

HE305*

Hospitals and Health Services Act 1927

Metropolitan Health Service Amendment By-laws 2015

Made under section 22 of the Act by the Minister in his capacity as the board of each Hospital as defined in the *Metropolitan Health Service By-laws 2008* by-law 3.

1. Citation

These by-laws are the *Metropolitan Health Service Amendment By-laws 2015*.

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 day.

3. By-laws amended

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

4. By-law 3 amended

- (1) In by-law 3 delete “In these” and insert:

(1) In these

- (2) In by-law 3 delete the definition of *authorised person*.

- (3) In by-law 3 insert in alphabetical order:

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;

- (4) At the end of by-law 3 insert:

- (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).

5. By-law 4A inserted

At the end of Part 1 insert:

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.

6. By-laws 4B, 4C and 4D inserted

At the beginning of Part 2 insert:

4B. No entry without cause

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

Penalty: a fine of \$50.

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.

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.

7. By-law 5 replaced

Delete by-law 5 and insert:

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-bylaw (1).
Penalty: a fine of \$50.
- (3) The person whom an authorised person has given, or is about to give, a direction under sub-bylaw (1) may require the authorised person to produce the certificate referred to in by-law 4A(3).
- (4) The authorised person must comply with a request under sub-bylaw (3).

8. By-law 9 amended

In by-law 9(9) in the Penalty delete “Penalty:” and insert:

Penalty for an offence under this sub-bylaw:

9. By-law 12 amended

In by-law 12(3)(b) delete “a complaint of”.

10. By-law 14 replaced

Delete by-law 14 and insert:

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-bylaw (1).

K. HAMES,
The Minister in his capacity as the
board of each Hospital as defined in the
Metropolitan Health Service By-laws 2008
by-law 3.
