

Western Australia

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

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Government Railways (Parking Stations) By-law 1997

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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 ACROD Limited (Western Australian Division) a corporation, being a company limited by guarantee incorporated under the *Companies Ordinance 1962* of the Australian Capital Territory;
 - “**authorised person**” means a person appointed by the Authority under rule 19;
 - “**driver**” means any person driving or in control of a vehicle;
 - “**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

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is not licensed under that Act, the person who owns the vehicle or is entitled to the possession of the vehicle;

“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 fee or 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 locked gate or boomgate;

“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.

- (2) A reference in this by-law to a Form followed by a 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.]

2. Application

- (1) This by-law applies to the parking of vehicles in a parking station.
- (2) Any sign that —
- (a) was erected 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 erected by the Authority under the authority of this by-law.

[Rule 2 amended in Gazette 12 Dec 2003 p. 5043 and 5044.]

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

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- (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 in respect of time, days, periods of the day, classes of persons or classes of vehicles 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 bicycle without a side-car, or bicycle.
- (3) A person shall not stand a motor bicycle without a side-car or a bicycle in a parking space unless the traffic sign “M/C” is marked on that space.

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 bicycle and a bicycle together in a space marked "M/C" if the bicycle or motor bicycle is parked in accordance with rule 4(3).

[Rule 9 amended in Gazette 12 Dec 2003 p. 5045.]

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. Identification of parking spaces and vehicles

- (1) A parking space set aside for the parking of vehicles of disabled persons shall be identified by —
 - (a) the words “Disabled Parking Only” clearly written on the ground within the limits of the parking space; and
 - (b) an elevated sign, so located as to identify the parking space to which it relates, on which there appears the symbol described in Australian Standard 1428 as the international symbol for access for the disabled.
- (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.

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 after expiry of time for fee

A person shall not permit a vehicle to remain parked in a secured parking station during a period for which a fee is prescribed after the expiration of the period for which the prescribed fee has been paid.

15. Payment of fee

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

16. Receipt

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

17. Production of receipt

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

18. Removal of vehicles

(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 secured parking station for a period in excess of 24 hours without payment of the charge prescribed in item 1 of Schedule 1,

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 —

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- (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.]

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.

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) mark, set up or exhibit any sign purporting to be or resembling a sign marked, set up or exhibited 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.]

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 secured parking station on a weekday for any period between 7 a.m. and 9 p.m. on the day of issue of the ticket is \$1.00.

(2) In this item —

“**weekday**” means a day other than a Saturday or Sunday.

[Item 1 inserted in Gazette 12 Dec 2003 p. 5044.]

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

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.

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

Schedule 2

Authority No.

Name

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.]

[Form 1 amended in Gazette 12 Dec 2003 p. 5044 and 5045.]

Schedule 2

Form 2

[rule 28]

Government Railways (Parking Stations) By-law 1997

NOTICE REQUIRING OWNER OF VEHICLE TO IDENTIFY DRIVER

To Serial No.
(not to be completed

.....
where notice is attached

..... Date.....
to or left in or on vehicle)

the owner of vehicle make Type
Plate No.

You are hereby notified that it is alleged that on the
..... day of at about the driver
of the vehicle specified above did

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

The modified penalty prescribed for this offence is \$

Unless within 14 days after the date of the service of this notice —

(a) you —

(i) inform the Authority or
.....
(designation(s) of authorised person(s))
of the identity and address of the person who was the driver of
the above vehicle at the time of the above offence; or

(ii) satisfy the Authority that the above vehicle had been stolen or
was being unlawfully used at the time of the offence is alleged to
have been committed; or

(b) the modified penalty is paid,

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 <i>Government Railways (Parking Stations) By-law 1997</i> as at 9 Jul 2004 (includes amendments listed above)		

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