



Western Australia

**Queen Elizabeth II Medical Centre (Delegated  
Site) By-laws 1986**

Compare between:

[29 Jun 2001, 01-b0-09] and [23 Jun 2010, 01-c0-03]



Western Australia

Queen Elizabeth II Medical Centre Act 1966

Interpretation Act 1984 (Section 25)

## Queen Elizabeth II Medical Centre (Delegated Site) By-laws 1986

### Part I — Preliminary

**1. Citation**

These by-laws may be cited as the *Queen Elizabeth II Medical Centre (Delegated Site) By-laws 1986*<sup>1</sup>.

**2. Commencement**

These by-laws shall come into operation on the day on which the *Queen Elizabeth II Medical Centre Amendment Act 1985* comes into operation<sup>1</sup>.

**3. Interpretation**

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

***authorised person*** means a person appointed as an authorised person under by-law 3A for the purpose of the by-law in which the term is used;

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

***Hospital*** means the Sir Charles Gairdner Hospital established under the *Hospitals and Health Services Act 1927*;

***parking facility*** means any land or structure on the site containing a parking space or parking spaces;

bl. 3

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*parking permit* means a permit granted under by-law 26AD;

*parking space* means a ~~section whether in a parking facility or not which is marked by means of painted lines or metallic studs or similar devices for~~ place on the purpose of indicating site set aside and identified as a place where a vehicle may be parked ~~whether or not a charge or permit is required;~~

*prescribed fee*, in relation to ~~the parking of the vehicle~~ a matter, means the fee specified for that matter in Schedule 1;

~~*permit* means parking permit issued under by law 26;~~

*roadway* means part of the site which, although it is not a road within the meaning of the *Road Traffic Act 1974*, is set aside for use by vehicular traffic, but excludes a parking facility;

*secretary* means the person holding or acting in the office of chief executive officer (however designated) of the Hospital;

*sign* means marking, notice or sign marked, erected or displayed by or by authority of the secretary;

*speed restriction sign* means a sign erected or marked in or about a roadway containing a numeral or numerals;

*the site* means the land in respect of which powers are for the time being delegated to the Hospital under section 13 of the Act;

*ticket* means a ticket from a ticket vending machine showing —

- (a) the day of issue of the ticket; and
- (b) the time of issue or expiry, or the time of issue and expiry, of the ticket.

*ticket vending machine* means machine situated in a parking facility which, ~~on the placing therein of a coin or coins,~~ issues a ticket;

*vehicle* has the same meaning as in the *Road Traffic Act 1974*;

- (2) Subject to sub-by-law (3), when these by-laws prohibit the doing of an act or thing without permission —
  - (a) that permission shall be in writing and may be given and revoked by the secretary or by an employee or officer of

the Hospital authorised by the secretary to give and revoke that permission; and

- (b) that permission shall be obtained before the act or thing is done.
- (3) An employee or officer of the Hospital acting in the course of his employment has the permission referred to in sub-bylaw (2) without that sub-bylaw being complied with in respect of him.

*[By-law 3 amended in Gazette 29 ~~June~~Jun 2001 p. 3112; 22 Jun 2010 p. 2772.]*

**3A. Authorised persons**

The secretary may, in writing, appoint persons or classes of persons to be authorised persons for the purposes of one or more of these by-laws.

*[By-law 3A inserted in Gazette 29 ~~June~~Jun 2001 p. 3112.]*

**3B. Delegation**

The secretary may, in writing and either generally or as otherwise provided by the instrument of delegation, delegate to another person or class of person any of the powers or duties of the secretary under these by-laws, other than this power of delegation.

*[By-law 3B inserted in Gazette 29 ~~June~~Jun 2001 p. 3112.]*

## Part II — Grounds

### 4. Trespass and offensive behaviour

- (1) A person shall not enter or remain on the site without a reasonable excuse.
- (2) A person shall not on the site —
  - (a) assault or attempt 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;
  - (c) write, draw, print, publish, record, broadcast, distribute, perform or otherwise disseminate any indecent or obscene act or matter of any kind; or
  - (d) act in any other way so as to cause or be likely to cause a nuisance or annoyance to other persons.

### 5. Bill sticking

A person who, without permission —

- (a) posts, sticks, stamps, stencils or otherwise affixes any placard, handbill, notice, advertisement, paper or other document on or to any tree, fence, post, gate, wall, pavement, roadway, footway or building or other structure on the site;
- (b) writes, draws or paints on or defaces any tree, fence, post, gate, wall, pavement, roadway, footway or building or other structure on the site; or
- (c) causes an act described by paragraph (a) or (b) to be done,

commits an offence.

**6. Litter**

A person who throws or leaves rubbish, refuse, paper, bottles, glass (broken or otherwise) or litter of any kind on the site, otherwise than in a receptacle provided for the purpose, commits an offence.

**7. Liquor**

A person who, without permission, brings intoxicating liquor onto the site or keeps or consumes intoxicating liquor on the site commits an offence.

**8A. Smoking**

A person who smokes on the site commits an offence.

[By-law 8A inserted in Gazette 22 Jun 2010 p. 2773.]

**8. Protection of trees, buildings, etc.**

A person who, without permission —

- (a) cuts, breaks, defaces, picks, injures, destroys or removes any tree, shrub, plant, flower, garden or lawn on the site;
- (b) damages, removes or interferes with any stake or label on or near any tree, shrub, plant, flower, garden or lawn on the site;
- (c) walks on or causes damage to any area on the site containing or being prepared for shrubs or flowers;
- (d) pollutes, enters or remains in any pond, lake or ornamental water on the site; or
- (e) cuts, damages, injures, disfigures, removes or interferes with the soil or surface of the site, or any roadway or footway on the site, or any fence, building, rockwork, water cock, plant, tool, seat, sign, notice, notice board, bus passenger shelter, post, railing, barrier or other structure or thing that may be from time to time erected or placed on the site by or by authority of the secretary,

**bl. 9**

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commits an offence.

**9. Dangerous activities**

A person who, without permission —

- (a) kindles, makes or lights a fire;
- (b) creates or discharges an offensive or dangerous gas, smoke, smell or noise;
- (c) carries or discharges a firearm or other offensive weapon;
- (d) throws or releases a stone, missile or other dangerous object or material; or
- (e) brings or makes a bomb or other explosive device,

on or onto the site commits an offence.

**10. Animals**

A person who, without permission —

- (a) catches, chases, traps, interferes with, disturbs, injures, destroys or places a trap for, or otherwise attempts to capture or kill, a bird, fish or animal on the site; or
- (b) brings a bird, fish or animal onto the site,

commits an offence.

**11. Selling, distributing or hiring**

(1) A person shall not on the site, without permission —

- (a) sell, or expose for sale, or distribute for the purpose of promoting the sale of, any goods, wares or merchandise of any kind;
- (b) solicit or gather money;
- (c) sell, distribute, or carry or expose for sale or distribution, any printed or written matter; or



(d) place or install on the reserve any chair, seat or other thing for hire.

(2) A person who contravenes this by-law commits an offence.

**12. Removal of property**

A person who, without permission, removes from the site, or disturbs, moves or interferes with, any article or property that is lying or left on the site, commits an offence, unless that person is legally entitled to possession of that article or property.

**13. Public performances, etc.**

A person who, without permission, arranges, advertises or takes part in —

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

on the site commits an offence.

**14. Gambling**

A person who, without permission —

- (a) bets or offers to bet or accept a bet;
- (b) sells, purchases or offers to sell or purchase any ticket or coupon for, or which purports to be for, a sweep or lottery; or
- (c) plays cards for money or engages in any other form of gambling,

on the site commits an offence.

**15. Directions concerning use of certain areas**

(1) An authorised person may, either orally or by the display, erection or marking of a sign or notice, direct that a specified part of the site —

**bl. 15**

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- (a) shall be open to members of the public or a specified section of the public subject to compliance with such conditions as may be specified;
  - (b) may be used for specified activities by members of a specified club or organisation, or by other specified persons, subject to compliance with such conditions as may be specified; or
  - (c) shall be cleared of and closed to all persons, other than specified persons, and that all persons, other than specified persons, shall forthwith leave and disperse from that part.
- (2) A direction given under sub-bylaw (1) may be varied or cancelled by the secretary.
- (3) In this by-law *specified* means specified in the relevant direction given under sub-bylaw (1).
- (4) A person who contravenes a direction given under sub-bylaw (1) commits an offence.

## Part III — Traffic control

### Division 1 — General

#### 16. Driving of vehicles

- (1) A person shall not, without permission, drive or bring a vehicle on any portion of the site unless that portion is a roadway or a parking facility.
- (2) A person shall not drive, use or stand a vehicle in any portion of the site contrary to any sign displayed in relation to that portion of the site.

#### 17. Driver to obey reasonable direction

Notwithstanding anything in these by-laws, the driver of a vehicle shall obey any reasonable direction given to him by an authorised person in relation to the parking or movement of the vehicle.

*[By-law 17 amended in Gazette 29 ~~June~~Jun 2001 p. 3113.]*

#### 18. Application of Road Traffic Code ~~1974~~<sup>2</sup> 2000

Subject to these by-laws, the Road Traffic Code ~~1974~~<sup>2</sup> 2000 applies to and in relation to the driving of a vehicle within the site.

*[By-law 18 amended in Gazette 22 Jun 2010 p. 2773.]*

#### 19. Speed limits

- (1) A person shall not drive a vehicle on a roadway —
  - (a) where no speed restriction sign is displayed — at a speed exceeding 30 kilometres an hour;
  - (b) where a speed restriction sign is displayed in relation to a portion of a roadway — at a speed exceeding the speed indicated on the speed restriction sign.

Queen Elizabeth II Medical Centre (Delegated Site) By-laws 1986

Part III Traffic control

Division 1 General

bl. 20

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- (2) Sub-by-law (1) does not apply to or in relation to an emergency vehicle.

**20. ~~Driving~~ Use of roads on Hospital Avenue and Gairdner Drive site**

- (1) A person ~~shall~~ must not drive a vehicle — —  
(a) ~~along the roadway designated as~~ on Hospital Avenue; or  
(b) on any part of —

(i) Gairdner Drive; or

(ii) Banksia Road; or

(iii) Caledonia Road,

where a sign prohibiting vehicles is displayed, ~~in the roadway designated as Gairdner Drive,~~

except for the purposes of entering or leaving a parking facility ~~on the site.~~

- (2) Sub-by-law (1) ~~of this by-law~~ does not apply ~~to~~ if the vehicle is —

(a) an ~~omnibus operated~~ ambulance; or

(b) a patient transfer vehicle; or

(c) a delivery vehicle; or

(d) a shuttle bus for persons working on the site; or

(e) a bus involved in the provision of a public passenger transport service by the ~~Metropolitan (Perth) Passenger Public Transport Trust constituted~~ Authority of Western Australia under the ~~Metropolitan (Perth) Passenger Public Transport Trust~~ Authority Act 1957/2003; or

(f) a vehicle operated as a taxi-~~car operated~~ under the ~~Taxi-car Control Act 1985-3~~ 1994; or

(g) a vehicle licensed as a taxi under the Transport Co-ordination Act 1966.

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[\[By-law 20 inserted in Gazette 22 Jun 2010 p. 2773.\]](#) |

**21. Give way**

The driver of a vehicle that is entering or preparing to enter a parking facility shall give way to any vehicle that is —

- (a) leaving the parking facility; or
- (b) travelling in the roadway in the vicinity of his vehicle.

**22. Roadway not to be used for instructions or repairs**

A person shall not on a roadway in the site —

- (a) drive a vehicle for the purposes of giving or receiving driving instructions;
- (b) except in an emergency, effect repairs or adjustments or both to a vehicle.

**Division 2 — Parking**

**23. Parking only in parking spaces**

A person shall not park a vehicle in the site except in a parking space.

**24. Signs to be obeyed**

A person shall not park, stand or move a vehicle in any portion of the site contrary to any direction contained in a sign.

[\[By-law 24 amended in Gazette 22 February Feb 1991 p.881.\]](#) |

**25. Parking in parking spaces**

- (1) A person shall not park, stand or move a vehicle in a parking facility in the site contrary to any directions contained in a sign.
- (2) Where a sign indicates that a parking facility or portion of a parking facility is set aside —
  - (a) for a specified vehicle or specified class of vehicles;

**Queen Elizabeth II Medical Centre (Delegated Site) By-laws 1986**

**Part III** Traffic control

**Division 2** Parking

**bl. 25**

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- (b) for the vehicle of a specified person or specified class of persons;
- (c) for parking of vehicles for a specified period of time; or
- (d) for the parking of vehicles for a maximum period of time so specified,

a person shall not park a vehicle in the parking facility or portion of the parking facility unless —

- (e) the vehicle is the particular vehicle or is within the class of vehicle so specified;
- (f) the vehicle is the vehicle of the person or a person of the class so specified;
- (g) the vehicle is parked within the period of time so specified;
- (h) the vehicle is parked for a period that does not exceed the maximum period of time so specified,

as the case requires.

- ~~(3) Where a sign indicates that a portion of a parking facility may be used for parking only on the payment of the charge indicated in the sign a person shall not park a vehicle in the portion of the parking facility unless the charge so indicated has been paid into a ticket vending machine.~~
- ~~(3a) The charge prescribed for the purposes of sub-by-law (3) is 60c for every hour or part thereof, but with a maximum charge of \$4.80 for any 24 hour period.~~
- ~~(4) Where a sign in a portion of a parking facility directs that a vehicle parked in that portion is required to display a ticket or permit in a specified position on the vehicle a person shall not park a vehicle in the portion of the parking facility unless a ticket or a valid permit is displayed in accordance with directions in the sign.~~

*[\[\(3\), \(3a\), \(4\) deleted\]](#)*

- (5) In this by-law *specified* means specified in a sign.

[By-law 25 amended in Gazette 9 ~~December~~Dec 1988 p.4820;  
22 ~~February~~Feb 1991 p.881; 22 ~~August~~Aug 1995 p.3802;  
29 ~~June~~Jun 2001 p. 3113-~~1~~; 22 Jun 2010 p. 2774.]

**26. ~~Parking permits~~ Types of parking areas**

- (1) The secretary may ~~issue to a person who complies with this by law an annual permit or a temporary permit authorising that person to park a vehicle in a~~ set aside a parking facility-

~~(2) The fee payable for an annual permit shall be \$390.00 which shall be payable —~~

~~— (a) in advance in full;~~

~~— (b) in advance for each 3 monthly period;~~

~~— (c) each fortnight by payroll deduction; or~~

~~— (d) in such other manner as determined by the secretary.~~

~~(3) The secretary may issue a temporary permit to a person where he considers the issue of an annual permit would be impracticable or inappropriate and a temporary permit may be in respect of such period and shall be paid for at such time and in such manner as the secretary may determine in each case but the fee in all cases shall be payable and calculated at the rate of \$7.50 per week, or part thereof.~~

~~(4) An application by a person for an annual permit or a temporary permit shall be —~~

~~— (a) made in accordance with the form approved by the secretary;~~

~~— (b) accompanied by a deposit fee of \$10 for the issue of a boomgate control card, except where the payment of that fee is waived by the secretary;~~

~~— and in the case of an application for an annual permit —~~

~~— (c) accompanied by the fee payable under sub bylaw (2)(a) or (b) or where a person intends to pay each fortnight by~~

Queen Elizabeth II Medical Centre (Delegated Site) By-laws 1986

Part III Traffic control

Division 2 Parking

bl. 26

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way of payroll deduction, a procurement authority in the form approved by the secretary.

- ~~(5) A person holding an annual permit or a temporary permit which will soon expire who desires to obtain a further permit of either class may without completing a further application form request the secretary to issue a further permit and the secretary may issue a further permit —~~
  - ~~(a) in the case of an annual permit, on payment of the fee referred to in sub bylaw (2) in the manner prescribed by that sub bylaw; or~~
  - ~~(b) in the case of a temporary permit, in accordance with sub bylaw (3).~~
- ~~(6) Notwithstanding sub bylaws (1) to (5), the secretary may waive the fee for an annual permit or a temporary permit in any case where he considers there are proper grounds for so doing.~~
- ~~(7) A permit may authorise parking in a specified portion of a parking facility or anywhere within either a specified as —~~
  - (a) a ticket parking facility area or any boom gate controlled ticket parking facility.
- ~~(8) The use of a permit issued to a person is valid —~~
  - ~~(a) if issued in relation to a specified vehicle or class of vehicle, area for the purposes of by-law 26AA; or~~
  - (b) a paid staff parking only the vehicle or class of vehicle so specified;
  - ~~(b) if issued area for the purposes of by-law 26AB; or~~
  - (c) a permit parking a vehicle owned by a specified person or class of persons, area for the purposes of parking only a vehicle owned by the person or class of persons so specified;
  - ~~(e) if issued for the purposes of parking a vehicle in a specified portion of a parking facility or a specified parking facility, for the purposes of parking a vehicle~~



Queen Elizabeth II Medical Centre (Delegated Site) By-laws 1986

Traffic control Part III

Parking Division 2

bl. 26A

~~only in the portion of a parking facility or parking facility so specified;~~

- ~~(d) if issued for the purposes of parking a vehicle during specified hours, for the purposes of parking a vehicle only during the hours so specified;~~
- ~~(e) for the purposes of parking a vehicle only during the period of time specified in or provided for by the permit.~~
- ~~(9) The Secretary may cancel a permit if —~~
- ~~(a) a vehicle in respect of which the permit is issued is parked in the site in contravention of these by-laws;~~
- ~~(b) the person in relation to whom the permit is issued commits an offence against these by-laws;~~
- ~~(c) the person in relation to whom the permit is issued ceases to have a connection with the site; or~~
- ~~(d) any charge required to be paid in relation to the permit remains unpaid.~~
- ~~(10) A person shall not use a permit for a purpose that is not valid under sub-bylaw (8).~~
- ~~(11) In this by-law —~~
- ~~*specified* means specified in the relevant permit.~~

[By [by-law 26](#) inserted in Gazette 9 December 1988 pp.4820-1; amended in Gazette 22 February 1991 p.881; 28 June 1991 pp.3145-6; 24 December 1991 pp.6433-4; 26 June 1992 p.2693; 15 December 1992 pp.6028-9; 28 June 1996 p.3019; 29 June 2001 p.3113.] [26AC](#).

**26A. — Refund of parking permit fees**

- ~~(1) A refund in relation to a fee for a permit paid in advance shall be made in accordance with sub-bylaw (2) to a person whose employment at the Hospital terminates or who is granted absence on long service leave or sick leave in relation to employment at the Hospital for a period of 4 consecutive weeks or longer.~~

**Queen Elizabeth II Medical Centre (Delegated Site) By-laws 1986**

**Part III** Traffic control

**Division 2** Parking

**bl. 26AA**

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~~(2) The refund shall be —~~

- ~~(a) in the case of a person whose employment terminates, an amount in the same proportion to the amount of fee paid as is represented by the period of the permit which remains unexpired after the last day of service of the person in proportion to the period for which the permit was issued; and~~
- ~~(b) in the case of a person granted absence on long service leave or sick leave, 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.~~

~~[By law 26A (2) An area set aside under sub-by-law (1) must be identified as such by a sign or signs.~~

~~[By-law 26 inserted in Gazette 22 Jun 2010 p. 2774.]~~

**26AA. Parking in ticket parking area or boom gate controlled ticket parking area**

~~(1) In this by-law —~~

~~*boom gate controlled ticket parking area* means a boom gate controlled ticket area set aside under by-law 26(1)(a);~~

~~*ticket parking area* means a ticket parking area set aside under by-law 26(1)(a).~~

~~(2) A person must not park a vehicle in a ticket parking area unless —~~

~~(a) the person has purchased a ticket by paying the prescribed fee for the length of time for which the vehicle is to be parked; and~~

~~(b) if a sign in the parking area requires that the ticket be displayed in the vehicle — the ticket is displayed as required.~~

~~(3) A person must not drive a vehicle into or park a vehicle in a boom gate controlled ticket parking area unless the person has~~

obtained a ticket from a ticket vending machine situated at the entrance to the parking area.

- (4) A person must not remove a vehicle from a boom gate controlled ticket parking area without paying the prescribed fee for the length of time for which the vehicle has been parked before removing the vehicle from the parking area.

*[By-law 26AA inserted in Gazette 22 Jun 2010 p. 2774.]*

#### **26AB. Parking in paid staff parking area**

- (1) In this by-law —

*eligible staff member* means a person who is in a class of persons determined by the secretary under sub-by-law (5);

*paid staff parking area* means an area set aside under by-law 26(1)(b).

- (2) A person must not park a vehicle in a paid staff parking area unless the person is an eligible staff member.

- (3) An eligible staff member who parks a vehicle in a paid staff parking area must pay the prescribed fee for the length of time for which the vehicle has been parked before removing the vehicle from the parking area.

- (4) A fee payable under this by-law is to be paid in a manner approved by the secretary.

- (5) The secretary may determine classes of persons who are eligible to park in paid staff parking areas.

*[By-law 26AB inserted in Gazette 9 December 1988 22 Jun 2010 p. 2775.]*

#### **26AC. Parking in permit parking area**

- (1) In this by-law —

*permit parking area* means an area set aside under by-law 26(1)(c).

**Queen Elizabeth II Medical Centre (Delegated Site) By-laws 1986**

**Part III** Traffic control

**Division 2** Parking

**bl. 26AD**

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- (2) A person must not park a vehicle in a permit parking area 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 the vehicle in accordance with that permit; and
  - (c) the permit is displayed in or on the vehicle in the manner specified in the permit.

[By-law 26AC inserted in Gazette 22 Jun 2010 p.4821-7 2775.]

**26AD. Parking permits**

- (1) The secretary 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.

*[By-law 26AD inserted in Gazette 22 Jun 2010 p. 2775-6.]*

**26AE. 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 secretary.
- (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.

*[By-law 26AE inserted in Gazette 22 Jun 2010 p. 2776.]*

**26AF. Fees for parking permits**

- (1) The prescribed fee is payable for a parking permit.
- (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 paid when the permit is issued; or
  - (b) in fortnightly payments made by way of payroll deduction; or
  - (c) in any other manner approved by the secretary.
- (3) An authorised person must not grant a parking permit unless at the time it is granted —

**Queen Elizabeth II Medical Centre (Delegated Site) By-laws 1986**

**Part III** Traffic control

**Division 2** Parking

**bl. 26AG**

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- (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); or
- (c) the authorised person is satisfied that the fees for the permit have been or will be paid in accordance with sub-bylaw (2)(c).

[By-law 26AF inserted in Gazette 22 Jun 2010 p. 2776-7.]

**26AG. 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 in accordance with by-law 26AF(2)(b) or (c) — the permit holder fails to make any payment when it becomes due; 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 26AE(5); or
  - (e) the permit holder ceases to satisfy any of the eligibility criteria for the relevant class of permit; or
  - (f) the secretary has determined that it is not practicable, for reasons relating to the operation or development of the site, for 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 secretary has made a determination under sub-by-law (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 60 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.

[By-law 26AG inserted in Gazette 22 Jun 2010 p. 2777-8.]

#### **26AH. Refund of parking permit fees**

(1) If a parking permit is cancelled on a ground referred to in by-law 26AG(1)(f) or (g) the secretary must cause any permit fee paid for any week 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 26AG(1)(e) the secretary may cause any permit fee paid for any week 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.

[By-law 26AH inserted in Gazette 22 Jun 2010 p. 2778.]

[26A. Deleted in Gazette 22 Jun 2010 p. 2774.]

#### **26B. Removal of vehicles**

(1) A vehicle parked in breach of these by-laws or a vehicle which is believed to have been left on the site for more than 3 days may be removed by order of the secretary to the security compound within the site and there stored.

**Queen Elizabeth II Medical Centre (Delegated Site) By-laws 1986**

**Part III** Traffic control

**Division 2** Parking

**bl. 26B**

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- (2) For the purpose of removing a vehicle under sub-by-law (1), an authorised person may take such action by way of unlocking, driving, towing or otherwise as is reasonably necessary.
- (3) The Board of the Hospital may retain possession of a vehicle removed and stored under this by-law until the owner of that vehicle has paid to the Board ~~fees for recovery of it at the rate of \$200 for the first 24 hours or part thereof and \$20 for each 7 days or part thereof thereafter~~ [the prescribed fee](#).

[By-law 26B inserted in Gazette 9 ~~December~~[Dec](#) 1988 p.4821; amended in Gazette 29 ~~June~~[Jun](#) 2001 p. 3113; [22 Jun 2010 p. 2778.](#)]



## Part V — Offences and penalties

### 27. Definition

In this Part —

*alleged offender*, in respect of a vehicle on or in which an infringement notice has been left under by-law 30 by an authorised person includes [the](#) registered owner of the vehicle; |

*infringement notice* means infringement notice referred to in by-law 30;

*modified penalty* means modified penalty prescribed in Schedule 2 for an offence under these by-laws.

[By-law 27 amended in Gazette 29 ~~June~~[Jun](#) 2001 p. 3113;  
[22 Jun 2010 p. 2778.](#)] |

### 27A. Offences

A person who contravenes or fails to comply with any of the provisions of these by-laws commits an offence.

[By-law 27A inserted in Gazette 9 ~~December~~[Dec](#) 1988 p.4821.] |

### 28. General penalty

A person who commits an offence under these by-laws is liable to a penalty not exceeding \$50.

### 29. Modified penalties

- (1) A person who does not contest an allegation that he committed an offence under these by-laws may pay to the Hospital within the time specified in the relevant infringement notice or within such extended time as the secretary allows the modified penalty prescribed for that offence in Schedule 2.
- (2) The production of an acknowledgement from the Hospital of the payment under sub-by-law (1) of the modified penalty concerned is a defence to a charge of the offence in respect of which that modified penalty was paid.

**bl. 30**

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**30. Infringement notices**

- (1) An authorised person who believes on reasonable grounds that a person has committed an offence under these by-laws may serve on that person an infringement notice by delivering it to the alleged offender or by affixing it to the vehicle of the alleged offender.
- (2) An infringement notice shall be in the form of Form 1 or 2 Schedule 3 and shall —
  - (a) be identified by a serial number;
  - (b) identify the alleged offender by reference to his name and address or the vehicle make and registration number of his vehicle;
  - (c) state the by-law under which the offence is alleged to have been committed, and the brief description of offence and modified penalty set out opposite that by-law in Schedule 2; and
  - (d) inform the alleged offender in general terms that if he does not wish to have ~~a complaint of~~ the alleged offence heard and determined by a court of summary jurisdiction, then he may deliver the amount of the modified penalty to an authorised person within the time provided in the infringement notice, which shall not be less than 21 days.

*[By-law 30 amended in Gazette 9 ~~December~~Dec 1988 p.4821; 29 ~~June~~Jun 2001 p. 3113; 22 Jun 2010 p. 2778.]*

**31. Modified penalties**

- (1) A person who does not contest an allegation that he has committed an offence under these by-laws may complete the infringement notice by signing the admission on that notice and forwarding the infringement notice and the amount of the modified penalty set out in Schedule 2 opposite the by-law alleged to have been breached to an authorised person.

- (2) Upon receipt of a modified penalty under sub-bylaw (1) sent within the time provided in the infringement notice or such further time as an authorised person allows, an authorised person shall issue to the person paying that modified penalty an acknowledgement.
- (3) An acknowledgement under sub-bylaw (2) shall be a defence to a charge of the offence in respect of which the modified penalty was paid.

**32. Withdrawal of infringement notice**

- (1) Subject to sub-bylaw (2), an authorised person may by notice in the form of Form 3 in Schedule 3 served on the alleged offender withdraw an infringement notice.
- (2) A person shall not be authorised to withdraw an infringement notice which was issued by that person.

*[By-law 32 inserted in Gazette 9 ~~December~~Dec 1988 p.4821.]*

**33. Removal and endorsement of infringement notices**

A person other than an authorised person who —

- (a) makes an endorsement on or alteration to an infringement notice; or
- (b) not being the driver, registered owner or person in charge of a vehicle to which an infringement notice is attached, removes the infringement notice,

commits an offence.

*[By-law 33 amended in Gazette 29 ~~June~~Jun 2001 p. 3113.]*

**34. Prosecutions**

Proceedings for an offence against these by-laws may be taken by an authorised person.

*[By-law 34 inserted in Gazette 9 ~~December~~Dec 1988 p.4821; amended in Gazette 29 ~~June~~Jun 2001 p. 3114.]*

## Part VI — General

### 35. Registered owner shall supply name and address of driver or person in charge of vehicle

- (1) Where an offence under these by-laws is alleged to have been committed by the driver or person in charge of a vehicle, the registered owner of the vehicle shall, within 14 days of the date of receipt of a notice in writing from an authorised person or the secretary, requesting the name and address of the driver or person in charge of the vehicle, supply the name and address of the person driving or in charge of the vehicle at the time the offence is alleged to have been committed.
- (2) A registered owner who fails to comply with sub-bylaw (1) shall be deemed to be the driver or person in charge of the vehicle at the time the offence is alleged to have been committed.

*[Regulation 35 inserted in Gazette 28 ~~June~~Jun 1991 p.3146; amended in Gazette 29 ~~June~~Jun 2001 p. 3114.]*

### 36. Other offences

A person who —

- (a) wilfully obstructs any member, officer or employee of the Hospital in the discharge of his duty under these by-laws;
- (b) wilfully obstructs, disturbs, interrupts or annoys any person in the exercise and enjoyment by him of any lawful activity on the site;
- (c) removes, damages, defaces or misuses a ticket vending machine or sign;

- (d) disobeys or fails to comply with any notice or sign, including a traffic sign erected or displayed by the delegate or an authorised person in accordance with these by-laws,

commits an offence.

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**Schedule 1-~~deleted~~— Fees**

[bl. 3]

[Heading inserted in Gazette ~~9 Dec 1988~~ 22 Jun 2010 p. ~~482~~ 2779.]

**Queen Elizabeth II Medical Centre (Delegated Site) By-laws 1986**  
**Schedule 1 Fees**

<u>By-law</u>		<u>Fee</u>
<u>26AA(2)</u> or <u>26AA(4)</u>	<u>Ticket parking — per hour</u> (a) <u>in parking area where maximum permitted length of stay is 3 hours .....</u> (b) <u>in other parking area .....</u>	<u>\$1.50</u> <u>\$1.30</u>
<u>26AB(3)</u>	<u>Paid staff parking — per day .....</u>	<u>\$0.90</u>
<u>26AF(1)</u>	<u>Parking permit — per week</u> (a) <u>permit holder whose normal working hours exceed 3 days a week .....</u> (b) <u>permit holder whose normal working hours are 3 days a week or less .....</u>	<u>\$7.50</u> <u>\$5.00</u>
<u>26B(3)</u>	<u>Removal and storage of vehicle</u> (a) <u>basic fee .....</u> <u>plus</u> (b) <u>if vehicle is stored for more than 24 hours — for each 7 days or part of 7 days for which vehicle is stored after first 24 hours .....</u>	<u>\$200</u> <u>\$20</u>

*[Schedule 1 inserted in Gazette 22 Jun 2010 p. 2779.]*



**Queen Elizabeth II Medical Centre (Delegated Site) By-laws 1986**  
**Schedule 2**

**Schedule 2**

[By-law 29(1)]

By-law	Brief description of offence	Modified Penalty (\$)
4	<del>Trespassing and behaving offensively</del>	<del>45</del>
5 & 8	<del>Defacing site property</del>	<del>45</del>
6	<del>Littering</del>	<del>45</del>
7	<del>Bringing, keeping or consuming liquor onto or on site</del>	<del>45</del>
9	<del>Dangerous activities</del>	<del>45</del>
9	<del>Bringing firearm onto site or discharging it</del>	<del>45</del>
10	<del>Killing or capturing animals on, or bringing animals onto the site</del>	<del>45</del>
11	<del>Selling, distributing, or hiring, on site</del>	<del>45</del>
12	<del>Removal of or interference with another's property from or on site</del>	<del>45</del>
13	<del>Public Performances on site</del>	<del>40</del>
14	<del>Gambling on site</del>	<del>45</del>
<del>14-15</del>	<del>Contravention of direction by means of signs or notices</del>	<del>40</del>
	<del>deleted</del>	
	<del>TRAFFIC</del>	
16	Driving or bringing vehicle on site other than roadway or parking area or standing	

**Queen Elizabeth II Medical Centre (Delegated Site) By-laws 1986**  
**Schedule 2**

<b>By-law</b>	<b>Brief description of offence</b>	<b>Modified Penalty (\$)</b>
	area .....	45
17	Disobeying any reasonable order or directive given by authorised person .....	45
19	Driving in excess of speed limit specified in traffic sign .....	45
19	Driving in excess of 30kph .....	45
20	Using Hospital Avenue or Gairdner Drive as a thoroughfare .....	30
21	Failing to give way when entering or leaving parking area or standing area .....	40
22	Repairing vehicle on site .....	30
22	Instructing learner driver on site .....	30
24	Failing to comply with an indication displayed on a sign in particular	
	— STOP .....	45
	— GIVE WAY .....	40
	— ONE WAY .....	40
	— or any other sign displayed directing the driver of a motor vehicle to do a particular thing .....	40

**Queen Elizabeth II Medical Centre (Delegated Site) By-laws 1986  
Schedule 2**

<b>By-law</b>	<b>Brief description of offence</b>	<b>Modified Penalty (\$)</b>
23	Parking or standing on site outside of a parking space.....	40
24	Parking contrary to a sign specifying — No Standing at Any time .....	45
	— No Parking at Any time .....	40
25	Parking contrary to a sign .....	40
	<del>[25(3), 25(4), 26(10) deleted]</del>	<del>20</del>
	<del>Parking without paying the required charge</del> .....	<del>20</del>
<del>25(4)26A A(2)</del>	<del>Failure to display a Parking in ticket or permit in parking area —</del>	
	(a) failing to purchase ticket for required <del>maner</del> period .....	20
	(b) failing to display ticket .....	30
<u>26AA(3)</u>	<u>Parking in boom gate controlled ticket parking area without a ticket .....</u>	<u>20</u>
<u>26AA(4)</u>	<u>Removing a vehicle from boom gate controlled ticket parking area without paying the prescribed fee .....</u>	<u>20</u>
<u>26AB(2)</u>	<u>Parking in paid staff parking area when not an eligible staff member .....</u>	<u>45</u>
<u>26AB(3)</u>	<u>Failing to pay before leaving a paid staff parking area .....</u>	<u>20</u>

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**Queen Elizabeth II Medical Centre (Delegated Site) By-laws 1986**  
**Schedule 2**

By-law	Brief description of offence	Modified Penalty (\$)
<del>26(10)</del> 26A C(2)	Using <u>Unlawfully parking in a permit for a purpose that is not valid ..... parking area</u>	45
33	Unauthorised person endorsing an infringement notice.....	45
33	Removal of infringement notice by unauthorised person .....	45
35	Refusing to supply name and address to authorised person when required .....	45
36	Wilfully obstructing person employed on site in discharge of his duty .....	45
36	Obstructing, disturbing, interrupting or annoying person lawfully using site .....	45

[Schedule 2 inserted in Gazette 22 ~~February~~Feb 1991 pp.881-2; amended in Gazette 29 ~~June~~Jun 2001 p. 3114; 22 Jun 2010 p. 2779-80.]

**Schedule 3**

[By-law 30]

**Forms**

**Form 1**

*Queen Elizabeth II Medical Centre Act 1966*

*Queen Elizabeth II Medical Centre (Delegated Site) By-laws 1986*

(By-law .....)

**INFRINGEMENT NOTICE (PART II OFFENCES)**

No. ....

Date of service .....

It is alleged that at about ..... a.m./p.m. on the ..... day  
of ..... 20 ..... you contravened the by-law specified and  
briefly described hereunder.

Authorised person .....

By-law No.	Brief description offence	Modified penalty
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You may dispose of this matter either —

- (a) by payment of the modified penalty within ..... days of the date  
of this notice, or such further time as the delegate allows, to the  
delegate; or
- (b) by having it dealt with by a court.

If the modified penalty is not paid within ..... days, or such further time as the  
delegate allows, court proceedings may be taken against you.

I, (Name) ..... of

(Address) .....  
(Number and street)

.....  
(Town or suburb)

.....  
(Postcode)

admit contravening the by-law indicated in this form.

.....  
(Signature of offender).

**Queen Elizabeth II Medical Centre (Delegated Site) By-laws 1986**  
**Schedule 3**

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**Form 2**

*Queen Elizabeth II Medical Centre Act 1966*

*Queen Elizabeth II Medical Centre (Delegated Site) By-laws 1986*

(By-law 30)

**INFRINGEMENT NOTICE (PARTS III AND IV OFFENCES)**

No. ....

Date of service ..... / ..... / .....

To the owner/driver/person in charge of motor vehicle make .....  
type .....

Plate No ..... C/R ..... or bicycle make .....

It is alleged that at about ..... a.m./p.m. on the ..... day  
of ..... 20 ..... you contravened the by-law specified and  
briefly described hereunder.

Authorised person .....

By-law No.            Brief description of offence            Modified penalty

You may dispose of this matter either —

- (a) by payment of the modified penalty within        days of the date  
of this notice, or such further time as the delegate allows, to the  
delegate; or
- (b) by having it dealt with by a court.

If the modified penalty is not paid within        days, or such further time as the  
delegate allows, court proceedings may be taken against you.

I, (Name) ..... of

(Address) .....

(Number and street)

.....  
(Town or suburb)

.....  
(Postcode)

admit contravening the by-law indicated in this form.

.....  
(Signature of offender).

**Queen Elizabeth II Medical Centre (Delegated Site) By-laws 1986  
Schedule 3**

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**Form 3**

*Queen Elizabeth II Medical Centre Act 1966*  
*Queen Elizabeth II Medical Centre (Delegated Site) By-laws 1986*  
(By-law 32)

**WITHDRAWAL OF INFRINGEMENT NOTICE**

No. .... / .... / .....

Date of service .....

To ..... of .....  
(Name) (Address)

Infringement notice No. .... served on you on the ..... day  
of ..... 20 ..... for the alleged offence of .....  
..... is hereby withdrawn and no  
further action will be taken against you in respect of the alleged offence.

.....  
Authorised person.

[Schedule 3 amended in Gazette 9 ~~December~~Dec 1988 p.4822;  
29 ~~June~~Jun 2001 p. 3114.]

## Queen Elizabeth II Medical Centre (Delegated Site) By-laws 1986

### Notes

- <sup>1</sup> This is a compilation of the *Queen Elizabeth II Medical Centre (Delegated Site) By-laws 1986* and includes the amendments [made by the other written laws](#) referred to in the following [Table](#).

### Compilation table

Citation	Gazettal	Commencement
<i>Queen Elizabeth II Medical Centre (Delegated Site) By-laws 1986</i>	24 Oct 1986 p. 3947-54	1 Nov 1986 (see by-law 2 and <i>Gazette</i> 24 Oct 1986 p.3938)
<i>Queen Elizabeth II Medical Centre (Delegated Site) Amendment By-laws 1988</i>	9 Dec 1988 p. 4820-2	9 Dec 1988
<i>Queen Elizabeth II Medical Centre (Delegated Site) Amendment By-laws 1991</i>	22 Feb 1991 p. 881-2	1 Mar 1991 (see by-law 2)
<i>Queen Elizabeth II Medical Centre (Delegated Site) Amendment By-laws (No. 2) 1991</i>	28 Jun 1991 p. 3145-6	1 Jul 1991 (see by-law 2)
<i>Queen Elizabeth II Medical Centre (Delegated Site) Amendment By-laws (No. 3) 1991</i>	24 Dec 1991 p. 6433-4	1 Jan 1992 (see by-law 2)
<i>Queen Elizabeth II Medical Centre (Delegated Site) Amendment By-laws 1992</i>	26 Jun 1992 p. 2693	1 Jul 1992 (see by-law 2)
<i>Queen Elizabeth II Medical Centre (Delegated Site) Amendment By-laws (No. 2) 1992</i>	15 Dec 1992 p. 6028-9	1 Jan 1993 (see by-law 2)
<i>Queen Elizabeth II Medical Centre (Delegated Site) Amendment By-laws 1995</i>	22 Aug 1995 p. 3802-3	22 Aug 1995
<i>Queen Elizabeth II Medical Centre (Delegated Site) Amendment By-laws 1996</i>	28 Jun 1996 pp.3019-20	28 Jun 1996
<i>Queen Elizabeth II Medical Centre (Delegated Site) Amendment By-laws 2001</i>	29 Jun 2001 p. 3111-14	29 Jun 2001

- <sup>2</sup> ~~Repealed by the *Road Traffic Code 1975* which will be repealed by the *Road Traffic Code 2000* which comes into operation on 1 December 2000 (see *Gazette* No. 159 pp.4213-538).~~



**Queen Elizabeth II Medical Centre (Delegated Site) By-laws 1986**

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<a href="#">Queen Elizabeth II Medical Centre (Delegated Site) Amendment By-laws 2010</a>	<a href="#">22 Jun 2010 p. 2772-80</a>	<a href="#">r. 1 and 2: 22 Jun 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 23 Jun 2010 (see r. 2(b))</a>
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<sup>2</sup> [Footnote no longer applicable.](#)

<sup>3</sup> Repealed by the *Taxi Act 1994* (No. 83 of 1994).