

HE301*

Hospitals and Health Services Act 1927

Women's and Children's Hospitals Amendment By-laws 2009

Made by the Minister under section 22 of the Act in his capacity as the board of the Hospitals.

1. Citation

These by-laws are the *Women's and Children's Hospitals Amendment By-laws 2009*.

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 *Women's and Children's Hospitals By-laws 2005*.

4. By-law 2 amended

In by-law 2(1):

- (a) delete the definition of *permit*;
- (b) insert in alphabetical order:

parking permit means a permit granted under by-law 16;

- (c) in the definition of *parking space* before “permit” insert:

parking

5. By-law 15 amended

- (1) In by-law 15(1)(e) delete “or a specified permit”.

(2) In by-law 15(4):

- (a) delete “either a visitor’s ticket or a specified permit unless the person is the holder of the specified permit that is current or” and insert:

a visitor’s ticket unless

- (b) at the end of the sub-by-law insert:

Penalty: a fine of \$50.

6. By-laws 16 and 16A replaced

Delete by-laws 16 and 16A and insert:

16. Parking in permit parking areas

A person must not park a vehicle in an area of the site set aside for parking by permit holders 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 in accordance with that permit; and
- (c) the permit is displayed in or on the vehicle in the manner specified in the permit.

Penalty: a fine of \$50.

17A. Parking permits

- (1) The chief executive officer 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-by-law (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.
Penalty: a fine of \$50.

17B. 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 chief executive officer.
- (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.
- (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.

Penalty: a fine of \$50.

17C. Fees for parking permits

- (1) The fees for a parking permit are —
 - (a) \$7.20 per week for a permit holder whose normal working hours exceed 3 days a week; or
 - (b) \$4.80 per week for a permit holder whose normal working hours are 3 days a week or less.
- (2) The fees for a parking permit must be paid —
 - (a) in full for the whole of the period for which the permit is to be in force at the time the permit is issued; or
 - (b) in fortnightly payments made by way of payroll deduction.

- (3) An authorised person must not grant a parking permit unless at the time it is granted —
 - (a) the applicant pays the fee for the permit in accordance with sub-bylaw (2)(a); or
 - (b) the authorised person is satisfied that arrangements are in place for the fees for the permit to be paid in accordance with sub-bylaw (2)(b).

17D. Cancellation of parking permit

- (1) There are grounds for cancelling a parking permit if —
 - (a) in the case of a permit holder who pays the fees for the permit fortnightly, the permit holder fails to make any fortnightly payment; or
 - (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 17B(5); or
 - (e) the permit holder ceases to satisfy any of the eligibility criteria for the relevant class of permit; or
 - (f) the chief executive officer has determined that it is not practicable, for reasons relating to the operation or development of the site, for some or all of the 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)(a) to (e), the authorised person may cancel the permit by giving the permit holder 14 days written notice.
- (3) If the chief executive officer 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 90 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.

17E. Refund of parking permit fees

- (1) If a parking permit is cancelled on a ground referred to in by-law 17D(1)(f) or (g) the chief executive officer must cause any permit fees paid for any weeks commencing on or after the day on which the permit is cancelled to be refunded to the permit holder.
- (2) If a parking permit is cancelled on the ground referred to in by-law 17D(1)(e) the chief executive officer may cause any permit fees paid for any weeks commencing on or after the day on which the permit is cancelled to be refunded to the permit holder.
- (3) If an authorised person is satisfied that a permit holder will not park, or has not parked, on the site for a continuous period exceeding 4 weeks, the authorised person may waive the fees payable for the permit for that period.

7. By-law 18 amended

In by-law 18(3)(b) delete “a complaint of”.

8. Schedule 1 amended

- (1) In Schedule 1 under the heading “**King Edward Memorial Hospital for Women**” after item 13 insert:

- 14 Unnumbered Rail Reserve shown on Public Transport Authority Plan 2106 (Railway Road Reserve, Daglish)

So much of the Reserve as is leased from the Public Transport Authority for the purposes of the Hospital while it is leased for that purpose.

- (2) In Schedule 1 under the heading “**Princess Margaret Hospital for Children**” delete item 15.

9. Schedule 2 amended

In Schedule 2:

- (a) in the first item for by-law 15(1)(e) and (3) delete “permit” and insert:

visitor’s ticket

- (b) in the second item for by-law 15(1)(e) and (3) delete “permit,” and insert:

visitor’s ticket,

(c) delete the item for by-law 16(8) and insert:

16 Unlawfully parking in a permit parking
 area 30

Dr. KIM HAMES

The Minister in his capacity as the board of the Hospitals.