



Western Australia

Metropolitan Health Service By-laws 2008

Compare between:

[04 Dec 2015, 01-a0-00] and [26 May 2016, 01-b0-00]



Western Australia

Reprinted under the
Reprints Act 1984 as
at 4 December 2015

Hospitals and Health Services Act 1927

Metropolitan Health Service By-laws 2008

Part 1 — Preliminary

[Heading inserted in Gazette 26 Nov 2010 p. 5939.]

1. Citation

These by-laws are the *Metropolitan Health Service By-laws 2008*¹.

2. Commencement

These by-laws come into operation as follows:

- (a) by-laws 1 and 2 — on the day on which these by-laws are published in the *Gazette*;
- (b) the rest of the by-laws — on the day after that day¹.

3. Terms used

- (1) In these by-laws —

authorised person means a person appointed under by-law 4A as an authorised person for the purposes of the by-law in which the term is used;

board, in relation to a Hospital, means the board of the Hospital;

bl. 3

chief executive officer, in relation to a Hospital, means the person in charge of the day-to-day management of the affairs of the Hospital;

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

Hospital means —

- (a) the Graylands Selby-Lemnos and Special Care Hospital; or
- (b) the Kalamunda District Community Hospital; or
- (c) the Rockingham General Hospital; or
- (d) the Murray District Hospital;

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

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

permit means a permit issued under by-law 9;

responsible person, for a vehicle, means the person responsible for the vehicle under the *Road Traffic (Administration) Act 2008* section 6;

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

site means the site of —

- (a) Graylands Selby-Lemnos & Special Care Hospital; and
- (b) Kalamunda District Community Hospital; and
- (c) Rockingham General Hospital; and
- (d) Murray District Hospital,

being the land described in Schedule 1;

vehicle has the meaning given in the *Road Traffic (Administration) Act 2008* section 4.

- (2) A reference in these by-laws to *permission* is a reference to permission that is —
- (a) given by the chief executive officer or an authorised person; and
 - (b) in writing; and
 - (c) obtained and not revoked prior to the performing of the act that is the subject of the permission.
- (3) An officer or servant of the board is to be treated as having the permission referred to in sub-bylaw (2).

[By-law 3 amended in Gazette 26 Nov 2010 p. 5939; 18 Feb 2011 p. 582; 14 Apr 2015 p. 1338; 8 Jan 2015 p. 185-6; 18 Sep 2015 p. 3799-800.]

4A. Appointment of authorised persons

- (1) The chief executive officer may, in writing, appoint an officer or servant of the board as an authorised person for the purposes of one or more of these by-laws.
- (2) An appointment under sub-bylaw (1) may be made in respect of a specified person or persons of a specified class.
- (3) The chief executive officer must issue to each authorised person who is authorised to give a direction under by-law 5(1), or issue an infringement notice under by-law 12(1), a certificate stating that the person is so authorised.

[By-law 4A inserted in Gazette 14 Apr 2015 p. 1338.]

Part 2 — Behaviour on site

[Heading inserted in Gazette 26 Nov 2010 p. 5939.]

4B. No entry without cause

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

Penalty: a fine of \$50.

[By-law 4B inserted in Gazette 14 Apr 2015 p. 1339.]

4C. Directions as to use of certain areas

- (1) In this by-law —
specified means specified in the sign containing the direction.
- (2) An authorised person may, by means of a sign, direct that a specified part of the site is open to members of the public or a specified section of the public.
- (3) A direction under this by-law may be made subject to specified conditions.
- (4) The chief executive officer may cancel or vary a direction or condition under this by-law.
- (5) A person must not contravene a direction under this by-law.
Penalty: a fine of \$50.

[By-law 4C inserted in Gazette 14 Apr 2015 p. 1339.]

4D. Prohibited items

- (1) In this by-law —
prohibited item means —
 - (a) an alcoholic beverage; or
 - (b) a firearm as defined in the *Firearms Act 1973* section 4;
or

- (c) a controlled weapon as defined in the *Weapons Act 1999* section 3; or
 - (d) a prohibited weapon as defined in the *Weapons Act 1999* section 3; or
 - (e) a prohibited drug as defined in the *Misuse of Drugs Act 1981* section 3(1).
- (2) A person must not bring onto the site a prohibited item unless the person has permission to do so.
Penalty: a fine of \$50.
[By-law 4D inserted in Gazette 14 Apr 2015 p. 1339.]

4. Smoking

A person must not smoke on the site.

Penalty: a fine of \$50.

5. Persons may be directed to leave site

- (1) An authorised person may direct a person to leave the site if the authorised person reasonably believes that the person has —
- (a) used abusive language on the site; or
 - (b) threatened a person on the site; or
 - (c) behaved in an indecent or disorderly manner on the site; or
 - (d) unreasonably interfered with the privacy of a person on the site; or
 - (e) committed an offence under by-law 4B or 4D.
- (2) A person must not contravene a direction under sub-by-law (1).
Penalty: a fine of \$50.
- (3) The person whom an authorised person has given, or is about to give, a direction under sub-by-law (1) may require the authorised person to produce the certificate referred to in by-law 4A(3).

bl. 5

- (4) The authorised person must comply with a request under sub-by-law (3).

[By-law 5 inserted in Gazette 14 Apr 2015 p. 1340.]

Part 3 — Parking

[Heading inserted in Gazette 26 Nov 2010 p. 5939.]

6. Parking to be in parking spaces only

A person must not park a vehicle on the site unless the vehicle is parked in a parking space.

Penalty: a fine of \$50.

[By-law 6 inserted in Gazette 26 Nov 2010 p. 5939.]

7. Signs to be obeyed

A person must not park, stand or move a vehicle on the site contrary to a direction in a sign.

Penalty: a fine of \$50.

[By-law 7 inserted in Gazette 26 Nov 2010 p. 5939.]

8. Parking in parking spaces

(1) In this by-law —

specified means specified in a sign.

(2) A sign may contain a direction that parking in a parking space, parking facility or part of a parking facility is set aside for —

- (a) a specified vehicle or specified class of vehicle; or
- (b) the vehicle of a specified person or specified class of persons; or
- (c) parking of vehicles for a specified period of time; or
- (d) parking of vehicles for a maximum period of time as is specified; or
- (e) vehicles that display a visitor's ticket or a specified permit in a specified position on the vehicle.

bl. 9

- (3) A person must not park, stand or move a vehicle in a parking space or a parking facility contrary to a direction in a sign.

Penalty: a fine of \$50.

[By-law 8 inserted in Gazette 26 Nov 2010 p. 5940; amended in Gazette 18 Feb 2011 p. 582.]

9. Permit

- (1) In this by-law —
specified means specified in the relevant permit.
- (2) A person who wishes to obtain a permit to park a vehicle on the site is to apply to the relevant chief executive officer or an authorised person.
- (3) An application under sub-by-law (2) must be in a form approved by the chief executive officer.
- (4A) The fee payable for a parking permit is set out in Schedule 2.
- (4B) The chief executive officer or authorised person may issue a parking permit even though the fee for the permit is not paid in full if satisfied that arrangements are in place for the fee for the permit to be paid in instalments.
- (4) The chief executive officer may waive the fee for a parking permit in a case where the chief executive officer believes that there are proper grounds for so doing.
- (5) The chief executive officer or the authorised person to whom the application under sub-by-law (2) is made, may issue to the applicant, a permit that allows the applicant to park a vehicle on the site.
- (6) A permit may be of general application or be issued —
- (a) to allow a specified vehicle only to be parked;
 - (b) to allow a vehicle of a specified person or class of persons only to be parked;
 - (c) to allow a vehicle of a specified class only to be parked;

- (d) to allow a vehicle to be parked only in a specified part of the site;
 - (e) to allow a vehicle to be parked for a specified period of time only.
- (7) A permit expires on the day specified in the permit.
- (8) The chief executive officer or an authorised person may cancel a permit if —
- (a) a vehicle in respect of which the permit is issued is parked on the site in contravention of —
 - (i) these by-laws; or
 - (ii) the terms of the permit;or
 - (b) a person to whom the permit is issued —
 - (i) contravenes these by-laws; or
 - (ii) ceases to be in the category of persons to whom a permit may be issued;or
 - (c) a charge required to be paid in relation to the permit is not paid.
- (9) A person must not park a vehicle on the site in an area that has been set aside for permit holders only, without a current permit to do so.

Penalty for an offence under this sub-by-law: a fine of \$50.

[By-law 9 inserted in Gazette 26 Nov 2010 p. 5940-1; amended in Gazette 18 Feb 2011 p. 583; 23 Dec 2011 p. 5443; 14 Apr 2015 p. 1340.]

10. Refund of permit fees

- (1) A fee paid in advance for a permit may be refunded in accordance with sub-bylaw (2) to a person —
 - (a) who no longer wishes to use the permit; or
 - (b) whose employment at a site ends; or
 - (c) who is granted absence on —
 - (i) long service leave; or
 - (ii) other leave from employment at a site, for a period of at least 4 consecutive weeks.
- (2) The refund is the amount of the fee paid for a week that occurs —
 - (a) after the person ceases to use the permit or ceases employment; or
 - (b) during the period of leave.

[By-law 10 inserted in Gazette 26 Nov 2010 p. 5942; amended in Gazette 23 Dec 2011 p. 5443.]

Part 4 — Infringement notices

[Heading inserted in Gazette 26 Nov 2010 p. 5942.]

11. Terms used

In this Part —

alleged offender includes the responsible person for a vehicle to which an infringement notice is attached;

infringement notice means an infringement notice under by-law 12;

modified penalty means a penalty prescribed in Schedule 3 for an offence under Part 3 or this Part.

[By-law 11 inserted in Gazette 26 Nov 2010 p. 5942; amended in Gazette 8 Jan 2015 p. 186.]

12. Infringement notices

- (1) An authorised person who has reason to believe that a person has committed an offence under Part 3 or this Part may, within 28 days after the alleged offence is believed to have been committed, give an infringement notice to the alleged offender.
- (2) An infringement notice may be given to an alleged offender by delivering it to the alleged offender or by attaching it to the vehicle involved in the commission of the alleged offence.
- (3) An infringement notice is to be in the form of Schedule 4 Form 1, and in every case, is to —
 - (a) contain a description of the alleged offence; and
 - (b) advise that if the alleged offender does not wish to have the alleged offence heard and determined by a court, the amount of money specified in the notice as being the modified penalty for the offence may be paid to an authorised person, other than the authorised person who issued the infringement notice, within a period of 28 days after the giving of the notice.

bl. 13

- (4) In an infringement notice the amount specified as being the modified penalty for the offence referred to in the notice is to be the amount that was the modified penalty at the time the alleged offence is believed to have been committed.
- (5) An authorised person other than the authorised person who issued an infringement notice in a particular case, may extend the period of 28 days within which the modified penalty may be paid and the extension may be allowed whether or not the period of 28 days has elapsed.
- (6) If the modified penalty specified in an infringement notice has been paid within 28 days or such further time as is allowed and the notice has not been withdrawn, the bringing of proceedings and the imposition of penalties are prevented to the same extent as they would be if the alleged offender had been convicted by a court of, and punished for the alleged offence.
- (7) Payment of a modified penalty is not to be regarded as an admission for the purposes of any proceedings, whether civil or criminal.

[By-law 12 inserted in Gazette 26 Nov 2010 p. 5942-3; amended in Gazette 23 Dec 2011 p. 5443-4; 14 Apr 2015 p. 1340.]

13. Withdrawal of infringement notice

- (1) An authorised person other than the authorised person who issued an infringement notice in a particular case, may, whether or not the modified penalty has been paid, withdraw an infringement notice by delivering to the alleged offender a notice in the form of Schedule 4 Form 2 stating that the infringement notice has been withdrawn.
- (2) If an infringement notice is withdrawn after the modified penalty has been paid, the amount is to be refunded.

[By-law 13 inserted in Gazette 26 Nov 2010 p. 5943.]

14. Authorised persons to produce certificate

- (1) The person whom an authorised person has given, or is about to give, an infringement notice may require the authorised person to produce the certificate referred to in by-law 4A(3).
- (2) The authorised person must comply with a request under sub-by-law (1).

[By-law 14 inserted in Gazette 14 Apr 2015 p. 1340-1.]

15. Authorised persons only to endorse and alter infringement notices

A person must not endorse or alter an infringement notice unless the person is an authorised person.

Penalty: a fine of \$50.

[By-law 15 inserted in Gazette 26 Nov 2010 p. 5944.]

16. Restriction on removal of infringement notices

A person must not remove an infringement notice that is attached to a vehicle unless the person is —

- (a) the driver of, responsible person for, or person in charge of, the vehicle; or
- (b) an authorised person.

Penalty: a fine of \$50.

[By-law 16 inserted in Gazette 26 Nov 2010 p. 5944; amended in Gazette 8 Jan 2015 p. 186.]

Schedule 1 — Metropolitan Health Service sites

[bl. 3]

Graylands Selby-Lemnos & Special Care Hospital

Lot 15061 on Deposited Plan 36844
Certificate of Title Volume LR3131 Folio 482

Kalamunda District Community Hospital

Lot 579 on Deposited Plan 180561
Certificate of Title Volume 1391 Folio 317

Rockingham General Hospital

Lot 2285 on Diagram 42897
Certificate of Title Volume LR3052 Folio 865

Murray District Hospital

Lot 352 on Deposited Plan 36578
Certificate of Title Volume 2546 Folio 67
Lot 377 on Deposited Plan 223049
Certificate of Title Volume 2209 Folio 982
Lot 378 on Deposited Plan 223049
Certificate of Title Volume 2209 Folio 983
Lot 300 on Deposited Plan 42796
Certificate of Title Volume LR3135 Folio 544
Lot 1 on Deposited Plan 41004
Certificate of Title Volume 2558 Folio 213

*[Schedule 1 amended in Gazette 26 Nov 2010 p. 5944; 18 Sep 2015
p. 3800.]*

Schedule 2 — Fees

[bl. 9(4A)]

[Heading inserted in Gazette 26 Nov 2010 p. 5944; amended in Gazette 23 Dec 2011 p. 5444.]

Type of permit	Fee
All types of parking permit at Graylands Selby Lemnos & Special Care Hospital	No fee
All types of parking permit at Rockingham General Hospital	No fee
All types of parking permit at Kalamunda District Community Hospital	No fee
All types of parking permit at Murray District Hospital	No fee

[Schedule 2 inserted in Gazette 26 Nov 2010 p. 5944; amended in Gazette 23 Dec 2011 p. 5444; 18 Sep 2015 p. 3800.]

Schedule 3 — Infringement notices and modified penalties

[bl. 12]

[Heading inserted in Gazette 26 Nov 2010 p. 5945.]

By-law	Description of offence	Modified penalty \$
9(9)	Parking in an area on site set apart for permit holders only, without a current permit	30
15	Unauthorised person endorsing or altering an infringement notice	20
16	Removing an infringement notice when not authorised to do so	20

[Schedule 3 inserted in Gazette 26 Nov 2010 p. 5945.]

Schedule 4 — Forms

[bl. 12(3) and 13]

[Heading inserted in Gazette 13 Jun 2014 p. 1879.]

Form 1: Infringement Notice (by-law 12(3))

Government of Western Australia

Department of Health

Metropolitan Access and Parking Department

Metropolitan Health Service By-laws 2008

Infringement No.	Date	Time
Officer ID		
Location		
Car Park		

Offence

Date	Time	
By-law clause		
Description of infringement as per by-laws		
Modified Penalty	If paid before	Full Penalty

Form 1

Vehicle

Reg No.	State
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Billpay Code
Ref

You have 28 days from when this notice was given to you to pay the modified penalty, declare you were not the driver, dispute the allegation or elect to go to court. If you do not, enforcement proceedings will be taken against you.

See over for full payment options.

Metropolitan Access and Parking

You must on or before the due date —

Pay the Infringement

Pay in person at any post office, phone 13 18 16 or go to postbillpay.com.au.

By credit card by phoning 1800 753 191.

By cheque or money order made payable to “Metropolitan Access and Parking” and posted to —

Metropolitan Access and Parking
PO Box 1135
Osborne Park WA 6916

OR

If you were not driving or the responsible person for the vehicle at the time of the alleged offence — submit a declaration giving the full name and address of the driver or responsible person. Documentary proof of sale is required if the vehicle was sold prior to the alleged offence.

A declaration form is downloadable at:

www.health.wa.gov.au/parking/infringement

OR

Dispute the allegation that you committed the offence — you may first dispute the alleged offence informally in writing at the address below.

OR

Elect go to court — fill in below and post to the address below.

If no election is made for an offence —

One reminder notice will be sent (a reminder fee applies).

After that you may (without a court hearing) be convicted of the offence and the unpaid fee amount will be your fine. Court costs will be added.

I,

of

..... Post code

Elect to attend court in relation to the alleged offence.

Dated Signed

If enforcement proceedings are taken against you, your driver’s licence and/or vehicle licence may be suspended until you pay the modified penalty and expenses or you elect to go to court.

Further information is available at:

www.health.wa.gov.au/parking/infringement

or by phoning 1800 753 181 Monday - Friday 8.30 a.m.-4 p.m.

or email : parking@health.wa.gov.au

Metropolitan Access and Parking

PO Box 1135 Osborne Park WA 6916

[Form 1 inserted in Gazette 13 Jun 2014 p. 1879-81; amended in Gazette 8 Jan 2015 p. 186-7.]

Form 2

Form 2: Withdrawal of Infringement Notice (by-law 13)

Government of Western Australia
Department of Health
Metropolitan Access and Parking Department

Date

Infringement Notice

Dear

Infringement notice No. served on you on

for the alleged offence of

.....

.....

is hereby withdrawn and no further action will be taken against you.

If you paid the modified penalty before the Infringement Notice was withdrawn,
please contact 1800 753 191 or post receipt to

Metropolitan Access Parking
PO Box 1135
Osborne Park WA 6916

Your payment will be refunded.

Yours sincerely

Signed for and on behalf of
the Parking Infringement Committee
Metropolitan Access and Parking Department

[Form 2 inserted in Gazette 13 Jun 2014 p. 1881.]

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Notes

¹ This ~~reprint~~ is a compilation ~~as at 4 December 2015~~ of the *Metropolitan Health Service By-laws 2008* and includes the amendments made by the other written laws referred to in the following table ^{1a}. The table also contains information about any reprint.

Compilation table

Citation	Gazettal	Commencement
<i>Metropolitan Health Service By-laws 2008</i>	12 Feb 2008 p. 341-2	bl. 1 and 2: 12 Feb 2008 (see bl. 2(a)); By-laws other than bl. 1 and 2: 13 Feb 2008 (see bl. 2(b))
<i>Metropolitan Health Service Amendment By-laws 2010</i>	26 Nov 2010 p. 5938-47	bl. 1 and 2: 26 Nov 2010 (see bl. 2(a)); By-laws other than bl. 1 and 2: 1 Jan 2011 (see bl. 2(b))
<i>Metropolitan Health Service Amendment By-laws 2011</i>	18 Feb 2011 p. 581-3	bl. 1 and 2: 18 Feb 2011 (see bl. 2(a)); By-laws other than bl. 1 and 2: 19 Feb 2011 (see bl. 2(b))
<i>Metropolitan Health Service Amendment By-laws (No. 2) 2011</i>	23 Dec 2011 p. 5442-5	bl. 1 and 2: 23 Dec 2011 (see bl. 2(a)); By-laws other than bl. 1 and 2: 1 Jan 2012 (see bl. 2(b))
<i>Metropolitan Health Service Amendment By-laws (No. 2) 2014</i>	13 Jun 2014 p. 1878-81	bl. 1 and 2: 13 Jun 2014 (see bl. 2(a)); By-laws other than bl. 1 and 2: 1 Jul 2014 (see bl. 2(b))
<i>Metropolitan Health Service Amendment By-laws 2014</i>	8 Jan 2015 p. 185-7	bl. 1 and 2: 8 Jan 2015 (see bl. 2(a)); By-laws other than bl. 1 and 2: 27 Apr 2015 (see bl. 2(b) and <i>Gazette</i> 17 Apr 2015 p. 1371)
<i>Metropolitan Health Service Amendment By-laws 2015</i>	14 Apr 2015 p. 1337-41	bl. 1 and 2: 14 Apr 2015 (see bl. 2(a)); By-laws other than bl. 1 and 2: 15 Apr 2015 (see bl. 2(b))

Metropolitan Health Service By-laws 2008

Citation	Gazettal	Commencement
<i>Metropolitan Health Service Amendment By-laws (No. 2) 2015</i>	18 Sep 2015 p. 3799-800	bl. 1 and 2: 18 Sep 2015 (see bl. 2(a)); By-laws other than bl. 1 and 2: 19 Sep 2015 (see bl. 2(b))
Reprint 1: The Metropolitan Health Service By-laws 2008 as at 4 Dec 2015 (includes amendments listed above)		

^{1a} [On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.](#)

Provisions that have not come into operation

<u>Short title</u>	<u>Number and year</u>	<u>Assent</u>	<u>Commencement</u>
Health Services Act 2016 s. 307(h) ²	11 of 2016	26 May 2016	To be proclaimed (see s. 2(b))

² [On the date as at which this compilation was prepared, the Health Services Act 2016 s. 307\(h\) had not come into operation. It reads as follows:](#)

307. By-laws and regulations repealed

[These by-laws and regulations are repealed:](#)

[\(h\) Metropolitan Health Service By-laws 2008;](#)