



Western Australia

Hospitals and Health Services Act 1927

Bentley Hospital By-laws 2001

As at 15 Apr 2015

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Bentley Hospital By-laws 2001

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Defined terms

Bentley Hospital By-laws 2001

Part 1 — Preliminary

1. Citation

These by-laws may be cited as the *Bentley Hospital By-laws 2001*.

2. Interpretation

- (1) In these by-laws, unless the contrary intention appears —
- authorised person*** means a person appointed under by-law 3A as an authorised person for the purposes of the by-law in which the term is used;
- board*** means the board of the Bentley Hospital;
- chief executive officer*** means the person in charge of the day to day management of the affairs of the Bentley Hospital;
- driver***, in relation to a vehicle, includes a rider;
- 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 16;

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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;

roadway means a part of the site set aside for use by vehicular traffic, notwithstanding that it may not be a road within the definition of the *Road Traffic Act 1974*, but excludes a parking facility;

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

speed restriction sign means a sign, in or adjacent to a roadway or a parking facility, that displays a number;

the site means all of the land from time to time within lot 4196 on Part Reserve 43211 and lot 7 on Part Reserve 32081;

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

- (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;
 - (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 2 amended in Gazette 14 Apr 2015 p. 1328.]

3A. 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 7(1), or issue an infringement notice under by-law 18(1), a certificate stating that the person is so authorised.

[By-law 3A inserted in Gazette 14 Apr 2015 p. 1328-9.]

Part 2 — Trespass and order

3. No entry without cause

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

Penalty: a fine of \$50.

[By-law 3 amended in Gazette 14 Apr 2015 p. 1330.]

4. Directions as to use of certain areas

- (1) 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.
- (2) A direction under this by-law may be made subject to specified conditions.
- (3) The chief executive officer may cancel or vary a direction or condition under this by-law.
- (4) In this by-law, *specified* means specified in the sign containing the direction.
- (5) A person must not contravene a direction under this by-law.
Penalty: a fine of \$50.

[By-law 4 amended in Gazette 14 Apr 2015 p. 1330.]

5. 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 5 inserted in Gazette 14 Apr 2015 p. 1329.]

6. Smoking

A person must not smoke on the site.

Penalty: a fine of \$50.

[By-law 6 inserted in Gazette 12 Feb 2008 p. 339-40; amended in Gazette 14 Apr 2015 p. 1330.]

7. 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 3 or 5.
- (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 3A(3).

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

[By-law 7 inserted in Gazette 14 Apr 2015 p. 1329-30.]

Part 3 — Traffic control

Division 1 — Driving and use of vehicles

8. Driving of vehicles

- (1) A person must not drive or bring a vehicle onto a part of the site that is not a roadway or a parking facility, unless the person has permission to do so.
- (2) A person must not drive or bring a vehicle that has an unladen weight of more than 4 tonnes onto the site, unless the person has permission to do so.
- (3) A person must not drive, use, or stand a vehicle in a part of the site contrary to a direction in a sign that relates to that part of the site.
- (4) Sub-by-law (1), (2), or (3) does not apply to a vehicle that is an emergency vehicle.

Penalty applicable to sub-by-law (1), (2) or (3): a fine of \$50.

[By-law 8 amended in Gazette 14 Apr 2015 p. 1330.]

9. Driver to obey reasonable direction

The driver of a vehicle is to obey an authorised person's reasonable direction in relation to the parking or movement of the vehicle on the site, despite that direction being different from a direction in a sign.

Penalty: a fine of \$50.

[By-law 9 amended in Gazette 14 Apr 2015 p. 1330.]

10. Speed limits

- (1) A person must not drive a vehicle on a roadway or parking facility —
 - (a) if no speed restriction sign is displayed, at a speed exceeding 30 kilometres an hour; or

- (b) if a speed restriction sign is displayed in relation to a part of a roadway or parking facility, at a speed exceeding the speed indicated by the speed restriction sign.

Penalty: a fine of \$50.

- (2) Sub-by-law (1) does not apply to the driving of an emergency vehicle.

[By-law 10 amended in Gazette 14 Apr 2015 p. 1330.]

11. Giving way

The driver of a vehicle that is entering or about to enter a parking facility is to give way to a vehicle that is leaving the parking facility.

Penalty: a fine of \$50.

[By-law 11 amended in Gazette 14 Apr 2015 p. 1330.]

12. No instruction or repairs on site

A person must not —

- (a) drive a vehicle on the site for the purpose of giving or receiving driving instructions; or
- (b) repair or adjust a vehicle on the site, except in an emergency.

Penalty: a fine of \$50.

[By-law 12 amended in Gazette 14 Apr 2015 p. 1330.]

Division 2 — Parking

13. 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 13 amended in Gazette 14 Apr 2015 p. 1330.]

14. 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 14 amended in Gazette 14 Apr 2015 p. 1330-1.]

15. Parking in parking spaces

- (1) 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;
 - (b) the vehicle of a specified person or specified class of persons;
 - (c) parking of vehicles for a specified period of time;
 - (d) parking of vehicles for a maximum period of time as is specified; or
 - (e) vehicles that display a specified permit in a specified position on the vehicle.

(2) In this by-law, “**specified**” means specified in a sign.

- (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.

- (4) Without limiting sub-by-law (3), a person must not park a vehicle in a parking space, parking facility, or part of a parking facility set aside for vehicles displaying a specified permit unless the person is the holder of the specified permit that is current.

Penalty: a fine of \$50.

[By-law 15 amended in Gazette 14 Apr 2015 p. 1330-1.]

16. Permit

- (1) A person who wishes to obtain a permit to park a vehicle on the site is to apply to the chief executive officer or an authorised person.
- (2) An application under sub-bylaw (1) —
 - (a) is to be in a form approved by the chief executive officer or an authorised person; and
 - (b) is to be accompanied by a fee of \$2.00 per week for the period for which the permit is sought.
- (3) The chief executive officer or the authorised person to whom the application under sub-bylaw (1) is made, may issue to the applicant, a permit that allows the applicant to park a vehicle on the site.
- (4) 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; or
 - (e) to allow a vehicle to be parked for a specified period of time only.
- (5) A permit expires on the day specified in the permit.
- (6) 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.
- (7) In this by-law, *specified* means specified in the relevant permit.
- (8) 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 16 amended in Gazette 26 Nov 2010 p. 5936;
14 Apr 2015 p. 1330.]*

Part 4 — Infringement notices

17. Interpretation

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 18;

modified penalty means a penalty prescribed in Schedule 1 for an offence under Part 3 or 4.

18. 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 21 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 Form 1 in Schedule 2 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 the cashier of the Bentley Hospital or an authorised person, within a period of 28 days after the giving of the notice.
- (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 18 amended in Gazette 26 Nov 2010 p. 5936.]

19. 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 Form 2 in Schedule 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.

20. 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 3A(3).
- (2) The authorised person must comply with a request under sub-by-law (1).

[By-law 20 inserted in Gazette 14 Apr 2015 p. 1330.]

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21. 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 21 amended in Gazette 14 Apr 2015 p. 1330-1.]

22. 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 22 amended in Gazette 14 Apr 2015 p. 1330-1.]

Part 5 — General

23. Removal of vehicles

- (1) The chief executive officer or an authorised person may order that a vehicle that —
 - (a) is parked in contravention of these by-laws; or
 - (b) has been left on the site for more than 3 days,be removed to a storage place on the site.
- (2) The chief executive officer or an authorised person may order that a vehicle that —
 - (a) is parked in contravention of these by-laws; and
 - (b) is obstructing other vehicles or activities of the Bentley Hospital,be removed immediately to a storage place on the site.
- (3) An authorised person may take such action as is reasonably necessary for the purposes of removing a vehicle under this by-law, by way of unlocking, driving, towing, or otherwise causing the removal of the vehicle.
- (4) The board may retain possession of a vehicle removed and stored under this by-law until the owner of the vehicle has paid to the cashier of the Bentley Hospital or an authorised person, fees to recover the vehicle at the rate of \$50 for the first 24 hours or part thereof and \$5 for each 7 days or part thereof thereafter.

24. Registered owner may be treated as being driver or person in charge of vehicle at time of offence

- (1) If an offence under these by-laws is alleged to have been committed by the driver or person in charge of a vehicle, the chief executive officer or an authorised person may, by written notice delivered to the registered owner of the vehicle, request the name and address of the driver or person in charge of the

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vehicle at the time the offence is alleged to have been committed.

- (2) If the registered owner of the vehicle does not supply the requested details to the chief executive officer or the authorised person (as the case may be) within 14 days of the date of receipt of the notice, the registered owner is to be treated as being the driver or the person in charge of the vehicle at the time the offence is alleged to have been committed.

25. Other offences

A person must not —

- (a) intentionally obstruct an officer or servant of the board in the discharge of his or her duty under these by-laws; or
- (b) remove, damage, deface, or misuse a sign.

Penalty: a fine of \$50.

[By-law 25 amended in Gazette 14 Apr 2015 p. 1330-1.]

Schedule 1 — Infringement Notices and Modified Penalties

[bl. 17]

By-law	Description of offence	Modified Penalty \$
8(1)	Driving or bringing vehicle on part of site other than on roadway or parking facility, without permission	40
8(2)	Driving or bringing onto the site, a vehicle with an unladen weight of more than 4 tonnes, without permission	20
8(3)	Driving, using, or standing on part of site, a vehicle contrary to a sign	40
9	Disobeying an authorised person's reasonable direction	20
10(1)(a)	Driving in excess of 30 kph	40
10(1)(b)	Driving in excess of speed limit indicated by speed restriction sign	40
11	Failing to give way when entering parking facility	20
12(a)	Driving on site for the giving or receiving of driving instruction	20
12(b)	Repairing or adjusting a vehicle on site	10
13	Parking a vehicle on site not in a parking space	40
14	Failing to obey a stop sign on site	45
14	Parking, standing, or moving a vehicle on site contrary to a sign other than a stop sign	40
15(3) & 15(1)(b)	Parking in an area on site set aside for vehicles of disabled persons identified in the manner specified in a sign, contrary to the sign	45

By-law	Description of offence	Modified Penalty \$
15(3) & 15(1)(e)	Displaying a permit in a manner other than that specified in a sign	10
15(3) & 15(1)(e)	Failing to display a permit, contrary to a sign	20
15(3)	Parking, standing, or moving a vehicle in a parking space or parking facility contrary to a sign in relation to vehicles of disabled persons or contrary to any sign other than sign with a direction under by-law 15(1)(e)	40
16(8)	Parking in an area on the site set apart for permit holders only, without a current permit	30
21	Unauthorised person endorsing or altering an infringement notice	20
22	Removing an infringement notice when not authorised to do so	20

Schedule 2 — Forms

[bl. 18(3) and 19]

[Heading inserted in Gazette 13 Jun 2014 p. 1886.]

Form 1: Infringement Notice (by-law 18(3))

Government of Western Australia

Department of Health

Metropolitan Access and Parking Department

Bentley Hospital By-laws 2001

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
---------	-------

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 owner of the vehicle at the time of the alleged offence — submit a declaration giving the full name and address of the driver or owner. 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. 1886-8.]

Form 2

Form 2: Withdrawal of Infringement Notice (by-law 19)

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. 1888-9.]

Notes

¹ This is a compilation of the *Bentley Hospital By-laws 2001* and includes the amendments made by the other written laws referred to in the following table ^{1a}.

Compilation table

Citation	Gazettal	Commencement
<i>Bentley Hospital By-laws 2001</i>	21 Dec 2001 p. 6521-39	21 Dec 2001
<i>Bentley Hospital Amendment By-laws 2008</i>	12 Feb 2008 p. 339-40	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>Bentley Hospital Amendment By-laws 2010</i>	26 Nov 2010 p. 5935-6	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>Bentley Hospital Amendment By-laws (No. 2) 2014</i>	13 Jun 2014 p. 1886-9	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>Bentley Hospital Amendment By-laws 2015</i>	14 Apr 2015 p. 1328-31	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))

^{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

Citation	Gazettal	Commencement
<i>Bentley Hospital Amendment By-laws 2014</i> bl. 3-9 ²	8 Jan 2015 p. 173-6	Operative on the day fixed under the <i>Road Traffic (Administration) Act 2008</i> s. 2(b) (see bl. 2(b))

² On the date as at which this compilation was prepared, the *Bentley Hospital Amendment By-laws 2014* bl. 3-9 had not come into operation. They read as follows:

3. By-laws amended

These by-laws amend the *Bentley Hospital By-laws 2001*.

4. By-law 2 amended

- (1) In by-law 2(1) delete the definition of *registered owner*.
- (2) In by-law 2(1) insert in alphabetical order:

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

- (3) In by-law 2(1) in the definition of *roadway* delete “within the definition of the *Road Traffic Act 1974*,” and insert:

as defined in the *Road Traffic (Administration) Act 2008* section 4,

- (4) In by-law 2(1) in the definition of *vehicle* delete “same definition as in the *Road Traffic Act 1974*.” and insert:

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

5. By-law 17 amended

In by-law 17 in the definition of *alleged offender* delete “registered owner of” and insert:

responsible person for

6. By-law 22 amended

Delete by-law 22(a) and insert:

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

7. By-law 23 amended

In by-law 23(4) delete “owner of” and insert:

responsible person for

8. By-law 24 amended

- (1) In by-law 24(1) delete “registered owner of” and insert:

responsible person for

- (2) In by-law 24(2):

- (a) delete “registered owner of” and insert:

responsible person for

- (b) delete “registered owner is” and insert:

responsible person is

Note: The heading to amended by-law 24 is to read:

Responsible person may be treated as driver or person in charge of vehicle

9. Schedule 2 amended

In Schedule 2 Form 1:

- (a) delete “owner of” and insert:

responsible person for

- (b) delete “owner.” and insert:

responsible person.

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	17
authorised person	2(1)
board	2(1)
chief executive officer	2(1)
driver.....	2(1)
infringement notice	17
modified penalty	17
parking facility.....	2(1)
parking space	2(1)
permission.....	2(2)
permit.....	2(1)
prohibited item.....	5(1)
registered owner.....	2(1)
roadway.....	2(1)
sign.....	2(1)
specified	4(4), 16(7)
speed restriction sign	2(1)
the site	2(1)
vehicle.....	2(1)