HE305*

Hospitals and Health Services Act 1927

Metropolitan Health Service Amendment
By-laws 2015

Made under section 22 of the Act by the Minister in his capacity as the board of each Hospital as defined in the Metropolitan Health Service By-laws 2008 by-law 3.

1. Citation

These by-laws are the Metropolitan Health Service Amendment By-laws 2015.

2. Commencement

These by-laws come into operation as follows —

(a) by-laws 1 and 2 — on the day on which these by-laws are published in the Gazette;

(b) the rest of the by-laws — on the day after that day.

3. By-laws amended

These by-laws amend the Metropolitan Health Service By-laws 2008.
4. **By-law 3 amended**

   (1) In by-law 3 delete “In these” and insert:
   
   (1) In these

   (2) In by-law 3 delete the definition of *authorised person*.

   (3) In by-law 3 insert in alphabetical order:

   *authorised person* means a person appointed under by-law 4A as an authorised person for the purposes of the by-law in which the term is used;

   *board*, in relation to a Hospital, means the board of the Hospital;

   (4) At the end of by-law 3 insert:

   (2) A reference in these by-laws to *permission* is a reference to permission that is —

   (a) given by the chief executive officer or an authorised person; and

   (b) in writing; and

   (c) obtained and not revoked prior to the performing of the act that is the subject of the permission.

   (3) An officer or servant of the board is to be treated as having the permission referred to in sub-by-law (2).

5. **By-law 4A inserted**

   At the end of Part 1 insert:

4A. **Appointment of authorised persons**

   (1) The chief executive officer may, in writing, appoint an officer or servant of the board as an authorised person for the purposes of one or more of these by-laws.

   (2) An appointment under sub-bylaw (1) may be made in respect of a specified person or persons of a specified class.

   (3) The chief executive officer must issue to each authorised person who is authorised to give a direction under by-law 5(1), or issue an infringement notice under by-law 12(1), a certificate stating that the person is so authorised.
6. **By-laws 4B, 4C and 4D inserted**

At the beginning of Part 2 insert:

**4B. No entry without cause**

A person must not enter or remain on the site without a reasonable excuse.

Penalty: a fine of $50.

**4C. Directions as to use of certain areas**

1. In this by-law —

   *specified* means specified in the sign containing the direction.

2. An authorised person may, by means of a sign, direct that a specified part of the site is open to members of the public or a specified section of the public.

3. A direction under this by-law may be made subject to specified conditions.

4. The chief executive officer may cancel or vary a direction or condition under this by-law.

5. A person must not contravene a direction under this by-law.

Penalty: a fine of $50.

**4D. 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 must not bring onto the site a prohibited item unless the person has permission to do so.

Penalty: a fine of $50.
7. **By-law 5 replaced**

Delete by-law 5 and insert:

5. **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 4B or 4D.

(2) A person must not contravene a direction under sub-by-law (1).  
Penalty: a fine of $50.

(3) The person whom an authorised person has given, or is about to give, a direction under sub-by-law (1) may require the authorised person to produce the certificate referred to in by-law 4A(3).

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

8. **By-law 9 amended**

In by-law 9(9) in the Penalty delete “Penalty:” and insert:

Penalty for an offence under this sub-by-law:

9. **By-law 12 amended**

In by-law 12(3)(b) delete “a complaint of”.

10. **By-law 14 replaced**

Delete by-law 14 and insert:

14. **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 4A(3).
(2) The authorised person must comply with a request under sub-bylaw (1).

K. HAMES,
The Minister in his capacity as the board of each Hospital as defined in the Metropolitan Health Service By-laws 2008 by-law 3.