

Western Australia

Hospitals and Health Services Act 1927

Metropolitan Health Service By-laws 2008

As at 01 Jan 2012

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Metropolitan Health Service By-laws 2008

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Defined Terms

Western Australia

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 in these by-laws

In these by-laws —

authorised person, in relation to a Hospital, means an officer or servant of the board authorised in writing by the chief executive officer of the Hospital for the purpose of these by-laws;

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;

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;

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

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,

being the land described in Schedule 1;

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

[By-law 3 amended in Gazette 26 Nov 2010 p. 5939;
18 Feb 2011 p. 582.]

Part 2 — Behaviour on site

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

4. Smoking

A person must not smoke on the site.

Penalty: a fine of \$50.

5. Disorderly persons may be removed from site

A person who —

- (a) uses abusive language; or
- (b) behaves in a manner that is indecent, disorderly or inappropriate,

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

Part 3 — 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.
- (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.

bl. 9

[(4), (5) deleted]

[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: 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.]

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 —

bl. 10

- (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 registered owner of 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.]

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 a complaint of the alleged offence heard and determined by a court, the amount of money specified in the notice as being the modified penalty for the offence may be paid to 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.]*

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 person to have certificate

The chief executive officer is to issue to each authorised person who may issue infringement notices, a certificate stating that the person is so authorised, and the authorised person is to produce the certificate whenever required to do so by a person to whom the authorised person has given or is about to give an infringement notice.

[By-law 14 inserted in Gazette 26 Nov 2010 p. 5944.]

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, registered owner 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.]

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
[Schedule 1 amended in Gazette 26 Nov 2010 p. 5944.]

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

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

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 26 Nov 2010 p. 5945.]***Form 1 — Infringement Notice**

Infringement Notice		
<i>Metropolitan Health Service By-laws 2008</i>		
Notice No.	Issue date	Issue time
Location		
Vehicle		
Plate no. & type	Make	Model/Style
Alleged Offence		
Date		Time
By-law		Modified penalty
Issuing Officer		
Name		Signature/Officer No.

You have 28 days from when this Notice is given to you to pay the modified penalty or elect to go to court. If you don't, enforcement proceedings will be taken against you.

Paying the modified penalty

By post: Send a cheque or money order payable to “Metropolitan Access and Parking” to —

Metropolitan Access and Parking
PO Box 1135
Osborne Park WA 6916

In person: Pay at the Metropolitan Access and Parking Department at —

100 Flinders Street
Mt. Hawthorn WA

OR

Pay at any Australia Post Office or agency.

By telephone: Call 1800 753 191

Electing to go to court

If you wish to elect to go to court, sign here:

..... Date:

then send this notice to —

The Chief Executive Officer
Metropolitan Access and Parking Department
100 Flinders Street
Mt. Hawthorn WA 6016

Make sure you keep a copy. If you go to court and are convicted you may be fined \$50 and ordered to pay costs.

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

[Form 1 inserted in Gazette 23 Dec 2011 p. 5444-5.]

Form 2 — Withdrawal of infringement notice

Metropolitan Health Service By-laws 2008		Notice No.
Withdrawal of infringement notice		
To <i>[Person to whom infringement notice was issued]</i>	Family name	
	Other names	
	Address	
Infringement notice	Infringement notice no.	
	Issued at: <input type="checkbox"/> Graylands Hospital <input type="checkbox"/> Rockingham Hospital <input type="checkbox"/> Kalamunda Hospital	
	Date of issue/...../20.....	
	Alleged offence	
	
	Vehicle plate no.	
<p>The infringement notice has been withdrawn.</p> <p>If you paid the modified penalty before the infringement notice was withdrawn, take your receipt and this notice to the cashier at Graylands Hospital, Rockingham Hospital or Kalamunda Hospital (as the case requires) and your payment will be refunded.</p>		
Notice withdrawn by	Name	
	Signature	
	Date/...../20.....	

[Form 2 inserted in Gazette 26 Nov 2010 p. 5946.]

Notes

- ¹ This is a compilation of the *Metropolitan Health Service By-laws 2008* and includes the amendments made by the other written laws referred to in the following table.

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))

Defined Terms

[This is a list of terms defined and the provisions where they are defined.

The list is not part of the law.]

Defined Term	Provision(s)
alleged offender	11
authorised person	3
chief executive officer.....	3
driver.....	3
Hospital.....	3
infringement notice	11
modified penalty	11
parking facility	3
parking space	3
permit.....	3
registered owner.....	3
sign.....	3
site.....	3
specified.....	8(1), 9(1)
vehicle.....	3

