

Western Australia

**Women's and Children's Hospitals By-
laws 2005**

As at 19 Dec 2006

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Women's and Children's Hospitals By-laws 2005

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Women's and Children's Hospitals By-laws 2005

Part 1 — Preliminary

1. Citation

These by-laws are the *Women's and Children's Hospitals By-laws 2005*.

2. Interpretation

- (1) In these by-laws, unless the contrary intention appears —
- authorised person*** means an officer or servant of the board authorised in writing by the chief executive officer for the purpose of these by-laws;
- chief executive officer*** means the person in charge of the day to day management of the affairs of the Hospitals;
- driver***, in relation to a vehicle, includes a rider;
- Hospital*** means —
- (a) King Edward Memorial Hospital for Women;
 - (b) Princess Margaret Hospital for Children;
 - (c) State Child Development Centre; or
 - (d) Stubbs Terrace Hospital;
- parking facility*** means land or a structure on the site that contains a parking space;

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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;

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;

site means the land described in Schedule 1;

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

ticket vending machine means a machine situated in a parking facility which, when money is placed in the machine, issues a visitor's ticket;

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

visitor's ticket means a ticket containing the day, date and time the ticket was issued from a ticket vending machine and the time of the ticket's expiry.

- (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 19 Dec 2006 p. 5681.]

Part 2 — Trespass and order

3. No entry without cause

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

Penalty: \$50.

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: \$50.

5. Liquor

A person must not bring any alcoholic beverage onto the site, unless the person has permission to do so.

Penalty: \$50.

6. Smoking

A person must not smoke on the site.

Penalty: \$50.

7. 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 — 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) This by-law does not apply to a vehicle that is an emergency vehicle.

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

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: \$50.

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 8 km/h; 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: \$50.

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

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: \$50.

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: \$50.

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: \$50.

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: \$50.

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 visitor's ticket or 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: \$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 either a visitor's ticket or a specified permit unless the person is the holder of the specified permit that is current or the person —
 - (a) has paid into a ticket vending machine the prescribed charge for parking the vehicle for the period of time during which the vehicle is parked; and
 - (b) displays, in accordance with any direction in the sign, the visitor's ticket for that period of parking issued from the ticket vending machine.
- (5) For the purposes of sub-by-law (4), the prescribed charge is 60 cents for every hour or part of hour.

[By-law 15 amended in Gazette 19 Dec 2006 p. 5682.]

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 payment of a fee of \$7.20 per week for the period for which the permit is sought.
- (2a) The chief executive officer may waive the fee under sub-bylaw (2)(b) in a case where the chief executive officer or authorised person believes that there are proper grounds for doing so.
- (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: \$50.
[By-law 16 amended in Gazette 19 Dec 2006 p. 5682.]

16A. Refund of permit fees

- (1) A fee paid in advance for a permit may be refunded in the manner set out in sub-bylaw (2) to a person —
- (a) who no longer wishes to use the permit; or
 - (b) whose employment at the Hospital ends; or
 - (c) who is granted absence on —
 - (i) long service leave; or
 - (ii) other leave from employment at the Hospital, for a period of at least 4 consecutive weeks.
- (2) The refund is to be —
- (a) in the case of a person to whom sub-bylaw (1)(a) or (b) applies, an amount in the same proportion to the amount of fees paid as is represented by the period of the permit that remains unexpired after the last day the person uses the permit or the last day of employment at the Hospital

(as the case may be), in proportion to the period for which the permit was issued; or

- (b) in the case of a person to whom sub-by-law (1)(c) applies, an amount in the same proportion to the amount of fees paid as is represented by the period of leave in proportion to the period for which the permit was issued.

[By-law 16A inserted in Gazette 19 Dec 2006 p. 5682-3.]

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 2 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 3 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 —
 - (i) the cashier of King Edward Memorial Hospital for Women or Princess Margaret Hospital for Children; or
 - (ii) 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.

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 3 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 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

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the authorised person has given or is about to give an infringement notice.

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: \$50.

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: \$50.

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 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 —
 - (a) the cashier of King Edward Memorial Hospital for Women or Princess Margaret Hospital for Children; or
 - (b) 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.

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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 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: \$50.

Schedule 1 — Hospital sites

[bl. 2]

King Edward Memorial Hospital for Women

- 1 Perth Suburban Lots 229 and 230, folio 535
- 2 Portion of Perth Suburban Lot 228, being part of Lot 17 on Plan 1178
- 3 Portion of Perth Suburban Lot 228, being part of Lot 17 on Plan 1178
- 4 Portion of Perth Suburban Lot 228, being part of Lot 18 on Plan 1178
- 5 Portion of Perth Suburban Lot 228, being part of Lots 18 and 19 on Plan 1178
- 6 Portion of Suburban Lot 228, being part of Lot 19 on Plan 1178
- 7 Portion of Perth Suburban Lot 228, being Lot 20 on plan 1178
- 8 Portion of Perth Suburban Lot 228, being Lots 108 to 117 (inclusive) on Plan 1178 and Lots 1, 2, 3 and 4 on Diagram 22405
- 9 Portion of Perth Suburban Lot 228, being Lot 24 on Plan 1178
- 10 Portion of Perth Suburban Lot 228, being Lot 23 of Plan 1178
- 11 Portion of Perth Suburban lot 228, being part of Lot 22 on Plan 1178
- 12 Portion of Perth Suburban Lot 228, being Lot 21 and part of Lot 22 on Plan 1178
- 13 Crown Reserve 40541, Swan Location, Lot 11162

Princess Margaret Hospital for Children

Main site and surrounding car parks

- 1 Perth Lot 903 on Diagram 82676
- 2 Perth Lot 930 on Diagram 83862
- 3 Perth Lot 17 on Plan 1418
- 4 Portion of Perth Town Lots H117 and H120, being Lot 5 on
 Diagram 66626
- 5 Portion of Perth Town Lots H117 and H20, being Lot 47 on
 Plan 123
- 6 Portion of Perth Town Lots H117, H119, and H120, being Lot 46
 on Plan 123
- 7 Portion of Perth Town Lots H117 and H119, being Lot 45 on
 Plan 123
- 8 Portion of Perth Town Lots H117 and H119, being Lot 44 and part
 of Part Lot 43 on Plan 123
- 9 Part Lot 43 on Plan 123
- 10 Lot 42 on Plan 123
- 11 Portion of Perth Town Lot H119, being Lot 28 on Plan 123
- 12 Portion of Perth Town Lot H119, being Lot 29 on Plan 123
- 13 Portion of Perth Town Lot H119, being Lot 1 on Diagram 20062
- 14 Portion of Perth Town Lot H119, being Lot 2 on Diagram 20062

Other sites

- 15 Reserve 8806, being Perth Location 441 on Diagram 7083
 (cnr Thomas St and Subiaco Rd)
 The part of the Reserve that the Minister in his capacity as the
 board of the Hospital has an exclusive right to use as a car park,
 while that right subsists

-
- 16 Certificate of Title Volume 483 Folio 133 being portion of Perth
Town Lot H117 and being Lot 53 and part of Lot 56 on
Plan 123 (36-38 Hay Street, Subiaco)
while it is leased for the purposes of the Hospital
- 17 Certificate of Title Volume 1401 Folio 380 being portion of Perth
Town Lot H117 and being Lot 54 and part of Lots 55 and 56
on Plan 123 (36-38 Hay Street, Subiaco)
while it is leased for the purposes of the Hospital
- 18 Certificate of Title Volume 1409 Folio 836 being portion of Perth
Town Lot H117 and being Lot 54 and part of Lots 55 and 56
on Plan 123 (36-38 Hay Street, Subiaco)
while it is leased for the purposes of the Hospital
- 19 Certificate of Title Volume 1409 Folio 835 being portion of Perth
Town Lot H116 and being part of the land on Diagram 3964
(36-38 Hay Street, Subiaco)
while it is leased for the purposes of the Hospital
- 20 Certificate of Title Volume 2134 Folio 980 being Lot 200 on
Deposited Plan 31327 (80 Hay Street, Subiaco)
while it is leased for the purposes of the Hospital
- 21 Certificate of Title Volume 2134 Folio 981 being Lot 201 on
Deposited Plan 31327 (82 Hay Street, Subiaco)
while it is leased for the purposes of the Hospital
- 22 Certificate of Title Volume 2543 Folio 897 being Lot 3 on Strata
Plan 44045 (Level 1, 110 Hay St, Subiaco)
So much of the premises as is leased for the purposes of the
Hospital, while it is leased for that purpose

State Child Development Centre

Crown Reserve 33853. Lot 890

Stubbs Terrace Hospital

Part of Crown Reserve 20074 bounded by Stubbs Terrace to the east, Grace Vaughan House to the north and perimeter fences to the south and west.

Schedule 2 — Infringement notices and modified penalties

[bl. 18]

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 8 km/h	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(1)(b) and (3)	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
15(1)(e) and (3)	Displaying a permit in a manner other than that specified in a sign	10
15(1)(e) and (3)	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

By-law	Description of offence	Modified penalty (\$)
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 3 — Forms

[bl. 18 and 19]

1. **Form 1: Infringement Notice (by-law 18)**

<i>Women's and Children's Hospitals By-laws 2005</i>		Notice No:	
Infringement Notice			
Hospital	<input type="checkbox"/> King Edward Memorial Hospital for Women <input type="checkbox"/> Princess Margaret Hospital for Children <input type="checkbox"/> State Child Development Centre <input type="checkbox"/> Stubbs Terrace Hospital		
Vehicle	Make		
	Model		
	Plate no.	Colour	
Alleged offence	Description of offence		
	By-law		
	Date and time/...../20..... a.m./p.m.		
	Modified penalty \$		
Issuing officer	Name		
	Signature		
	Date/...../20.....		
What you must do	<p>You have 28 days from when this notice was 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.</p> <p>To pay the modified penalty —</p> <p>By post: Send your payment to — Women's and Children's Health Service PO Box 134, Subiaco, WA 6904</p> <p>In person: Pay the cashier at King Edward Memorial Hospital for Women or Princess Margaret Hospital for Children.</p> <p>To elect to go to court, sign this Notice here then send it to the Chief Executive Officer of the Women's and Children's Health Service, PO Box 134 Subiaco, WA 6904. Make sure you keep a copy.</p> <p>If you go to court and are convicted you may be fined \$50 and ordered to pay costs.</p> <p>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.</p>		

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

<i>Women's and Children's Hospitals By-laws 2005</i>		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"/> King Edward Memorial Hospital for Women <input type="checkbox"/> Princess Margaret Hospital for Children <input type="checkbox"/> State Child Development Centre <input type="checkbox"/> Stubbs Terrace Hospital	
	Date of issue/...../20.....	
	Alleged offence	
	
Vehicle plate no.		
The Infringement Notice has been withdrawn. If you paid the modified penalty before the Infringement Notice was withdrawn, take your receipt and this notice to the cashier at King Edward Memorial Hospital for Women or Princess Margaret Hospital for Children and your payment will be refunded.		
Notice withdrawn by	Name	
	Signature	
	Date/...../20.....	

Notes

- ¹ This is a compilation of the *Women's and Children's Hospitals By-laws 2005* and includes the amendments made by the other written laws referred to in the following table.

Compilation table

Citation	Gazettal	Commencement
<i>Women's and Children's Hospitals By-laws 2005</i>	28 Jan 2005 p. 481-504	28 Jan 2005
<i>Women's and Children's Hospitals Amendment By-laws 2006</i>	19 Dec 2006 p. 5681-3	19 Dec 2006