 23 amended in Gazette 12 Dec 2003 p. 5045.]

24. Erection of signs

A person shall not, without the authority of the Authority —

- (a) place any sign purporting to be or resembling a sign placed by the Authority under the authority of this by-law; or
- (b) affix any board, sign, placard, notice or other thing to, or paint or write upon, any part of a parking station.

[Rule 24 amended in Gazette 12 Dec 2003 p. 5044; 5 Nov 2013 p. 4947.]

25. Damage to parking station and removal of tickets

- (1) A person shall not remove, damage, deface or misuse any parking station or any part thereof.
- (2) No person other than the driver of the vehicle shall remove any notice attached to a vehicle by an authorised person.

26. Offences and penalties

- (1) Subject to this rule, a person who contravenes or fails to comply with a provision of this by-law commits an offence and is liable on conviction to a penalty not exceeding \$200.
- (2) A person who does not contest an allegation that he or she committed an offence against —
 - (a) this by-law other than rule 12, may pay to the Authority a modified penalty of \$50.00; and
 - (b) rule 12, may pay to the Authority a modified penalty of \$100.00.
- (3) Where the Authority is of the opinion that an alleged offence cannot be adequately punished by the payment of the modified penalty it may refuse to accept payment of the modified penalty and may take proceedings against the alleged offender in any court of competent jurisdiction.
- (4) Where an alleged offender on being served with a notice under this by-law does not pay the modified penalty in relation to the offence referred to in the notice within the time prescribed by this by-law the Authority may take proceedings against the alleged offender in a court of competent jurisdiction.

[Rule 26 amended in Gazette 12 Dec 2003 p. 5044 and 5045.]

27. Infringement notices

- (1) An authorised person may leave in or on a vehicle, the driver of which is alleged to have committed an offence, a notice in the form of Form 1.
- (2) The driver of the vehicle at the time of the commission of the alleged offence specified in the notice who does not wish to contest the allegation that he has committed the offence specified in the notice shall —
 - (a) complete the notice by filling in the particulars required by notice to be given by the driver and sign the notice; and
 - (b) forward the notice together with the amount of the modified penalty to the Authority within 28 days from the date of the notice.
- (3) Production by a person of an acknowledgment by the Authority of due payment of the modified penalty is a defence to a charge of the offence in respect of which the modified penalty was paid.

[Rule 27 amended in Gazette 12 Dec 2003 p. 5044.]

28. Owner deemed to be driver

Where an offence against this by-law is alleged to have been committed by the driver of a vehicle and the modified penalty payable with respect to the offence has not been paid within the time specified in the notice served under rule 27 the Authority may cause a notice in the form of Form 2 addressed to the owner of the vehicle at the relevant time to be served on the owner or left in or on the vehicle by an authorised person and unless within 14 days of the date on which the notice was so served or left —

- (a) the owner informs the Authority or an authorised person, in writing, as to the identity and address of the offender or furnishes information to the Authority or an authorised person that the vehicle had been stolen, or

was being unlawfully used, at the time the offence is alleged to have been committed; or

- (b) the modified penalty is paid to the Authority,

the owner is deemed to be the person who committed the offence and is liable to pay the penalty prescribed for the offence.

[Rule 28 amended in Gazette 12 Dec 2003 p. 5044 and 5045.]

29. Record of infringement notices to be kept

The Authority shall cause adequate records to be kept of all infringement notices served and modified penalties received in respect of offences against this by-law.

[Rule 29 amended in Gazette 12 Dec 2003 p. 5044.]

30. Recovery of penalty

A penalty for an offence against this by-law (not being a modified penalty) may be recovered by the Authority by taking proceedings against the alleged offender in a court of competent jurisdiction.

[Rule 30 amended in Gazette 12 Dec 2003 p. 5044.]

31. Service of notices

Except as provided in this by-law, any notice relating to an offence against this by-law may be served by posting it by pre-paid post addressed to the alleged offender at his or her usual or last known address, or, if the alleged offender is in business, at his or her usual or last known business address.

Schedule 1
Parking charges

1.

(1) The charge to be paid for parking a vehicle in a paid parking station on a weekday for any period between 5 a.m. and 9 p.m. on the day of issue of the ticket is \$2.00.

(2) In this item —

weekday means a day other than a Saturday or Sunday.

[Item 1 inserted in Gazette 12 Dec 2003 p. 5044; amended in Gazette 26 Jun 2007 p. 3060; 5 Nov 2013 p. 4948.]

2A.

The charge to be paid under rule 18A(1) is \$10.00.

[Item 2A inserted in Gazette 5 Nov 2013 p. 4948.]

2.

The charges to be paid for the recovery of a vehicle removed under rule 18 are —

For removing a vehicle to an appointed place	\$60.00 plus \$2.60 per kilometre
For custody of a vehicle	\$10.00 per day or part thereof.

[Item 2 amended in Gazette 12 Dec 2003 p. 5045.]

Schedule 2

Form 1

[rule 27(1)]

Government Railways (Parking Stations) By-law 1997

INFRINGEMENT NOTICE

To Serial No.
.....
..... Date

You are hereby notified that it is alleged that on the
..... day of (year)
at about you did

in contravention of the provisions of rule of Government Railways
(Parking Stations) By-law 1997.

The modified penalty prescribed for this offence is \$

If you do not wish to have a complaint of the above offence heard and
determined by a court you may pay the modified penalty within 28 days after
the date of the service of this notice.

Unless payment is made within 28 days of the date of the service of this notice
court proceedings may be instituted against you.

Please see the reverse side of this form for payment options.

Note: If you require an extension of time to pay the modified penalty or if you
believe you have good reason to request this Authority to consider
withdrawing this infringement notice, you must send your written
reasons to the Director Security Services, Public Transport Authority,
P.O. Box 383, Northbridge 6865.

Signature of authorised person
Designation
Service Number

Name

Government Railways (Parking Stations) By-law 1997

Schedule 2

Address
Post Code

[If your name and address do not appear in this notice please complete the above details to enable a receipt to be forwarded.]

[Reverse side]

Cheques, Postal Notes or Money Orders should be made out to Public Transport Authority and addressed to Post Office Box 383 Northbridge WA 6865. Please ensure to include your name and infringement number with the payment to enable correct payment reconciliation.

Alternatively, the modified penalty may be paid personally by presenting this notice and the payment amount to the following offices:

Info Centre / Booking Office	Location	Opening hours
Perth Station	Platform 9, Perth Railway Station	Monday - Thursday: 7.00am - 6.30pm Friday: 7.00am - 6.30pm Saturday: 7.00am - 6.00pm Sunday: 8.30am - 6.00pm Public Holidays: 8.30am - 6.00pm
Perth Underground Station	Platform 9, Perth Railway Station	Monday - Thursday: 7.00am - 6.00pm Friday: 7.00am - 6.00pm Saturday: 9.00am - 5.00pm Sunday: 11.00am - 3.00pm Public Holidays: 11.00am - 3.00pm (excluding Christmas Day and Boxing Day)
Esplanade Busport	Platform 9, Perth Railway Station	Monday - Thursday: 7.30am - 5.30pm Friday: 7.30am - 5.30pm Saturday: 10.00am - 2.00pm Sunday: 12.00pm - 4.00pm Public Holidays: Closed
Wellington Street Bus Station	Platform 9, Perth Railway Station	Monday - Thursday: 7.30am - 5.30pm Friday: 7.30am - 5.30pm Saturday: 8.00am - 1.00pm Sunday: Closed Public Holidays: Closed
Public Transport Centre	Platform 9, Perth Railway Station	Monday - Thursday: 6.30am - 5.00pm Friday: 6.30am - 6.00pm Saturday: 6.30am - 1.00pm Sunday: 7.30am - 3.30pm Public Holidays: Closed
Armadale Booking Office	Platform 9, Perth Railway Station	Monday - Friday: 8.30am - 12.30pm Saturday and Sunday: Closed Public Holidays: Closed
Midland Booking Office	Platform 9, Perth Railway Station	Monday - Friday: 8.30am - 12.30pm Saturday and Sunday: Closed Public Holidays: Closed
Transit Admin Office	Platform 9, Perth Railway Station	Monday - Friday: 8.30am - 12.30pm Saturday and Sunday: Closed Public Holidays: Closed

Payment by phone: Please call 1300 276 468 (credit card payments only)

Payment by internet: infringements.pta.wa.gov.au (credit card payments only)

Bill ID: 1001089 Ref: Please refer to the infringement serial number printed at the top right hand corner on the reverse side of this form.

Credit card only. Payments made online or over the phone must be made before 9.00pm Western Australian Standard Time **on the due date.**

*[Form 1 amended in Gazette 12 Dec 2003 p. 5044 and 5045;
5 Nov 2013 p. 4948-9.]*

you will be deemed to have committed the above offence and court proceedings may be instituted against you.

Payment may be made either —

- (a) by posting this form together with a cheque, money order or postal note for the amount of \$....., to the Public Transport Authority of Western Australia, PO Box 383, Northbridge 6865; or
- (b) by delivering this form and paying the amount of \$..... at any Railway Booking Office at such times as that office is open for regular business.

Signature of authorised person
Designation
Authority No.

TO: Public Transport Authority of Western Australia

The identity and address of the driver or person in charge of the above vehicle at the time of the above offence is as follows —

Name

Address

.....
Signed
(Owner of vehicle)

.....
(Date)

[Form 2 amended in Gazette 12 Dec 2003 p. 5044 and 5045.]

Notes

- ¹ This is a compilation of the *Government Railways (Parking Stations) By-law 1997* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

Citation	Gazettal	Commencement
<i>By-law No. 80 — Government Railways Parking Station By-law</i> ²	9 May 1997 p. 2304-13	9 May 1997
<i>Government Railways Amendment and Repeal By-laws 2003</i> bl. 4	12 Dec 2003 p. 5041-7	12 Dec 2003
Reprint 1: The Government Railways (Parking Stations) By-law 1997 as at 9 Jul 2004 (includes amendments listed above)		
<i>Government Railways (Parking Stations) Amendment By-law 2007</i>	26 Jun 2007 p. 3059-60	bl. 1 and 2: 26 Jun 2007 (see bl. 2(a)); By-laws other than bl. 1 and 2: 1 Jul 2007 (see bl. 2(b))
<i>Government Railways (Parking Stations) Amendment By law 2013</i>	5 Nov 2013 p. 4943-9	r. 1 and 2: 5 Nov 2013 (see r. 2(a)); By-law other than r. 1 and 2: 6 Nov 2013 (see r. 2(b))

- ² Now known as the *Government Railways (Parking Stations) By-law 1997*; citation changed (see note under r. 1A).

Defined terms

[This is a list of terms defined and the provisions where they are defined.

The list is not part of the law.]

Defined term	Provision(s)
ACROD permit	1(1)
authorised person	1(1)
bicycle	1(1)
designated	1(1)
driver	1(1)
goods	10(2)
motor cycle	1(1)
motorised scooter	1(1)
owner	1(1)
paid parking station	1(1)
park	1(1)
parking	1(1)
parking space	1(1)
parking station	1(1)
secured parking station	1(1)
sign	1(1)
stand	1(1)
standing	1(1)
the relevant time	23(1)
ticket vending machine	14(1)
vehicle	1(1)
weekday	Sch. 1, cl. 1(2)