

HE304*

Hospitals and Health Services Act 1927

Metropolitan Health Service Amendment By-laws 2010

Made under section 22 of the Act by the Minister in his capacity as the board of the Metropolitan Health Service.

1. Citation

These by-laws are the *Metropolitan Health Service Amendment By-laws 2010*.

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 1 January 2011.

3. By-laws amended

These by-laws amend the *Metropolitan Health Service By-laws 2008*.

4. Part 1 heading inserted

Before by-law 1 insert:

Part 1 — Preliminary

5. By-law 3 amended

In by-law 3 in the definition of *site* delete paragraph (c) and insert:

- (c) Rockingham General Hospital,

6. Part 2 heading inserted

After by-law 3 insert:

Part 2 — Behaviour on site

7. Parts 3 and 4 inserted

After by-law 5 insert:

Part 3 — Parking

6. Parking to be in parking spaces only

A person must not park a vehicle on the site unless the vehicle is parked in a parking space.

Penalty: a fine of \$50.

7. Signs to be obeyed

A person must not park, stand or move a vehicle on the site contrary to a direction in a sign.

Penalty: a fine of \$50.

8. Parking in parking spaces

- (1) In this by-law —
specified means specified in a sign.
- (2) A sign may contain a direction that parking in a parking space, parking facility or part of a parking facility is set aside for —
- (a) a specified vehicle or specified class of vehicle; or
 - (b) the vehicle of a specified person or specified class of persons; or
 - (c) parking of vehicles for a specified period of time; or
 - (d) parking of vehicles for a maximum period of time as is specified; or
 - (e) vehicles that display a visitor's ticket or a specified permit in a specified position on the vehicle.

- (3) A person must not park, stand or move a vehicle in a parking space or a parking facility contrary to a direction in a sign.

Penalty: a fine of \$50.

- (4) Without limiting sub-by-law (3), a person must not park a vehicle in a parking space, parking facility or part of a parking facility set aside for vehicles displaying either a visitor's ticket or a specified permit unless the person is the holder of the specified permit that is current or the person —
- (a) has paid into a ticket vending machine the prescribed charge for parking the vehicle for the period of time during which the vehicle is parked; and
 - (b) displays, in accordance with any direction in the sign, the visitor's ticket for that period of parking issued from the ticket vending machine.

Penalty: a fine of \$50.

- (5) For the purposes of sub-by-law (4), the prescribed charge is 60 cents for every hour or part of an hour.

9. Permit

- (1) In this by-law —
specified means specified in the relevant permit.
- (2) A person who wishes to obtain a permit to park a vehicle on the site is to apply to the chief executive officer or an authorised person.

- (3) An application under sub-bylaw (2) —
 - (a) is to be in a form approved by the chief executive officer; and
 - (b) is to be accompanied by the fee set out in Schedule 2 that corresponds to the type of permit for which the application is made.
- (4) The chief executive officer may waive the fee under sub-bylaw (3)(b) in a case where the chief executive officer believes that there are proper grounds for so doing.
- (5) The chief executive officer or the authorised person to whom the application under sub-bylaw (2) is made, may issue to the applicant, a permit that allows the applicant to park a vehicle on the site.
- (6) A permit may be of general application or be issued —
 - (a) to allow a specified vehicle only to be parked;
 - (b) to allow a vehicle of a specified person or class of persons only to be parked;
 - (c) to allow a vehicle of a specified class only to be parked;
 - (d) to allow a vehicle to be parked only in a specified part of the site;
 - (e) to allow a vehicle to be parked for a specified period of time only.
- (7) A permit expires on the day specified in the permit.
- (8) The chief executive officer may cancel a permit if —
 - (a) a vehicle in respect of which the permit is issued is parked on the site in contravention of —
 - (i) these by-laws; or
 - (ii) the terms of the permit;or
 - (b) a person to whom the permit is issued —
 - (i) contravenes these by-laws; or
 - (ii) ceases to be in the category of persons to whom a permit may be issued;or
 - (c) a charge required to be paid in relation to the permit is not paid.
- (9) A person must not park a vehicle on the site in an area that has been set aside for permit holders only, without a current permit to do so.

Penalty: a fine of \$50.

10. Refund of permit fees

- (1) A fee paid in advance for a permit may be refunded in the manner set out in sub-bylaw (2) to a person —
 - (a) who no longer wishes to use the permit; or
 - (b) whose employment at a site ends; or
 - (c) who is granted absence on —
 - (i) long service leave; or
 - (ii) other leave from employment at a site, for a period of at least 4 consecutive weeks.
- (2) The refund is to be —
 - (a) in the case of a person to whom sub-bylaw (1)(a) or (b) applies, an amount in the same proportion to the amount of fee paid as is represented by the period of the permit that remains unexpired after the last day the person uses the permit or the last day of employment at a site (as the case may be), in proportion to the period for which the permit was issued; or
 - (b) in the case of a person to whom sub-bylaw (1)(c) applies, an amount in the same proportion to the amount of fee paid as is represented by the period of leave in proportion to the period for which the permit was issued.

Part 4 — Infringement notices**11. Terms used**

In this Part —

alleged offender includes the registered owner of a vehicle to which an infringement notice is attached;

infringement notice means an infringement notice under by-law 12;

modified penalty means a penalty prescribed in Schedule 3 for an offence under Part 3 or this Part.

12. Infringement notices

- (1) An authorised person who has reason to believe that a person has committed an offence under Part 3 or this Part may, within 21 days after the alleged offence is believed to have been committed, give an infringement notice to the alleged offender.
- (2) An infringement notice may be given to an alleged offender by delivering it to the alleged offender or by attaching it to the vehicle involved in the commission of the alleged offence.

- (3) An infringement notice is to be in the form of Schedule 4 Form 1, and in every case, is to —
 - (a) contain a description of the alleged offence; and
 - (b) advise that if the alleged offender does not wish to have a complaint of the alleged offence heard and determined by a court, the amount of money specified in the notice as being the modified penalty for the offence may be paid to the cashier of the Metropolitan Health Service, within a period of 28 days after the giving of the notice.
- (4) In an infringement notice the amount specified as being the modified penalty for the offence referred to in the notice is to be the amount that was the modified penalty at the time the alleged offence is believed to have been committed.
- (5) An authorised person other than the authorised person who issued an infringement notice in a particular case, may extend the period of 28 days within which the modified penalty may be paid and the extension may be allowed whether or not the period of 28 days has elapsed.
- (6) If the modified penalty specified in an infringement notice has been paid within 28 days or such further time as is allowed and the notice has not been withdrawn, the bringing of proceedings and the imposition of penalties are prevented to the same extent as they would be if the alleged offender had been convicted by a court of, and punished for the alleged offence.
- (7) Payment of a modified penalty is not to be regarded as an admission for the purposes of any proceedings, whether civil or criminal.

13. Withdrawal of infringement notice

- (1) An authorised person other than the authorised person who issued an infringement notice in a particular case, may, whether or not the modified penalty has been paid, withdraw an infringement notice by delivering to the alleged offender a notice in the form of Schedule 4 Form 2 stating that the infringement notice has been withdrawn.
- (2) If an infringement notice is withdrawn after the modified penalty has been paid, the amount is to be refunded.

14. Authorised person to have certificate

The chief executive officer is to issue to each authorised person who may issue infringement notices, a certificate stating that the person is so authorised, and the authorised person is to produce the certificate whenever required to do so by a person to whom the authorised person has given or is about to give an infringement notice.

15. Authorised persons only to endorse and alter infringement notices

A person must not endorse or alter an infringement notice unless the person is an authorised person.

Penalty: a fine of \$50.

16. Restriction on removal of infringement notices

A person must not remove an infringement notice that is attached to a vehicle unless the person is —

- (a) the driver, registered owner or person in charge of the vehicle; or
- (b) an authorised person.

Penalty: a fine of \$50.

8. Schedule 1 amended

In Schedule 1 delete “**Rockingham/Kwinana District Hospital**” and insert:

Rockingham General Hospital**9. Schedules 2, 3 and 4 inserted**

After Schedule 1 insert:

Schedule 2 — Fees

[bl. 9(3)(b)]

Type of permit	Fee
All types of parking permit (per week or part of a week) at Graylands Selby Lemnos & Special Care Hospital	\$2.00
All types of parking permit (per week or part of a week) at Rockingham General Hospital	\$2.00

Schedule 3 — Infringement notices and modified penalties

[bl. 12]

By-law	Description of offence	Modified penalty \$
9(9)	Parking in an area on site set apart for permit holders only, without a current permit	30
15	Unauthorised person endorsing or altering an infringement notice	20
16	Removing an infringement notice when not authorised to do so	20

Schedule 4 — Forms

[bl. 12(3) and 13]

Form 1 — Infringement notice

<i>Metropolitan Health Service By-laws 2008</i>		Notice No.	
Infringement notice			
Hospital	<input type="checkbox"/> Graylands Hospital <input type="checkbox"/> Rockingham Hospital <input type="checkbox"/> Kalamunda Hospital		
Vehicle	Make Model Plate no. Colour		
Alleged offence	Description of offence <i>Metropolitan Health Service By-laws 2008</i> bl. Date / /20 Time a.m./p.m. Modified penalty \$		
Issuing officer	Name Signature Date/...../20.....		
What you must do	<p>You have 28 days from when this notice was given to you to pay the modified penalty or elect to go to court. If you do not, enforcement proceedings will be taken against you.</p> <p>To pay the modified penalty —</p> <p>By post: Send your payment to —</p> <p style="text-align: right;">Metropolitan Health Service Hawthorn House, 100 Flinders Street Mt Hawthorn WA 6016</p>		

	<p>In person: Pay the cashier at Graylands Hospital, Rockingham Hospital or Kalamunda Hospital (as the case requires).</p> <p>To elect to go to court, sign this notice here</p> <p>.....</p> <p>then send it to the Chief Executive Officer of the Metropolitan Health Service, Hawthorn House, 100 Flinders Street, Mt Hawthorn WA 6016.</p> <p>Make sure you keep a copy.</p> <p>If you go to court and are convicted you may be fined \$50 and ordered to pay costs.</p> <p>If enforcement proceedings are taken against you, your driver's licence and/or vehicle licence may be suspended until you pay the modified penalty and expenses or you elect to go to court.</p>
--	--

Form 2 — Withdrawal of infringement notice

<i>Metropolitan Health Service By-laws 2008</i>		Notice No.
Withdrawal of infringement notice		
To <i>[Person to whom infringement notice was issued]</i>	Family name	
	Other names	
	Address	
Infringement notice	Infringement notice no.	
	Issued at: <input type="checkbox"/> Graylands Hospital <input type="checkbox"/> Rockingham Hospital <input type="checkbox"/> Kalamunda Hospital	
	Date of issue/...../20.....	
	Alleged offence	
	
	Vehicle plate no.	
The infringement notice has been withdrawn. If you paid the modified penalty before the infringement notice was withdrawn, take your receipt and this notice to the cashier at Graylands Hospital, Rockingham Hospital or Kalamunda Hospital (as the case requires) and your payment will be refunded.		
Notice withdrawn by	Name	
	Signature	
	Date/...../20.....	

KIM HAMES,
The Minister in his capacity as the board of the
Metropolitan Health Service

Date: 14 November 2010.
