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CURTIN UNIVERSITY ACT 1966

LAND AND TRAFFIC BY-LAWS 2020

It is hereby notified that the Governor in Executive Council, acting under the provisions of section 20A(2) of the *Curtin University Act 1966*, has approved Land and Traffic By-Laws 2020 as set out in the attached schedule.

SUE ELLERY, MLC, Minister for Education and Training.

R. NELSON, Clerk of the Executive Council.

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SCHEDULE

CURTIN UNIVERSITY

LAND AND TRAFFIC BY-LAWS 2020

These By-laws are made by the Council of the University, with the approval of the Governor, under the powers conferred on the University by section 20A of the *Curtin University Act 1966* and *Statute No. 3—Rules and By-laws*.

PART 1—PRELIMINARY

1.1 Short title

These By-laws are the *Land and Traffic By-laws 2020*.

1.2 Commencement

These By-laws take effect on the day after publication in the *Government Gazette*.

1.3 Purpose

The purpose of these By-laws is to establish the framework for regulating—

- (a) access to, and activities on, University lands; and
- (b) traffic and parking on University lands.

1.4 Terms used

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

Access Approval means an approval granted under by-law 2.1;

Act means the *Curtin University Act 1966*;

Approval—

- (a) in relation to the parking of a vehicle on University lands, means a Parking Approval; and
- (b) in relation to access to University lands, means an Access Approval;

authorised, in relation to an activity or thing, means authorised under an Approval or by an authorised person, and **without authority** means without the authority of an Approval or an authorised person;

authorised person means—

- (a) the Vice-Chancellor; or
- (b) any person authorised by the Vice-Chancellor in respect of the matter referred to in the by-law in which the expression is used;

cigarette, and **tobacco product** each has the meaning given in the *Tobacco Products Control Act 2006*;

discounted modified penalty means the amount of the modified penalty discounted by 10 per cent;

driver, in relation to a vehicle, includes—

- (a) the person apparently in charge of the vehicle; and
- (b) a person who causes the vehicle to be driven,

and **drive** has a corresponding meaning;

e-cigarette means a device that is designed to generate or release an aerosol or vapour (whether or not containing nicotine) by electronic means for inhalation by its user in a manner that replicates, or produces an experience similar to, the inhalation of smoke from an ignited tobacco product;

emergency services officer means a person who is performing functions relating to emergency services for a public agency, public organisation or public body that provides emergency services;

fee collection machine means a machine, installed in or in relation to a parking area, which enables payment in a permitted form to be made to commence a Parking Session;

holder means the holder, or person acting on behalf of the holder, of an Approval;

infringement notice means a notice issued under by-law 4.5;

modified penalty, in relation to a breach of a by-law, means the amount appearing in the final column of the table in the Schedule directly opposite the reference to that by-law;

Operational Hours means the period or periods determined by the Vice-Chancellor under by-law 3.4;

owner—

- (a) where used in relation to a vehicle licensed under the *Road Traffic Act 1974*, means the person in whose name the vehicle has been licensed under that Act; and
- (b) where used in relation to any other vehicle, means the person who owns, or is entitled to possession of, the vehicle;

park means allow a vehicle, whether attended or not, to remain stationary, except for the purpose of—

- (a) avoiding conflict with other traffic;
- (b) complying with any written law; or
- (c) taking up or setting down persons or goods (*maximum of 5 minutes*);

Parking Approval means an approval given under by-law 3.7;

parking area means a road, place or facility (or any part of a road, place or facility)—

- (a) that is determined to be, or is set apart as, a parking area by the Vice-Chancellor under by-law 3.1; and
- (b) that is available to the public generally, or to a specified class of persons, for the parking of a vehicle,

whether or not a fee is payable;

parking bay, or **bay**, means a section of a parking area that is marked or defined in any way to indicate where a vehicle may park;

Parking Contractor means a contractor engaged by the University to facilitate and manage the arrangements relating to Parking Sessions, including the payment of fees for the Parking Sessions;

Parking Session has the meaning in by-law 3.11;

police officer means a member of the Police Force under the *Police Act 1892*, and includes a special constable;

sign means an authorised marking, notice or other device, and includes a traffic sign;

smoke means smoke, hold or otherwise have control over, an ignited tobacco product or an e-cigarette;

traffic sign means an authorised marking, notice, device or sign to regulate or control—

- (a) the movement of vehicles and traffic generally; or
- (b) the parking of vehicles;

University lands has the meaning given in section 20A(1) of the Act;

*Note: section 20A(1) of the Act defines **University lands** to mean—*

- (a) land described in Schedule 1; and*
- (b) any other land vested in, held by, leased to or under the care, control and management of the University for the purposes of this Act; and*
- (c) all buildings, structures and erections of whatsoever kind or nature and whether permanent or temporary standing or being on land referred to in paragraph (a) or (b)'.*

vehicle includes car, truck, bus, motor cycle, motor scooter, bicycle, semi-trailer or caravan and any other form of conveyance or trailer, however ridden, driven or propelled; and

weapon has meaning given in section 3 of the *Weapons Act 1999*.

*Note: section 3 of the Weapons Act 1999 defines **weapon** to mean—*

'a prohibited weapon, a controlled weapon or an article to which section 8 applies'.

(2) Unless otherwise defined in by-law 1.4(1), a term used in these By-laws has the meaning given in the Act or in *Statute No. 2—Interpretation*.

1.5 Application

These By-laws apply—

- (a) within the boundaries of University lands, and to every part of University lands; and
- (b) to every person who is at any time on University lands.

1.6 Delegation and authorisation

The Vice-Chancellor may—

- (a) delegate to any member of the staff of the University any of the Vice-Chancellor's functions under these By-laws;
- (b) authorise any person to carry out, on behalf of the Vice-Chancellor, any of the Vice-Chancellor's functions under these By-laws; and
- (c) authorise any person to be an authorised person.

1.7 Giving written notice etc

A written notification, an Approval or anything else that is permitted or required to be given under these By-laws may be given—

- (a) by any of the ways set out in sections 75 and 76 of the *Interpretation Act 1984*; or
- (b) by attaching it to an email sent to the person's last known email address.

1.8 Revocation

The *Land and Traffic By-Laws 2008*, published in the *Government Gazette* on 17 December 2009, is revoked.

PART 2—UNIVERSITY LANDS*Division 1—Access Approvals***2.1 Grant of Access Approval**

(1) An authorised person may grant to any person an Access Approval.

(2) An Access Approval—

- (a) may be granted subject to conditions;
- (b) may specify—
 - (i) the period during which it is, or is to be, valid;
 - (ii) the place, facility or other part of University lands to which it applies; and
 - (iii) the fee (if any) to be paid for the Approval;
- (c) is to be given to the holder (or to a representative of the holder) in the form approved by the Vice-Chancellor; and
- (d) is not transferable.

(3) Unless varied, suspended or revoked, an Access Approval is to be current until—

- (a) the date of expiry specified in the Approval; or
- (b) the end of the event or period (if any) for which the Approval was granted,

whichever occurs first.

2.2 Rights and obligations of holder

(1) An Access Approval entitles the holder to access that part of University lands to which the Approval applies in accordance with the terms, and during the currency, of the Approval.

(2) The holder of an Access Approval must comply with—

- (a) the conditions to which the Approval is subject; and
- (b) these By-laws.

(3) The holder of an Access Approval must—

- (a) have the Approval with them at all times while they are on University lands; and
- (b) produce the Approval, when requested or directed to do so, to an authorised person.

2.3 Power to vary, suspend or revoke

(1) If the holder of an Access Approval breaches a by-law, an authorised person—

- (a) may vary, suspend or revoke the Approval; and
- (b) must give written notification to the holder of the variation, suspension or revocation.

(2) If the Vice-Chancellor believes that it is in the interests of the University, the Vice-Chancellor may vary, suspend or revoke an Access Approval and, in that case, must give written notification to the holder of the variation, suspension or revocation.

2.4 Access Approval breaches

A person must not—

- (a) give false or misleading information in connection with a request or an application for an Access Approval;
- (b) falsify or interfere with an Access Approval; or
- (c) display or represent anything to be an Access Approval that is not a current Access Approval issued under these By-laws.

*Division 2—Powers to restrict entry or uses***2.5 Determination of specific permitted uses**

The Vice-Chancellor may determine, in writing, that—

- (a) a part of University lands be set apart for a purpose specified in the determination; and
- (b) the part set aside may be used only for that purpose, and by the persons (if any) and at the times (if any) as are specified in the determination.

2.6 Power to prohibit entry

(1) The Vice-Chancellor may notify in writing a person whose presence on University lands (or any part of University lands) is, in the opinion of the Vice-Chancellor, not in the interests of the University, that they are prohibited from entering or remaining on University lands (or any part of University lands).

(2) A person who is notified under this by-law—

- (a) must comply with the terms of the notification; and
- (b) who attempts to enter or remain on University lands in breach of the notification may, for the purpose of giving effect to the notification—
 - (i) be prevented by an authorised person or a police officer from entering University lands; and
 - (ii) be removed by an authorised person or a police officer from University lands.

(3) A notification under this by-law—

- (a) is to specify whether it takes effect immediately or, if not, when it takes effect;
- (b) may specify a particular time and date during which it remains in force, or may specify that it remains in force until any further notification under this by-law; and
- (c) may be varied or revoked at any time by the Vice-Chancellor.

(4) Within 21 days of being notified under this by-law, the person who is notified may appeal—

- (a) to the Vice-Chancellor, if the notification was given by a delegate of the Vice-Chancellor; or
- (b) to the Council, if the notification was given by the Vice-Chancellor.

(5) Unless and until the appeal is allowed the notification is to have full force and effect.

2.7 Power to determine a ‘no-go’ area

(1) The Vice-Chancellor may determine, in writing, that a part of University lands that is specified in the determination be vacated by, and closed to, anyone who is not an authorised person or who is not otherwise specified in the determination.

(2) A determination given under this by-law—

- (a) is to specify whether it takes effect immediately or, if not, when it takes effect;
- (b) may specify a particular time and date during which it remains in force, or may specify that it remains in force until a further determination under this by-law; and
- (c) may be varied or revoked at any time by the Vice-Chancellor.

(3) A person who is informed of a determination under this by-law—

- (a) must comply with the terms of the determination; and
- (b) who attempts to enter or remain on that part of University lands that is specified in the determination may be prevented from entering, and may be removed from, that part of University lands by an authorised person, a police officer or an emergency services officer.

*Division 3—Restrictions on entry or use***2.8 Restrictions on entry**

(1) A person must not enter or remain on University lands unless they are—

- (a) a member of the Council of the University, a member of the staff of the University or the Student Guild, a student or a principal, an employee or a customer of a business established or conducted on University lands;
- (b) a person pursuing a course of study at the University;
- (c) a person lawfully using the University’s facilities, or is otherwise lawfully on University lands;
- (d) a person who holds an Access Approval and who has complied with all the terms and conditions of the Approval; or
- (e) a person who enters or remains on University lands in good faith for the purpose of visiting the University or for transacting lawful business or having lawful dealings with the University or with a person lawfully on University lands unless the business or other dealing has been prohibited by the University.

(2) A person must not, without authority, enter or remain on any part of University lands which is not customarily open to entry to that person or to which the Vice-Chancellor has prohibited entry.

2.9 Littering

A person must not throw or leave waste or litter of any kind except in a receptacle provided for the purpose.

2.10 Offensive behaviour

A person must not—

- (a) assault or threaten to assault any other person;
- (b) use abusive or insulting language or do or engage in any offensive, indecent or improper act, conduct or behaviour; or
- (c) otherwise act in such a way as to cause or be likely to cause a nuisance or annoyance to another person on or in the vicinity of University lands.

2.11 Indecent publications

A person must not write, print, distribute or publish any indecent or obscene words or pictures or representations of any kind.

2.12 Unauthorised publications

A person must not, without authority—

- (a) post, paint or otherwise affix to any building, sign, structure, vehicle or tree on University lands or publish or distribute within University lands any placard, paper, notice or advertisement or other written, printed or graphic matter; or
- (b) write on, draw on, paint or deface any building, sign, structure, vehicle or tree on University lands,

but this by-law does not apply to the posting of notices on boards provided for the purpose or the distribution of matter in the course of lawful and customary University activities.

2.13 Liquor

A person must not bring or keep, or cause to be brought or kept, or consume intoxicating liquor on any part of University lands, unless they—

- (a) do so in accordance with a licence under the *Liquor Control Act 1988* or is otherwise permitted so to do under that Act; or
- (b) are otherwise authorised by law to do so.

2.14 Protection of flora

A person must not, without authority—

- (a) cut, break, deface, pick, injure, destroy or remove any tree, shrub, plant, flower, garden or lawn;
- (b) damage, remove or interfere with any stake or label on or near any tree, shrub, plant, flower garden or lawn; or
- (c) walk on or cause damage to, any bed containing or being prepared for shrubs or flowers.

2.15 Protection of fauna

A person must not, without authority, disturb, frighten, shoot at or throw missiles at, or attempt to capture or kill, an animal.

2.16 Prohibited uses

A person must not, without authority—

- (a) use any part of University lands contrary to the terms of a declaration made under by-law 2.5;
- (b) enter or remain in any pond, lake or ornamental water;
- (c) enter an area which is temporarily enclosed and on or by which is a notice prohibiting entry;
- (d) damage, interfere with or move any part of University lands or any fixed or moveable article on University lands;
- (e) carry a weapon or discharge a firearm;
- (f) set off or throw a firework;
- (g) set off a fire balloon;
- (h) kindle or make a fire except where fireplaces are provided; or
- (i) throw or discharge a stone or missile.

2.17 Smoking

A person must not smoke a cigarette, a tobacco product or an e-cigarette on University lands.

2.18 Soliciting for sale etc

A person must not, without authority—

- (a) sell or hire, expose or offer for sale or hire, or solicit orders for the purchase or hire of, any goods or services; or
- (b) solicit donations for charity or beg.

2.19 Animals

A person must not, without authority, bring any animal on to University lands.

2.20 Public performance

A person must not, without authority, arrange, advertise or take part in—

- (a) any fete, picnic or concert or other performance; or
- (b) any public speaking or preaching,

but this by-law does not apply to any activity exempted either generally or specially by the Vice-Chancellor, or any activity specified in a determination made under by-law 2.5.

2.21 Betting

A person must not, without authority—

- (a) bet or offer to bet or accept a bet;

- (b) sell, purchase or offer for sale or purchase any ticket or coupon for or which purports to be for a sweep, horse race or other lottery; or
- (c) play cards for money or engage in any form of gambling,

but no proceedings for a breach of this by-law are to be taken unless the alleged offender has received a prior warning and direction to cease being in breach of this by-law.

2.22 Drones etc

A person must not, without authority, on or from University lands, use, launch or fly a drone, motorised model aeroplane, helicopter, glider, rocket or other device that is capable of flight and that is propelled by electric, mechanic, hydraulic, combustion or pyrotechnic means.

2.23 Under-aged persons

A person under the age of 15 years must not enter, or be taken onto, or allowed to remain on, University lands unless the person is—

- (a) authorised to do so; or
- (b) at all times in the charge of an adult person.

2.24 Acting contrary to a sign

A person must comply with any prohibition or direction that is designated by an authorised sign.

2.25 Obstruction

A person must not obstruct—

- (a) a police officer or member of the staff of the University in the discharge of their duties; or
- (b) any person in the exercise or enjoyment by them of any lawful activity.

2.26 Evidence of authority

A person who has an authority in respect of an activity described in this by-law—

- (a) must have the authority with them at all times that they are engaging in the activity; and
- (b) must produce the authority to an authorised person, when requested or directed to do so.

2.27 Obeying requirements

A person must, if and when required to do so by an authorised person or a police officer—

- (a) forthwith produce their Approval, if any, and their student or staff identity card for inspection;
- (b) give their name and address; and
- (c) leave University lands or such parts of University lands as may be specified by the authorised person or the police officer.

2.28 Power to remove

An authorised person or a police officer may remove from University lands any person who is reasonably suspected of committing, or having committed, a breach of any of these By-laws.

PART 3—TRAFFIC AND PARKING

Division 1—Power to regulate

3.1 Parking areas

The Vice-Chancellor—

- (a) may determine that any road, place or facility (or any part of a road, place or facility) is to be a parking area; and
- (b) may set apart any road place or facility (or any part of a road, place or facility) as a parking area.

3.2 Parking fees

The Vice-Chancellor may prescribe the parking fees to be paid for parking a vehicle in a parking area.

3.3 Traffic signs

(1) An authorised person—

- (a) may determine the content and location of a traffic sign; and
- (b) may, by a traffic sign, regulate and control—
 - (i) the movement of vehicles and traffic generally; and
 - (ii) the parking of vehicles.

(2) An authorised person may, by a traffic sign placed on or near a parking bay in a parking area, reserve the parking bay for a specific purpose or a specified person or class of persons.

3.4 Operational Hours

The Vice-Chancellor may determine the period or periods of time during which parking in a parking area is prohibited unless in accordance with a Parking Approval or a Parking Session (*Operational Hours*).

3.5 Power to direct

- (1) An authorised person may, for the purpose of managing the parking or movement of vehicles and traffic generally in the interests of the University, direct the driver of a vehicle to take any action, or not to take any action, in relation to the parking or movement of the vehicle.
- (2) A direction under this by-law—
 - (a) may be given orally or in writing, or by way of a signal; and
 - (b) is to take precedence over any traffic sign, Parking Approval or Parking Session that is inconsistent with the direction.

Division 2—Parking Approvals and payments for parking

3.6 Parking during Operational Hours

A person must not park a vehicle in a parking bay, during Operational Hours, unless the vehicle is parked—

- (a) in accordance with a Parking Approval; or
- (b) during and in accordance with a Parking Session.

3.7 Parking Approval

- (1) A person may apply in writing to an authorised person for approval to park a nominated vehicle on University lands.
- (2) The authorised person may—
 - (a) approve the application subject to conditions; or
 - (b) refuse the application.
- (3) If the application is approved, the authorised person is to give to the applicant a Parking Approval in the form approved by the Vice-Chancellor.
- (4) In the absence of an application, an authorised person may give any person a Parking Approval in the form approved by the Vice-Chancellor.
- (5) A Parking Approval—
 - (a) may specify—
 - (i) the period during which it is, or is to be, valid;
 - (ii) the bay or parking area to which it applies;
 - (iii) the fee (if any) to be paid for the Approval; and
 - (b) is not transferrable.
- (6) A Parking Approval may be subject to whatever conditions are considered by an authorised person to be appropriate, including conditions relating to—
 - (a) the payment of fees as determined by the Vice-Chancellor; and
 - (b) restrictions on where and when the nominated vehicle may be parked.
- (7) Unless varied, suspended or revoked, a Parking Approval is to be current until—
 - (a) the date of expiry specified on the Approval;
 - (b) the end of the event or period (if any) for which the Approval was granted; or
 - (c) the date that is one month after the Approval was granted,whichever occurs first.

3.8 Rights and obligations of holder

- (1) A Parking Approval entitles the holder to access the bay or parking area to which the Approval applies in accordance with the terms, and during the currency, of the Approval.
- (2) The holder of a Parking Approval must comply with—
 - (a) the conditions to which the Approval is subject; and
 - (b) these By-laws.

3.9 Power to vary, suspend or revoke

- (1) If the holder of a Parking Approval breaches a by-law, an authorised person—
 - (a) may vary, suspend or revoke the Approval—but only after giving the holder the opportunity to make representations about why the Approval should not be varied, suspended or revoked; and
 - (b) must give written notification to the holder of the variation, suspension or revocation.
- (2) Within 7 days of being given the notification under this by-law, a person whose Approval has been varied, suspended or revoked may appeal against the variation, suspension or revocation to—
 - (a) a person determined by the Vice-Chancellor; or
 - (b) a committee consisting of members who are determined by the Vice-Chancellor.
- (3) The person or committee responsible for determining the appeal may affirm, vary or revoke the variation, suspension or revocation.
- (4) The decision of the person or committee responsible for determining the appeal is final.

3.10 Options for paid parking

A person may pay for the parking of a vehicle in a parking area by—

- (a) making a payment in the permitted manner and form at a fee collection machine; or
- (b) following the procedures adopted by the University or a Parking Contractor in respect of a Parking Session or any other form of electronic parking facility.

3.11 Parking Session

A Parking Session, in respect of a vehicle, is valid during the period, or before the expiry time—

- (a) notified on a receipt issued (electronically or otherwise) from a fee collection machine in respect of the vehicle;
- (b) otherwise notified on a fee collection machine in respect of the vehicle; or
- (c) notified, through an electronic communication device, to the driver of the vehicle by the University or a Parking Contractor in respect of the vehicle.

Division 3—Parking and traffic restrictions

3.12 Vehicle access

A person must not, without authority, drive, or bring on University lands, a vehicle except on the established roadways or a parking area.

3.13 Careless or dangerous driving

A person must not drive a vehicle on University lands in a dangerous or careless manner or without all reasonable consideration for other persons and vehicles in the vicinity.

3.14 Speeding

A person must not drive a vehicle at a speed exceeding 40 kilometres per hour or such lower maximum speed as may be specified by a traffic sign.

3.15 Giving way

- (1) A person driving a vehicle must give way to pedestrians at all times.
- (2) A person who is about to drive or is driving a vehicle into or out of a parking area must give way to all other vehicles passing along a roadway.

3.16 Obeying directions

A person driving a vehicle must obey a direction by an authorised person under by-law 3.5.

3.17 Obeying traffic signs

A person must comply with all directions relating to traffic or parking as designated on or by a traffic sign.

3.18 Other traffic restrictions

- (1) A person driving or in charge of a vehicle within University lands must not do an act which, if done on a **road** within the meaning of that term in the *Road Traffic Act 1974*, would be a breach of that Act.
- (2) This by-law does not apply to any act that is a breach of the *Road Traffic Act 1974*.

3.19 Parking restrictions

A person must not, without authority—

- (a) park a vehicle otherwise than in accordance with a traffic sign and these By-laws;
- (b) park a vehicle other than wholly within the marked boundary of a parking bay in a parking area;
- (c) park a vehicle in a position that—
 - (i) interferes with traffic or obstructs other vehicles; or
 - (ii) is likely to interfere with traffic or obstruct other vehicles;
- (d) park a motor cycle, motor scooter or bicycle wholly or partly within a parking bay appropriate for the parking for a four-wheeled vehicle;
- (e) park a bicycle other than in a bicycle rack;
- (f) park a vehicle in a parking bay designated for use by a person with a disability; or
- (g) park a vehicle in a parking bay or parking area which has not been authorised for the purpose intended.

Division 4—Enforcement

3.20 Removal of vehicles

(1) An authorised person may remove, relocate to a place determined by the Vice-Chancellor or an authorised person, impound and keep a vehicle that—

- (a) is parked in breach of these By-laws;
- (b) is in a position that interferes with traffic or obstructs other vehicles, or is likely to interfere with traffic or obstruct other vehicles; or
- (c) appears to the authorised person to have been abandoned.

- (2) An authorised person may take whatever action may be reasonably necessary or appropriate to gain entry to the vehicle, including by way of force, and to effect its removal, impounding and keeping.
- (3) Where a vehicle is removed, impounded and kept under this by-law—
- (a) the owner of the vehicle must pay all costs and expenses incurred by the University in its removal, impounding and keeping;
 - (b) the costs and expenses under paragraph (a) are to be a debt owed to the University that may be recovered in a court of competent jurisdiction;
 - (c) the University may retain possession of the vehicle until the costs and expenses under paragraph (a), and any further costs and expenses payable as a result of recovery action under paragraph (b), have been paid; and
 - (d) neither the University, nor any officer, employee, contractor or agent of the University, is to be liable to the owner of the vehicle, or to any other person, for any loss or damage that may be suffered in connection with the removal, impounding or keeping of the vehicle.

3.21 Power to sell or dispose of a vehicle

- (1) The University may sell or otherwise dispose of a vehicle—
- (a) that appears to have been abandoned;
 - (b) that is unregistered; or
 - (c) the owner of which cannot be found.
- (2) A vehicle must not be sold or disposed of under this by-law unless—
- (a) at least 30 days have elapsed since an authorised person first became aware that—
 - (i) the vehicle appeared to have been abandoned;
 - (ii) the vehicle appeared to have been unregistered; or
 - (iii) the owner of the vehicle could not be found; and
 - (b) the Vice-Chancellor is satisfied that reasonable enquiries have been made to attempt to locate and contact the owner of the vehicle to determine whether, in fact, the vehicle—
 - (i) has been abandoned; or
 - (ii) is unregistered.

3.22 Power to sell or dispose of other property

- (1) The University may sell or otherwise dispose of property—
- (a) that appears to have been abandoned;
 - (b) the owner of which cannot be found; or
 - (c) where the owner has refused or failed to retrieve the property within 30 days after being given a written request to retrieve the property.
- (2) Property must not be sold or disposed of under this by-law unless—
- (a) at least 30 days have elapsed since an authorised person first became aware that—
 - (i) the property appeared to have been abandoned; or
 - (ii) the owner of the property could not be found; or
 - (iii) the owner of the property was given a written request to retrieve the property; and
 - (b) in the case of the property described in paragraph (a) of by-law 3.23(1), the Vice-Chancellor is satisfied that reasonable enquiries have been made to attempt to locate and contact the owner of the vehicle to determine whether, in fact, the property has been abandoned.

PART 4—OFFENCES AND PENALTIES

4.1 Offences

- (1) A person who fails to comply with a by-law commits an offence and liable to a penalty not exceeding the amount specified in section 20A(4) of the Act.
- (2) A person who fails to comply with a by-law may also—
- (a) be liable to pay compensation for any damage done by them to University property; and
 - (b) be subject to disciplinary proceedings under *Statute No. 10—Student Discipline*.

4.2 Court proceedings

Proceedings may be taken in any court of summary jurisdiction in accordance with the *Magistrate's Court Act 2004* in respect of any offence committed under these By-laws and any penalty imposed or compensation made payable may be recovered in a summary manner in accordance with that Act.

4.3 Proceedings by an authorised person

- (1) Proceedings may be taken on behalf of the University by any authorised person in their own name or in the name of the University.
- (2) An authorised person taking proceedings is to be reimbursed out of the funds of the University for all costs, charges, expenses or damages which they may incur or become liable for by reason of taking the proceedings.

4.4 Deeming provisions

(1) If—

- (a) a vehicle is driven or parked in breach of these By-laws; and
- (b) the vehicle is the subject of a current Parking Approval,

the holder of the Parking Approval is deemed to have been the driver of the vehicle at the time of the breach, and to have committed the breach.

(2) If—

- (a) a vehicle is driven or parked in breach of these By-laws; and
- (b) by-law 4.4(1) does not apply,

the owner of the vehicle is deemed to have been the driver of the vehicle at the time of the breach, and to have committed the breach.

(3) It is a defence to a charge under this by-law that the vehicle was reported to the police or other relevant government agency as stolen or was being used unlawfully at the time of the breach.

(4) Nothing in this by-law is to prevent action being taken against any person who actually committed the breach, or to prevent that person from being punished accordingly, but if the person who actually committed the breach is so punished, no action may be taken under this by-law against any other person.

4.5 Infringement notices

(1) An authorised person who considers that there has been a breach of a by-law may issue an infringement notice, in a form approved by the Vice-Chancellor, that—

- (a) is identified by a serial number;
- (b) where the breach involves a vehicle, describes the vehicle by make and registration number;
- (c) states that it is alleged that a breach of a by-law has been committed and in general terms describes the breach which it is alleged has been committed;
- (d) states, in respect of that breach—
 - (i) the modified penalty that is payable, and the discounted modified penalty that may be paid instead;
 - (ii) the manner in which the modified penalty and the discounted modified penalty may be paid;
 - (iii) that the discounted modified penalty applies only if it is paid within 7 days of the date of the notice; and
 - (iv) that, if the discounted modified penalty is not paid within that time, the modified penalty must be paid within 21 days of the date of the notice; and
- (e) states that the breach will be reported and that further action may be taken unless—
 - (i) within the applicable time and the manner stated in the notice, the modified penalty or the discounted modified penalty is paid; or
 - (ii) within 21 days an explanation in writing addressed to the Vice-Chancellor is given for the breach, in which case further notice will be given either that—
 - (A) the explanation is accepted; or
 - (B) that the explanation is not accepted and further action may be taken failing payment of the modified penalty indicated on the notice within 14 days after the date of the further notice.

(2) If the alleged breach involves a vehicle, the authorised person may affix the infringement notice to the vehicle or give it to the driver of the vehicle.

(3) If the alleged breach does not involve a vehicle, the authorised person may give the infringement notice to the person who appears to have committed the breach.

(4) If an authorised person does not give an infringement notice under by-law 4.5(2) or (3), the authorised person may—

- (a) where the breach involves a vehicle, give the infringement notice by posting it to the owner of the vehicle at their last known place of abode; or
- (b) in any other case, give the infringement notice by posting it to the person who appears to have committed the breach at their last known place of abode.

(5) An infringement notice may also be given to a person in any of the ways provided for in by-law 1.7.

(6) If the person to whom an infringement notice under this by-law is given, gives a written explanation to the Vice-Chancellor in accordance with the terms of the notice, the Vice-Chancellor may—

- (a) accept the explanation or not accept it; and
- (b) if not accepted, give the person a further notice stating that further action may be taken if the modified penalty indicated on the notice is not paid within 14 days after the date of the further notice.

4.6 Modified penalties

(1) A person who does not contest an allegation that they have committed a breach of these By-laws must pay to an authorised person, within the applicable time specified by a notice given under by-law 4.5, either the discounted modified penalty or the modified penalty for that breach.

(2) The production of an acknowledgement from an authorised person of the payment of the discounted modified penalty or the modified penalty is a defence to a charge of the breach in respect of which the discounted modified penalty or the modified penalty is paid.

(3) If it appears to an authorised person that an alleged breach of these By-laws cannot be adequately punished by the payment of the discounted modified penalty or the modified penalty, the authorised person may refuse to accept payment of the discounted modified penalty or the modified penalty and may take proceedings against the alleged offender in a court of competent jurisdiction.

Schedule
MODIFIED PENALTIES

Item	By-law	Amount
1.	A breach of by-law 2.4, 2.17, 3.13 or 3.19(f).	\$200.00
2.	A breach of a by-law in Part 2 (except by-law 2.4 or 2.17); or a breach of by-law 3.14, 3.16, 3.19(c) or 3.19(g); or exceeding the speed limit by 20 km/h or more in breach of by-law 3.14.	\$100.00
3.	Exceeding the speed limit by at least 10 km/h but less than 20km/h in breach of by-law 3.14.	\$75.00
4.	Exceeding the speed limit by less than 10 km/h in breach of by-law 3.14; or a breach of any other by-law not specified in this Schedule.	\$45.00
5.	A breach of by-law 3.19(e).	\$20.00

The Common Seal of Curtin University was affixed on the 26th day of May 2020 by the authority of the Vice-Chancellor—

Professor DEBORAH TERRY, Vice-Chancellor.
ALISTAIR DONALD, Administrative Secretary.

Revision History

Revision Ref No	Approved/Rescinded	Date	Committee/Board	Resolution Number	Document Reference
	Established	18/03/2009	Council	C 41/09	Attachment A to Document No 00256/09
	Gazetted	17/12/2009			
	Amended	16/06/2010	Council		Attachment A to Document No 00553/10
	Gazetted	19/10/2010			
	Amended	16/03/2011	Council	C 43/11	Attachment A to Document No 00308/11
	Gazetted	28/06/2011			
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	Gazetted	21/06/2013			
	Replaced	14/05/2020	Council	C 89/20	Attachment A to Item 8.8.1
	Gazetted				