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HOSPITALS AND HEALTH SERVICES ACT 1927

OSBORNE PARK HOSPITAL BY-LAWS 2007

Western Australia

Osborne Park Hospital By-laws 2007

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Hospitals and Health Services Act 1927

Osborne Park Hospital By-laws 2007

Made by the Minister under section 22 in his capacity as the board of the Osborne Park Hospital.

Part 1 — Preliminary

1. Citation

These by-laws are the *Osborne Park Hospital By-laws 2007*.

2. Interpretation

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

"authorised person" means an officer or servant of the board authorised in writing by the chief executive officer for the purpose of these by-laws;

"chief executive officer" means the person in charge of the day-to-day management of the affairs of the Osborne Park Hospital;

"driver", in relation to a vehicle, includes a rider;

"parking facility" means land or a structure on the site that contains a parking space;

"parking space" means a section whether in a parking facility or not that is marked by means of painted lines or metallic studs or similar devices for the purpose of indicating where a vehicle may be parked, whether or not a permit is required in relation to the parking of the vehicle;

"permit" means a permit issued under by-law 16;

"registered owner", in relation to a vehicle, means the person who is the holder of the vehicle licence issued under the *Road Traffic Act 1974* in respect of the vehicle;

"roadway" means a part of the site set aside for use by vehicular traffic, notwithstanding that it may not be a road within the definition of the *Road Traffic Act 1974*, but excludes a parking facility;

"sign" means a marking, notice or sign that is marked, erected or displayed by or with the authority of the chief executive officer;

"site" means all of the land from time to time within Crown Reserve 29439 being Swan Location 8281, Diagrams 2988 and 22517 and Plan 13428;

"speed restriction sign" means a sign, in or adjacent to a roadway or a parking facility, that displays a number;

"vehicle" has the same definition as in the *Road Traffic Act 1974*.

(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-bylaw (2).

Part 2 — Trespass and order

3. No entry without cause

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

Penalty: a fine of $50.

4. 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.

5. Liquor

A person must not bring any alcoholic beverage onto the site, unless the person has permission to do so.

Penalty: a fine of $50.

6. Smoking

A person must not smoke on the site.

Penalty: a fine of $50.

7. Disorderly persons may be removed from site

A person who —

(a) uses abusive language; or

(b) behaves in a manner that is indecent, disorderly or inappropriate,

on the site, whether in a building on the site or otherwise, may be discharged or expelled from the site.

Part 3 — Traffic control

Division 1 — Driving and use of vehicles

8. Driving of vehicles

(1) A person must not drive or bring a vehicle onto a part of the site that is not a roadway or a parking facility, unless the person has permission to do so.

(2) A person must not drive or bring a vehicle that has an unladen weight of more than 4 tonnes onto the site, unless the person has permission to do so.

(3) A person must not drive, use or stand a vehicle in a part of the site contrary to a direction in a sign that relates to that part of the site.

(4) This by-law does not apply to a vehicle that is an emergency vehicle.

Penalty applicable to sub-bylaw (1), (2) or (3): a fine of $50.

9. Driver to obey reasonable direction

The driver of a vehicle is to obey an authorised person's reasonable direction in relation to the parking or movement of the vehicle on the site, despite that direction being different from a direction in a sign.

Penalty: a fine of $50.

10. Speed limits

(1) A person must not drive a vehicle on a roadway or parking facility —

(a) if no speed restriction sign is displayed, at a speed exceeding 20 km/h; or

(b) if a speed restriction sign is displayed in relation to a part of a roadway or parking facility, at a speed exceeding the speed indicated by the speed restriction sign.

Penalty: a fine of $50.

(2) Sub-bylaw (1) does not apply to the driving of an emergency vehicle.

11. Giving way

The driver of a vehicle that is entering or about to enter a parking facility is to give way to a vehicle that is leaving the parking facility.

Penalty: a fine of $50.

12. No instruction or repairs on site

A person must not —

(a) drive a vehicle on the site for the purpose of giving or receiving driving instructions; or

(b) repair or adjust a vehicle on the site, unless the person has permission to do so or in the case of an emergency.

Penalty: a fine of $50.

Division 2 — Parking

13. 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.

14. 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.

15. 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 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-bylaw (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 a specified permit unless the person is the holder of the specified permit that is current.

Penalty: a fine of $50.

16. 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) is to be in a form approved by the chief executive officer or an authorised person.

(4) 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.

(5) A permit may be of general application or be issued —

(a) to allow a specified vehicle only to be parked; or

(b) to allow a vehicle of a specified person or class of persons only to be parked; or

(c) to allow a vehicle of a specified class only to be parked; or

(d) to allow a vehicle to be parked only in a specified part of the site; or

(e) to allow a vehicle to be parked for a specified period of time only.

(6) A permit expires on the day specified in the permit.

(7) The chief executive officer or an authorised person 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.

(8) 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.

Part 4 — Infringement notices

17. Interpretation

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 18;

"modified penalty" means a penalty prescribed in Schedule 1 for an offence under Part 3 or 4.

18. 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 Form 1 in Schedule 2 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 Osborne Park Hospital or an authorised person, 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.

19. 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 Form 2 in Schedule 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.

20. 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.

21. 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.

22. 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.

Part 5 — General

23. Removal of vehicles

(1) The chief executive officer or an authorised person may order that a vehicle that —

(a) is parked in contravention of these by-laws; or

(b) has been left on the site for more than 3 days,

be removed to a storage place on the site.

(2) The chief executive officer or an authorised person may order that a vehicle that —

(a) is parked in contravention of these by-laws; and

(b) is obstructing other vehicles or activities of the Osborne Park Hospital,

be removed immediately to a storage place on the site.

(3) An authorised person may take such action as is reasonably necessary for the purposes of removing a vehicle under this by-law, by way of unlocking, driving, towing or otherwise causing the removal of the vehicle.

(4) The board may retain possession of a vehicle removed and stored under this by-law until the owner of the vehicle has paid to the cashier of the Osborne Park Hospital or an authorised person, fees to recover the vehicle at the rate of $50 for the first 24 hours or part thereof and $5 for each 7 days or part thereof thereafter.

24. Registered owner may be treated as being driver or person in charge of vehicle at time of offence

(1) If an offence under these by-laws is alleged to have been committed by the driver or person in charge of a vehicle, the chief executive officer or an authorised person may, by written notice delivered to the registered owner of the vehicle, request

the name and address of the driver or person in charge of the vehicle at the time the offence is alleged to have been committed.

(2) If the registered owner of the vehicle does not supply the requested details to the chief executive officer or the authorised person (as the case may be) within 14 days of the date of receipt of the notice, the registered owner is to be treated as being the driver or the person in charge of the vehicle at the time the offence is alleged to have been committed.

25. Other offences

A person must not —

(a) intentionally obstruct an officer or servant of the board in the discharge of his or her duty under these by-laws; or

(b) remove, damage, deface or misuse a sign.

Penalty: a fine of $50.

Schedule 1 — Infringement notices and modified penalties

[bl. 17, 18]

By-law	Description of offence	Modified penalty ($)
8(1)	Driving or bringing vehicle on part of site other than on roadway or parking facility, without permission	40
8(2)	Driving or bringing onto the site, a vehicle with an unladen weight of more than 4 tonnes, without permission	30
8(3)	Driving, using or standing on part of site, a vehicle contrary to a sign	40
9	Disobeying an authorised person's reasonable direction	30
10(1)(a)	Driving in excess of 20 kph	40
10(1)(b)	Driving in excess of speed limit indicated by speed restriction sign	40
11	Failing to give way when entering parking facility	30
12(a)	Driving on site for the giving or receiving of driving instruction	30
12(b)	Repairing or adjusting a vehicle on site	30
13	Parking a vehicle on site not in a parking space	40
14	Failing to obey a stop sign on site	45
14	Parking, standing or moving a vehicle on site contrary to a sign other than a stop sign	40
15(2)(b), (3)	Parking in an area on site set aside for vehicles of disabled persons identified in the manner specified in a sign, contrary to the sign	45
15(2)(e), (3)	Displaying a permit in a manner other than that specified in a sign	20
15(2)(e), (3)	Failing to display a permit, contrary to a sign	20
15(3)	Parking, standing or moving a vehicle in a parking space or parking facility contrary to a sign in relation to vehicles of disabled persons or contrary to any sign other than a sign with a direction under by-law 15(2)(e)	40

By-law	Description of offence	Modified penalty ($)
15(4)	Parking in an area set aside for vehicles with a specific permit identified in the manner specified in a sign, contrary to the sign…….	40
16(8)	Parking in an area on the site set apart for permit holders only, without a current permit	30
21	Unauthorised person endorsing or altering an infringement notice	30
22	Removing an infringement notice when not authorised to do so	30

Osborne Park Hospital By-laws 2007
Schedule 2 Forms

Schedule 2 — Forms

[bl. 18 and 19]

1. **Form 1: Infringement Notice (by-law 18)**

Osborne Park Hospital By-laws 2007 **Infringement Notice**		Notice No:
Vehicle	Make	
	Model	
	Plate no.	Colour
Alleged offence	Description of offence …….. …….……..	
	By-law	
	Date and time ……/……../20……. ……. a.m./p.m.	
	Modified penalty $	
Issuing officer	Name	
	Signature	
	Date ……/……../20…….	
What you must do	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. **To pay the modified penalty** — By post: Send your payment to — Osborne Park Hospital Osborne Place, Stirling, WA 6021 In person: Pay the cashier at the Osborne Park Hospital. **To elect to go to court**, sign this notice here ……. then send it to the Chief Executive Officer of the Osborne Park Hospital, Osborne Place, Stirling, WA 6021. Make sure you keep a copy. If you go to court and are convicted you may be fined $50 and ordered to pay costs. **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.	

2. Form 2: Withdrawal of Infringement Notice (by-law 19)

Osborne Park Hospital By-laws 2007 **Withdrawal of Infringement Notice**		Notice No:
To *[Person to whom Infringement Notice was issued]*	Family name	
	Other names	
	Address …… ……..……....	
Infringement Notice	Infringement Notice No.	
	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 the Osborne Park Hospital and your payment will be refunded.		
Notice withdrawn by	Name	
	Signature	
	Date ……/……../20…….	

J. A. McGINTY
The Minister in his capacity as the
board of the Osborne Park Hospital