

Queen Elizabeth II Medical Centre (Delegated Site) Amendment By-laws 2010

Made under section 13(2e)(b) of the Act by the Minister in his capacity as the board of Sir Charles Gardiner Hospital with the approval of the Governor given on the recommendation of the Trust.

1. Citation

These by-laws are the *Queen Elizabeth II Medical Centre (Delegated Site) Amendment By-laws 2010*.

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 *Queen Elizabeth II Medical Centre (Delegated Site) By-laws 1986*.

4. By-law 3 amended

- (1) In by-law 3(1) delete the definitions of:

parking space

permit

- (2) In by-law 3(1) insert in alphabetical order:

parking permit means a permit granted under by-law 26AD;

parking space means a place on the site set aside and identified as a place where a vehicle may be parked;

prescribed fee, in relation to a matter, means the fee specified for that matter in Schedule 1;

- (3) In by-law 3(1) in the definition of *ticket vending machine* delete “which, on the placing therein of a coin or coins,” and insert:

which

5. By-law 8A inserted

After by-law 7 insert:

8A. Smoking

A person who smokes on the site commits an offence.

6. By-law 18 amended

In by-law 18 delete “*Road Traffic Code 1974*” and insert:

Road Traffic Code 2000

Note: The heading to amended by-law 18 is to read:

Application of *Road Traffic Code 2000*

7. By-law 20 replaced

Delete by-law 20 and insert:

20. Use of roads on site

- (1) A person must not drive a vehicle —
 - (a) on Hospital Avenue; or
 - (b) on any part of —
 - (i) Gairdner Drive; or
 - (ii) Banksia Road; or
 - (iii) Caledonia Road,where a sign prohibiting vehicles is displayed,
except for the purposes of entering or leaving a parking facility.
- (2) Sub-by-law (1) does not apply if the vehicle is —
 - (a) an ambulance; or
 - (b) a patient transfer vehicle; or
 - (c) a delivery vehicle; or
 - (d) a shuttle bus for persons working on the site; or
 - (e) a bus involved in the provision of a public passenger transport service by the Public Transport Authority of Western Australia under the *Public Transport Authority Act 2003*; or
 - (f) a vehicle operated as a taxi under the *Taxi Act 1994*; or
 - (g) a vehicle licensed as a taxi under the *Transport Co-ordination Act 1966*.

8. By-law 25 amended

Delete by-law 25(3), (3a) and (4).

9. By-laws 26 and 26A replaced

Delete by-laws 26 and 26A and insert:

26. Types of parking areas

- (1) The secretary may set aside a parking facility, or part of a parking facility as —
 - (a) a ticket parking area or a boom gate controlled ticket parking area for the purposes of by-law 26AA; or
 - (b) a paid staff parking area for the purposes of by-law 26AB; or
 - (c) a permit parking area for the purposes of by-law 26AC.
- (2) An area set aside under sub-by-law (1) must be identified as such by a sign or signs.

26AA. Parking in ticket parking area or boom gate controlled ticket parking area

- (1) In this by-law —

boom gate controlled ticket parking area means a boom gate controlled ticket area set aside under by-law 26(1)(a);

ticket parking area means a ticket parking area set aside under by-law 26(1)(a).
- (2) A person must not park a vehicle in a ticket parking area unless —
 - (a) the person has purchased a ticket by paying the prescribed fee for the length of time for which the vehicle is to be parked; and
 - (b) if a sign in the parking area requires that the ticket be displayed in the vehicle — the ticket is displayed as required.
- (3) A person must not drive a vehicle into or park a vehicle in a boom gate controlled ticket parking area unless the person has obtained a ticket from a ticket vending machine situated at the entrance to the parking area.
- (4) A person must not remove a vehicle from a boom gate controlled ticket parking area without paying the prescribed fee for the length of time for which the vehicle has been parked before removing the vehicle from the parking area.

26AB. Parking in paid staff parking area

- (1) In this by-law —
eligible staff member means a person who is in a class of persons determined by the secretary under sub-by-law (5);
paid staff parking area means an area set aside under by-law 26(1)(b).
- (2) A person must not park a vehicle in a paid staff parking area unless the person is an eligible staff member.
- (3) An eligible staff member who parks a vehicle in a paid staff parking area must pay the prescribed fee for the length of time for which the vehicle has been parked before removing the vehicle from the parking area.
- (4) A fee payable under this by-law is to be paid in a manner approved by the secretary.
- (5) The secretary may determine classes of persons who are eligible to park in paid staff parking areas.

26AC. Parking in permit parking area

- (1) In this by-law —
permit parking area means an area set aside under by-law 26(1)(c).
- (2) A person must not park a vehicle in a permit parking area unless —
 - (a) the person holds a parking permit of the class (if any) for which the area is set aside; and
 - (b) the person parks the vehicle in accordance with that permit; and
 - (c) the permit is displayed in or on the vehicle in the manner specified in the permit.

26AD. Parking permits

- (1) The secretary may determine classes of parking permits and the eligibility criteria for each class of parking permit.
- (2) An authorised person may grant parking permits of such classes and subject to any conditions the authorised person thinks fit.
- (3) Without limiting sub-by-law (2) a parking permit may be subject to conditions relating to all or any of the following —
 - (a) the vehicle, vehicles, or kind of vehicles, to which it relates;

- (b) the areas in which the permit holder is permitted to park;
 - (c) the times during which, or period of time for which, the permit holder is permitted to park;
 - (d) the number of persons who must be in the vehicle at the time it arrives at, or departs from, the site.
- (4) A parking permit —
- (a) takes effect on the day specified in it; and
 - (b) remains in effect for the period specified in it, unless it is cancelled before the end of that period.
- (5) If the holder of a parking permit of a particular class ceases to satisfy any of the eligibility criteria for that class of permit, the permit holder must notify an authorised person.

26AE. Application for parking permit

- (1) A person may apply to an authorised person for the grant of a parking permit.
- (2) An application must be made in writing in a form approved by the secretary.
- (3) An applicant must provide the authorised person with any additional information or document that the authorised person asks for.
- (4) If an applicant does not comply with the requirements of this by-law the authorised person may decline to deal with the application and is to advise the applicant accordingly.
- (5) An applicant or other person must not give information in relation to an application that the person knows to be —
 - (a) false or misleading in a material particular; or
 - (b) likely to deceive in a material way.

26AF. Fees for parking permits

- (1) The prescribed fee is payable for a parking permit.
- (2) The fees for a parking permit must be paid —
 - (a) in full for the whole of the period for which the permit is to be in force paid when the permit is issued; or
 - (b) in fortnightly payments made by way of payroll deduction; or
 - (c) in any other manner approved by the secretary.

- (3) An authorised person must not grant a parking permit unless at the time it is granted —
 - (a) the applicant pays the fee for the permit in accordance with sub-bylaw (2)(a); or
 - (b) the authorised person is satisfied that arrangements are in place for the fees for the permit to be paid in accordance with sub-bylaw (2)(b); or
 - (c) the authorised person is satisfied that the fees for the permit have been or will be paid in accordance with sub-bylaw (2)(c).

26AG. Cancellation of parking permit

- (1) There are grounds for cancelling a parking permit if —
 - (a) in the case of a permit holder who pays the fees for the permit in accordance with by-law 26AF(2)(b) or (c) — the permit holder fails to make any payment when it becomes due; or
 - (b) the permit holder fails to comply with a condition on the permit; or
 - (c) the permit holder breaches any of the by-laws in this Part; or
 - (d) the permit was granted in error in consequence of information provided in breach of by-law 26AE(5); or
 - (e) the permit holder ceases to satisfy any of the eligibility criteria for the relevant class of permit; or
 - (f) the secretary has determined that it is not practicable, for reasons relating to the operation or development of the site, for permits of a class to which the permit belongs to remain in force; or
 - (g) the permit holder requests that the permit be cancelled.
- (2) If an authorised person considers that there are grounds for cancelling a parking permit under sub-bylaw (1)(a) to (e), the authorised person may cancel the permit by giving the permit holder 14 days written notice.
- (3) If the secretary has made a determination under sub-bylaw (1)(f) in relation to a class of parking permits, an authorised person may cancel a parking permit in that class by giving the permit holder 60 days written notice.

- (4) If the permit holder requests an authorised person to do so, the authorised person may cancel the permit by giving the permit holder written notice.
- (5) The notice given under this by-law must set out the grounds on which the permit is cancelled.

26AH. Refund of parking permit fees

- (1) If a parking permit is cancelled on a ground referred to in by-law 26AG(1)(f) or (g) the secretary must cause any permit fee paid for any week commencing on or after the day on which the permit is cancelled to be refunded to the permit holder.
- (2) If a parking permit is cancelled on the ground referred to in by-law 26AG(1)(e) the secretary may cause any permit fee paid for any week commencing on or after the day on which the permit is cancelled to be refunded to the permit holder.
- (3) If an authorised person is satisfied that a permit holder will not park, or has not parked, on the site for a continuous period exceeding 4 weeks, the authorised person may waive the fees payable for the permit for that period.

10. By-law 26B amended

In by-law 26B(3) delete “fees for recovery of it at the rate of \$200 for the first 24 hours or part thereof and \$20 for each 7 days or part thereof thereafter.” and insert:

the prescribed fee.

11. By-law 27 amended

In by-law 27 in the definition of *alleged offender* after “includes” insert:

the

12. By-law 30 amended

In by-law 30(2)(d) delete “a complaint of”.

13. Schedule 1 inserted

After regulation 36 insert:

Schedule 1 — Fees

[bl. 3]

By-law		Fee
26AA(2) or 26AA(4)	Ticket parking — per hour (a) in parking area where maximum permitted length of stay is 3 hours (b) in other parking area	\$1.50 \$1.30
26AB(3)	Paid staff parking — per day	\$0.90
26AF(1)	Parking permit — per week (a) permit holder whose normal working hours exceed 3 days a week (b) permit holder whose normal working hours are 3 days a week or less	\$7.50 \$5.00
26B(3)	Removal and storage of vehicle (a) basic fee plus (b) if vehicle is stored for more than 24 hours — for each 7 days or part of 7 days for which vehicle is stored after first 24 hours	\$200 \$20

14. Schedule 2 amended

- (1) In Schedule 2:
 - (a) delete the items for by-laws 4, 5 & 8, 6, 7, 9, 10, 11, 12, 13, 14, 15, 25(3), 25(4) and 26(10);
 - (b) after the item for by-law 15 delete the heading “TRAFFIC”.

- (2) In Schedule 2 insert in numerical order:

26AA(2)	Parking in ticket parking area —	
	(a) failing to purchase ticket for required period	20
	(b) failing to display ticket	30
26AA(3)	Parking in boom gate controlled ticket parking area without a ticket	20

26AA(4)	Removing a vehicle from boom gate controlled ticket parking area without paying the prescribed fee	20
26AB(2)	Parking in paid staff parking area when not an eligible staff member	45
26AB(3)	Failing to pay before leaving a paid staff parking area	20
26AC(2)	Unlawfully parking in a permit parking area	45

Dr KIM HAMES MLA
The Minister in his capacity as the board of
Sir Charles Gardiner Hospital

STEVEN COLE, Chairman
Recommended by The Queen Elizabeth II
Medical Centre Trust

Approved by the Governor,

PETER CONRAN, Clerk of the Executive Council.