

TN304

Government Railways Act 1904

## Government Railways (Parking Stations) Amendment By-law 2020

SL 2020/208

Made by the Public Transport Authority of Western Australia and approved by the Governor in Executive Council.

### 1. Citation

This by-law is the *Government Railways (Parking Stations) Amendment By-law 2020*.

### 2. Commencement

This by-law comes into operation as follows —

- (a) rules 1 and 2 — on the day on which this by-law is published in the *Gazette*;
- (b) the rest of the by-law — on the day after that day.

### 3. By-law amended

This by-law amends the *Government Railways (Parking Stations) By-law 1997*.

### 4. Rule 1 amended

In rule 1(1) insert in alphabetical order:

*paid parking machine* means a machine used to facilitate the payment of a charge set out in Schedule 1 item 1(1);

### 5. Rule 14 replaced

Delete rule 14 and insert:

### 14. Parking charges

- (1) A person must not park a vehicle in a parking space at a paid parking station at any time when a charge applies unless the charge set out in Schedule 1 item 1(1) for the relevant time —
  - (a) if a paid parking machine is installed for the paid parking station — has been paid using a paid parking machine; or

- (b) if the Authority has approved an alternative manner to pay the charge in subrule (2) — has been paid in that manner.
- (2) The Authority may approve an alternative manner of payment for the purposes of this rule by notice published on a website maintained by, or on behalf of, the Authority.

**6. Rule 17 deleted**

Delete rule 17.

**7. Rule 18 amended**

Delete rule 18(3).

**8. Rules 18B to 18D inserted**

After rule 18 insert:

**18B. Charges for recovery of removed vehicle**

If a vehicle is removed under rule 18 —

- (a) the vehicle may be recovered on payment of the charges prescribed in Schedule 1 item 2; and
- (b) the Authority may hold the vehicle until the charges prescribed in Schedule 1 item 2 have been paid.

**18C. Disposal of uncollected vehicles**

- (1) Subject to subrule (2), if a vehicle is not recovered within a period of 2 months, the Authority may sell or otherwise dispose of the vehicle.
- (2) The Authority must not sell or otherwise dispose of the vehicle unless —
  - (a) the Authority has notified the owner of the vehicle by email or post that it is the intention of the Authority to sell or otherwise dispose of the vehicle; or
  - (b) if the Authority is unable to notify the owner by email or post, the Authority has published in a daily newspaper circulating throughout the State notice of the Authority's intention to sell or otherwise dispose of the vehicle.
- (3) If a vehicle is sold, the proceeds of the sale of the vehicle may be used by the Authority to recoup the costs of the removal, custody and sale of the vehicle.

**18D. Recovery of costs**

- (1) If the costs of the removal, custody and disposal of the vehicle exceed the proceeds of a sale (if any) of the vehicle, the amount of the excess may be recovered by the Authority from the owner in a court of competent jurisdiction.
- (2) If the proceeds of a sale (if any) of a vehicle exceed the costs of the removal, custody and disposal of the vehicle, the amount of the excess must be paid to the owner of the vehicle, or, where the identity or whereabouts of the owner is unknown, must be credited to the account referred to in the *Public Transport Authority Act 2003* section 32.

**9. Rule 27 amended**

Delete rule 27(1) and insert:

- (1) An authorised person, who has reason to believe a driver of a vehicle has committed an offence against this by-law, may give the driver a notice in the form of Form 1.
- (1A) The notice is taken to have been given to the driver if the authorised person —
  - (a) leaves the notice in or on the vehicle driven by the driver; or
  - (b) serves the notice on the responsible person for the vehicle in accordance with rule 31.

**10. Rule 28 replaced**

Delete rule 28 and insert:

**28. Responsible person deemed to be driver**

- (1) This rule applies if —
  - (a) an authorised person reasonably believes a driver of a vehicle has committed an offence against this by-law; and
  - (b) the modified penalty payable with respect to the offence has not been paid within the time specified in the notice given under rule 27.
- (2) The authorised person may give the responsible person for the vehicle at the relevant time a notice in the form of Form 2.

- (3) The notice is taken to have been given to the responsible person if the authorised person serves the notice on the responsible person in accordance with rule 31.
- (4) The responsible person is taken to have committed the offence and is liable to pay the penalty prescribed for the offence unless, within 14 days after the day on which the notice is given to the responsible person, the responsible person —
  - (a) provides to the Authority or an authorised person, in writing —
    - (i) the offender's identity and address; or
    - (ii) evidence that the vehicle had been stolen, or was being unlawfully used, at the relevant time;
  - or
  - (b) pays to the Authority the modified penalty.

**11. Rule 32 inserted**

After rule 31 insert:

**32. Averments in prosecution notices**

In a prosecution for an offence against rule 14 or 15, an averment in the prosecution notice stating that at the time of the alleged offence a paid parking machine was or was not operating properly is to be taken to be proved in the absence of evidence to the contrary.

The common seal of the  
Public Transport Authority  
of Western Australia was  
affixed, as authorised by the  
Authority, in the presence  
of —

PETER WORONZOW, A/Chief Executive Officer.

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