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**CURTIN UNIVERSITY OF TECHNOLOGY ACT 1966**

It is hereby notified that the Governor in Executive Council, acting under the provisions of Section 20A of the *Curtin University of Technology Act 1966*, has approved Curtin University of Technology Land and Traffic By-laws 2008 as set out in the attached schedule.

Dr ELIZABETH CONSTABLE MLA, Minister for Education; Tourism.  
R. KENNEDY, Clerk of the Executive Council.

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**CURTIN UNIVERSITY OF TECHNOLOGY ACT 1966****CURTIN UNIVERSITY OF TECHNOLOGY LAND AND TRAFFIC BY-LAWS 2008**

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**CURTIN UNIVERSITY OF TECHNOLOGY ACT 1966****CURTIN UNIVERSITY OF TECHNOLOGY LAND AND TRAFFIC BY-LAWS 2008**

These By-laws are made by the Council of the University, with the approval of the Governor, under the powers conferred on the University by section 20A of the *Curtin University of Technology Act 1966*.

**PART 1—GENERAL PROVISIONS****1.1 Citation**

These By-laws may be cited as the *'Land and Traffic By-laws 2008'*.

**1.2 Commencement**

These By-laws take effect from the date that they are published in the *Government Gazette*.

**1.3 Interpretation**

(1) In these By-laws, unless the contrary intention appears—

**'access permit'** means a valid permit granted under by-law 2.1.

**'Act'** means the *Curtin University of Technology Act 1966*.

**'authorised'**, in relation to an activity or thing, means authorised by a permit or by an authorised person, and **'without authority'** means without the authority of a permit or an authorised person.

**'authorised person'** means—

- (a) the Vice-Chancellor; or
- (b) any member of the staff of the University authorised by the Vice-Chancellor in respect of the matter referred to in the by-law in which the expression is used.

**'electronic parking ticket'** means a notice or sign displayed by any electronic or other device indicating that the parking of a vehicle is permitted.

**'fee collection machine'** means a machine installed in or in relation to a parking area which, on the insertion of money or other form of authorised payment, produces a parking ticket.

**'holder'** means the holder, or person acting on behalf of the holder, of a permit.

**'infringement notice'** means a notice issued under by-law 4.5.

**'modified penalty'**, in relation to a breach of a by-law, is the amount appearing in the final column of the table in the Schedule directly opposite the reference to that by-law.

**'owner'**—

- (a) where used in relation to a vehicle licensed under the *Road Traffic Act 1974*, means the person in whose name the vehicle has been licensed under that Act; and
- (b) where used in relation to any other vehicle, means the person who owns, or is entitled to possession of, the vehicle.

**'park'** means allow a vehicle, whether attended or not, to remain stationary, except for the purpose of—

- (a) avoiding conflict with other traffic; or
- (b) complying with any written law.

**'parking area'** means a road, place or facility, or any part of a road, place or facility—

- (a) that is determined to be, or is set apart as, a parking area by the Council, the Vice-Chancellor or an authorised person under by-law 3.6; and
- (b) that is available to the public generally, or to a specified class of persons, for the parking of a vehicle,

whether or not a fee is charged.

**'parking bay'** means a section of a parking area that is marked or defined in any way to indicate where a vehicle may park.

**'parking permit'** means a valid permit to park a vehicle issued under by-law 3.1.

**'parking ticket'** means—

- (a) a physical parking ticket; or
  - (b) an electronic parking ticket,
- that permits the parking of a vehicle.

**'permit'** means a parking permit or an access permit.

**'physical parking ticket'** means a parking ticket, comprised of paper or other material, that is issued from a fee collection machine.

**'police officer'** means a member of the Police Force, including a special constable, under the *Police Act 1892*.

**'traffic sign'** means an authorised marking, notice, device or sign to regulate or control—

- (a) the movement of vehicles and traffic generally; or
- (b) the parking of vehicles.

**'University lands'** has the same meaning as the definition of 'University land' in section 20A(1) of the Act.

Note: section 20A(1) of the Act defines 'University lands' to mean—

'...land described in Schedule 1 and any other land vested in or under the management and control of the University for the purposes of this Act and includes all buildings, structures and erections of whatsoever kind or nature and whether permanent or temporary, standing or being on any such lands.'

**'vehicle'** includes car, truck, bus, motor cycle, motor scooter, bicycle, semi-trailer or caravan and any other form of conveyance or trailer, however ridden, driven or propelled.

**'Vice-Chancellor'**, in relation to a particular function, includes a person to whom the Vice-Chancellor has delegated that function.

(2) *Statute No. 2—Interpretation* applies to, and is taken to be incorporated in, these By-laws.

#### 1.4 Application

These By-laws apply—

- (a) within the boundaries of the University lands, and to every part of the University lands; and
- (b) to every person who is at any time on the University lands.

#### 1.5 Delegation and authorisation

The Vice-Chancellor may—

- (a) delegate to any person any of his or her functions under these By-laws;
- (b) authorise any person to carry out, on behalf of the Vice-Chancellor, any of the Vice-Chancellor's functions under these By-laws; and
- (c) authorise any member of the staff of the University to be an authorised person.

#### 1.6 Revocation

The Curtin University of Technology Land and Traffic By-Laws published in the *Government Gazette* on 7 March 1975 are revoked.

## PART 2—LAND BY-LAWS

### *Division 1—Access Permits*

#### 2.1 Grant of access permits

(1) The Council, the Vice-Chancellor or an authorised person may grant to any person an access permit.

(2) An access permit—

- (a) is to be in the form approved by the Vice-Chancellor;
- (b) may be granted subject to conditions;
- (c) may specify—
  - (i) the period during which it is, or is to be, valid; and
  - (ii) the place, facility or other part of the University lands to which it applies; and
- (d) is not transferable.

(3) Unless varied, suspended or revoked, an access permit is to be current until the date of expiry specified on the access permit.

#### 2.2 Rights and obligations of holder

(1) An access permit entitles the holder to access that part of the University lands to which the permit applies in accordance with the terms, and during the currency, of the permit.

(2) The holder of an access permit must comply with—

- (a) any condition to which the permit is subject; and
- (b) these By-laws.

(3) The holder of an access permit must—

- (a) have the permit with him or her at all times while he or she is on University lands; and
- (b) produce the permit, when requested or directed to do so, to an authorised person.

#### 2.3 Power to vary, suspend or revoke

(1) If the holder of a access permit breaches a by-law, an authorised person—

- (a) may, after giving the holder an opportunity to be heard, vary, suspend or revoke the permit; and
- (b) must give written notification to the holder of the variation, suspension or revocation.

(2) Within 7 days of being given written notification under this by-law, a person whose access permit has been varied, suspended or revoked may appeal against the variation, suspension or revocation to a committee consisting of such persons as the Vice-Chancellor may determine.

(3) The committee may affirm, vary or revoke the variation, suspension or revocation.

#### **2.4 Access permit breaches**

A person must not—

- (a) give false or misleading information in connection with an application for an access permit;
- (b) falsify or interfere with an access permit; or
- (c) display or represent anything to be an access permit that is not an access permit issued under these By-laws.

#### *Division 2—Powers to Restrict Entry Or Uses*

#### **2.5 Declaration of specific permitted uses**

The Council, or the Vice-Chancellor, may declare that—

- (a) a part of the University lands be set apart for a purpose specified in the declaration; and
- (b) the part so set aside may be used only for that purpose, and by such persons (if any) and at such times (if any) as are specified in the declaration.

#### **2.6 Power to prohibit entry by individuals**

(1) The Vice-Chancellor may notify, and if so directed by the Council must notify, in writing a person whose presence on the University lands (or any part of the University lands) is, in the opinion of the Council or the Vice-Chancellor, not in the interests of the University, that he or she is prohibited from entering or remaining on the University lands (or any part of the University lands).

(2) A person who is notified under this by-law—

- (a) must comply with the terms of the notification; and
- (b) who attempts to enter or remain on University lands in breach of the notification may, for the purpose of giving effect to the notification—
  - (i) be prevented by an authorised person or a police officer from entering the University lands; and
  - (ii) be removed by an authorised person or a police officer from the University lands.

(3) A notification under this by-law—

- (a) is to specify whether it takes effect immediately or, if not, when it takes effect;
- (b) may specify a particular time and date during which it remains in force, or may specify that it remains in force until a further notification under this by-law; and
- (c) may be varied or revoked at any time by the Vice-Chancellor.

(4) A person who is notified under this by-law may appeal to the Council against the notification, but unless and until the Council allows the appeal, the notification is to have full force and effect.

#### **2.7 Power to declare a ‘no-go’ area**

(1) The Vice-Chancellor may give a written direction that a part of the University lands that is specified in the direction be vacated by, and closed to, anyone who is not an authorised person.

(2) A direction given under this by-law—

- (a) is to specify whether it takes effect immediately or, if not, when it takes effect;
- (b) may specify a particular time and date during which it remains in force, or may specify that it remains in force until a further direction under this by-law; and
- (c) may be varied or revoked at any time by the Vice-Chancellor.

(3) A person who is informed of a direction under this by-law—

- (a) must comply with the terms of the direction; and
- (b) who attempts to enter or remain on that part of the University lands that is specified in the direction may be prevented from entering, and may be removed from, that part of the University lands by an authorised person or a police officer.

#### *Division 3—Restrictions On Entry Or Use*

#### **2.8 Restrictions on entry**

(1) A person must not enter or remain on University lands unless he or she is—

- (a) a member of the Council of the University, a member of the staff of the University or the Student Guild, a student or an employee of a business established or conducted on the University lands;
- (b) a person pursuing a course of study at the University;
- (c) a person lawfully using the University’s facilities, or is otherwise lawfully on University lands;
- (d) a person who holds an access permit and who has complied with all the terms and conditions of the permit; or

- (e) a person who enters or remains on the University lands in good faith for the purpose of visiting the University or for transacting lawful business or having lawful dealings with the University or with a person lawfully on the University lands unless the business or other dealing has been prohibited by the University.

(2) A person must not, without authority, enter or remain on any part of the University lands which is not customarily open to entry to that person or to which the Vice-Chancellor has prohibited entry.

### **2.9 Littering**

A person must not throw or leave rubbish, refuse, paper, bottles, glass (broken or otherwise) or litter of any kind except in a receptacle provided for the purpose.

### **2.10 Offensive behaviour**

A person must not—

- (a) assault or attempt to threaten to assault any other person;
- (b) use abusive or insulting language or do or engage in any offensive, indecent, or improper act, conduct or behaviour; or
- (c) otherwise act in such a way as to cause or be likely to cause a nuisance or annoyance to other persons on or in the vicinity of the University lands.

### **2.11 Indecent publications**

A person must not write, print, distribute or publish any indecent or obscene words or pictures or representations of any kind.

### **2.12 Unauthorised publications**

A person must not, without authority—

- (a) post, paint or otherwise affix to any building, sign, structure, vehicle or tree on the University lands or publish or distribute within the University lands any placard, paper, notice or advertisement or other written, printed or graphic matter; or
- (b) write on, draw on, paint or deface any building, sign, structure, vehicle or tree on the University lands,

but this by-law does not apply to the posting of notices on boards provided for the purpose or the distribution of matter in the course of lawful and customary University or student activities.

### **2.13 Liquor**

A person must not bring or keep, or cause to be brought or kept, or consume intoxicating liquor on any part of the University lands, unless he or she—

- (a) does so in accordance with a licence under the *Liquor Control Act 1988* or is otherwise permitted so to do under that Act; or
- (b) is otherwise authorised to do so.

### **2.14 Protection of flora**

A person must not, without authority—

- (a) cut, break, deface, pick, injure, destroy or remove any tree, shrub, plant, flower, garden or lawn;
- (b) damage, remove or interfere with any stake or label on or near any tree, shrub, plant, flower garden or lawn; or
- (c) walk on or cause damage to, any bed containing or being prepared for shrubs or flowers.

### **2.15 Protection of fauna**

A person must not, without authority, disturb, frighten, shoot at or throw missiles at, or attempt to capture or kill, an animal.

### **2.16 Prohibited uses**

A person must not, without authority—

- (a) use any part of the University lands contrary to the terms of a declaration made under by-law 2.5;
- (b) enter or remain in any pond, lake or ornamental water;
- (c) enter an area which is temporarily enclosed and on or by which is a notice prohibiting entry;
- (d) damage, interfere with or move any part of the University lands or any fixed or moveable article on the University lands;
- (e) carry, or discharge a firearm;
- (f) set off or throw a firework;
- (g) set off a fire balloon;
- (h) kindle or make a fire except where fireplaces are provided; or
- (i) throw or discharge a stone or missile.

### **2.17 Soliciting for sale etc**

A person must not, without authority, sell or hire, expose or offer for sale or hire, or solicit orders for the purchase or hire of any goods, or services or solicit donations for charity, or beg.

**2.18 Animals**

A person must not, without authority, bring any animal on to the University lands.

**2.19 Public performance**

A person must not, without authority, arrange, advertise or take part in—

- (a) any fete, picnic or concert or other performance; or
- (b) any public speaking or preaching;

but this by-law does not apply to any activity exempted either generally or specially by the Vice-Chancellor, or any activity specified in a declaration made under by-law 2.5.

**2.20 Betting**

A person must not without authority—

- (a) bet or offer to bet or accept a bet;
- (b) sell, purchase or offer for sale or purchase any ticket or coupon for or which purports to be for a sweep, horse race or other lottery; or
- (c) play cards for money or engage in any form of gambling,

but no proceedings for a breach of this by-law are to be taken unless the alleged offender has received a prior warning and direction to cease being in breach of this by-law.

**2.21 Children**

A child apparently under the age of 15 years must not enter or be taken into or allowed to remain on the University lands unless at all times in the charge of an adult person.

**2.22 Acting contrary to signs**

A person must not do or engage in any act or behave in any manner that is declared by an authorised sign to be prohibited or not allowed.

**2.23 Obstruction**

A person must not obstruct—

- (a) a police officer or member of the staff of the University in the discharge of his or her duties; or
- (b) any person in the exercise or enjoyment by him or her of any lawful activity.

**2.24 Obeying requirements of an authorised person**

A person must, if and when required to do so by an authorised person or a police officer—

- (a) forthwith produce his or her permit, if any, and his or her student or staff identity card for inspection;
- (b) give his or her name and address; and
- (c) leave the University lands or such parts of the University lands as may be specified by the authorised person or the police officer.

**2.25 Power to remove**

An authorised person or a police officer may remove from the University lands any person who is committing or has committed a breach of any of these By-laws.

**PART 3—TRAFFIC BY-LAWS***Division 1—Parking Permits***3.1 Application for parking permit**

(1) An application for a parking permit must be—

- (a) in writing;
- (b) in a form approved by the Vice-Chancellor;
- (c) accompanied by the prescribed fee (if any); and
- (d) made to an authorised person.

(2) The authorised person to whom an application is made is to—

- (a) approve the application;
- (b) approve the application subject to conditions; or
- (c) refuse to approve the application.

(3) It is a condition of any parking permit that—

- (a) the holder parks on University Land at his or her own risk; and
- (b) the University is not liable or responsible in any way for the safe custody of the vehicle or the contents of the vehicle in respect of which the permit is issued.

(4) Where an application is approved, with or without conditions, the authorised person is to issue to the applicant a parking permit in the form approved by the Vice-Chancellor.

(5) Unless varied, suspended or revoked, a parking permit is to be current until the date of expiry specified on the permit.

### 3.2 Rights and obligations of holder

- (1) A parking permit entitles the holder to park the vehicle in respect of which the permit is issued in a parking bay (if one is available) in accordance with the terms, and during the currency, of the permit.
- (2) The holder of a parking permit must comply with—
  - (a) any condition to which the permit is subject; and
  - (b) these By-laws.
- (3) The holder of a parking permit is responsible for the vehicle in respect of which the permit is issued, despite the vehicle being driven or parked by another person.
- (4) Subject to by-law 3.3, a parking permit is not transferable.
- (5) The holder of a parking permit must—
  - (a) in the case of a motor cycle—prominently display the permit on it; and
  - (b) in any other case, affix the permit to the lower left hand side of the windscreen of the vehicle in respect of which it was issued.

### 3.3 Change of vehicle

- (1) If the holder of a parking permit changes the vehicle, or the registration number of the vehicle, in respect of which the permit has been issued, he or she must give written notice, within 7 days of the change, to an authorised person.
- (2) An authorised person may vary, or reissue, the parking permit in accordance with the notified changes.

### 3.4 Power to vary, suspend or revoke

- (1) If the holder of a parking permit breaches a by-law, an authorised person—
  - (a) may, after giving the holder an opportunity to be heard, vary, suspend or revoke the permit; and
  - (b) must give written notification to the holder of the variation, suspension or revocation.
- (2) Within 7 days of being given the written notification under this by-law, a person whose parking permit has been varied, suspended or revoked may appeal against the variation, suspension or revocation to a committee consisting of such persons as the Vice-Chancellor may determine.
- (3) The committee may affirm, vary or revoke the variation, suspension or revocation.
- (4) The decision of the committee is final.

### 3.5 Parking permit breaches

A person must not—

- (a) give false or misleading information in connection with an application for a parking permit;
- (b) falsify or interfere with a parking permit; or
- (c) display or represent anything to be a parking permit that is not a parking permit issued under these By-laws.

## *Division 2—Power to Regulate Traffic and Parking*

### 3.6 Parking areas

The Council, the Vice-Chancellor or an authorised person—

- (a) may determine that any road, place or facility, or any part of a road, place or facility, is to be a parking area; and
- (b) may set apart any road, place or facility, or any part of a road, place or facility, as a parking area.

### 3.7 Parking fees

The Council may prescribe the parking fees, to be paid by an applicant for a parking permit or by a person parking a vehicle in a parking area.

### 3.8 Regulation of traffic and parking

- (1) The Council, the Vice-Chancellor or an authorised person—
  - (a) may determine the content and location of a traffic sign; and
  - (b) may, by a traffic sign, regulate and control—
    - (i) the movement of vehicles and traffic generally; and
    - (ii) the parking of vehicles.
- (2) An authorised person may, by a traffic sign placed on or near a parking bay in a parking area, reserve the parking bay for a specific purpose or a specified person or class of persons.

### 3.9 Special events management

- (1) In accordance with a direction from the Vice-Chancellor, an authorised person is to have complete control and management over—
  - (a) the movement of vehicles and traffic generally; and
  - (b) the parking of vehicles.

- (2) Where a direction is given under this by-law—
- (a) a person driving or in charge of a vehicle is to obey any signal, order or direction of an authorised person; and
  - (b) a signal, order or direction of an authorised person is to take precedence over—
    - (i) any traffic sign; and
    - (ii) any parking permit or parking ticket,that is inconsistent with the signal, order or direction.
- (3) A direction from the Vice-Chancellor under this by-law—
- (a) may be given in writing or may be given orally;
  - (b) is to be in force on the day or night, at the times, or for the period, specified by the Vice-Chancellor; and
  - (c) unless the Council determines otherwise, is not be in force for a period exceeding 5 consecutive days.

### 3.10 Removal of vehicles

- (1) An authorised person may remove, relocate to a place determined by the Vice-Chancellor or an authorised person, impound and keep a vehicle that—
- (a) is parked in breach of these By-laws;
  - (b) is in a position that interferes with traffic or obstructs other vehicles, or is likely to interfere with traffic or obstruct other vehicles; or
  - (c) appears to the authorised person to have been abandoned.
- (2) An authorised person may take whatever action may be reasonably necessary or appropriate to gain entry to the vehicle, including by way of force, and to effect its removal, impounding and keeping.
- (3) Where a vehicle is removed, impounded and kept under this by-law—
- (a) the owner of the vehicle must pay all costs and expenses incurred by the University in its removal, impounding and keeping;
  - (b) the costs and expenses under paragraph (a) are to be a debt owed to the University that may be recovered in a court of competent jurisdiction;
  - (c) the University may retain possession of the vehicle until the costs and expenses under paragraph (a), and any further costs and expenses payable as a result of recovery action under paragraph (b), have been paid; and
  - (d) neither the University, nor any officer, employee or agent of the University, is to be liable to the owner of the vehicle, or to any other person, for any loss or damage that may be suffered in connection with the removal, impounding and keeping of the vehicle.

### 3.11 Power to sell or dispose

- (1) The University may sell or otherwise dispose of a vehicle—
- (a) that appears to have been abandoned;
  - (b) that is unregistered; or
  - (c) the owner of which cannot be found.
- (2) A vehicle must not be sold or disposed of under this by-law unless—
- (a) at least 30 days have elapsed since an authorised person first became aware that—
    - (i) the vehicle appeared to have been abandoned;
    - (ii) the vehicle appeared to have been unregistered; or
    - (iii) the owner of the vehicle could not be found; and
  - (b) the Vice-Chancellor is satisfied that reasonable enquiries have been made to attempt to locate and contact the owner of the vehicle to determine whether, in fact, the vehicle—
    - (i) has been abandoned; or
    - (ii) is unregistered.

## *Division 3—Parking and Traffic Restrictions*

### 3.12 Vehicle access

A person must not, without authority, drive, or bring on the University lands, a vehicle except on the established roadways or a parking area.

### 3.13 Careless or dangerous driving

A person must not drive a vehicle on University lands in a dangerous or careless manner or without all reasonable consideration for other persons and vehicles in the vicinity.

### 3.14 Speeding

A person must not drive a vehicle at a speed exceeding 40 kilometres per hour or such lower maximum speed as may be specified by a traffic sign.

### 3.15 Giving way

- (1) A person driving a vehicle must give way to pedestrians at all times.

(2) A person who is about to drive or is driving a vehicle into or out of a parking area must give way to all other vehicles passing along a roadway.

### **3.16 Obeying directions of authorised person**

A person driving or in charge of a vehicle must obey every signal, order or direction addressed to him or her by an authorised person in relation to the movement or control of traffic.

### **3.17 Obeying traffic signs**

A person must comply with all directions relating to traffic shown on a traffic sign.

### **3.18 Other legislative requirements**

(1) A person driving or in charge of a vehicle within the University lands must not do an act which, if done on a 'road' within the meaning of that term in the *Road Traffic Act 1974*, would be a breach of that Act.

(2) This by-law does not apply to any act that is a breach of the *Road Traffic Act 1974*.

### **3.19 Authorised parking**

A person must not park a vehicle otherwise than in accordance with—

- (a) these By-laws; and
- (b) where required by a traffic sign, a valid parking permit, or a valid parking ticket.

### **3.20 Parking tickets**

(1) A parking ticket is valid only for—

- (a) the time; and
- (b) the parking bay (if any) or parking area, marked or displayed on or by the parking ticket.

(2) Subject to by-law 3.21, a person may park a vehicle in a parking bay—

- (a) in a parking area that is marked by a traffic sign as being for the use of visitors; and
- (b) where indicated by a traffic sign, only in accordance with a valid parking ticket.

(3) A physical parking ticket must be displayed on or in the vehicle, as required by the physical parking ticket, or the relevant traffic sign.

### **3.21 Parking restrictions**

A person must not, without authority—

- (a) park a vehicle otherwise than in accordance with a traffic sign and these By-laws;
- (b) park a vehicle other than wholly within the marked boundary of a parking bay in a parking area;
- (c) park a vehicle in a position that—
  - (i) interferes with traffic or obstructs other vehicles; or
  - (ii) is likely to interfere with traffic or obstruct other vehicles;
- (d) park a motor cycle, motor scooter or bicycle wholly or partly within a parking bay appropriate for the parking for a four-wheeled vehicle;
- (e) park a bicycle other than in a bicycle rack;
- (f) park a vehicle in a parking bay designated for use by a person with a disability; or
- (g) park a vehicle otherwise than in a parking area.

## **PART 4—OFFENCES AND PENALTIES**

### **4.1 Offences**

(1) A person who fails to comply with a by-law commits an offence and liable to a penalty not exceeding \$500.

(2) A person who fails to comply with a by-law may also—

- (a) be liable to pay compensation for any damage done by him or her to University property; and
- (b) be subject to disciplinary proceedings under *Statute No. 10—Student Disciplinary Statute*.

### **4.2 Court proceedings**

Proceedings may be taken in any court of summary jurisdiction in accordance with the *Magistrate's Court Act 2004* in respect of any offence committed under these By-laws and any penalty imposed or compensation made payable may be recovered in a summary manner in accordance with that Act.

### **4.3 Proceedings by an authorised person**

(1) Proceedings may be taken on behalf of the University by any authorised person in his or her own name or in the name of the University.

(2) A person taking proceedings is to be reimbursed out of the funds of the University for all costs, charges, expenses or damages which he or she may incur or become liable for by reason of taking the proceedings.

#### 4.4 Deeming provisions

(1) If—

- (a) a vehicle is driven or parked in breach of these By-laws; and
- (b) the vehicle is the subject of a current parking permit,

the holder of the parking permit is deemed to have been the driver or person in charge of the vehicle at the time of the breach, and to have committed the breach.

(2) If, in the circumstances described in by-law 4.4(1)(a), there is no current parking permit in respect of the vehicle, the owner of the vehicle is deemed to have been the driver or person in charge of the vehicle at the time of the breach, and to have committed the breach.

(3) It is a defence to a charge under this by-law that the vehicle was reported to the police or other relevant government agency as stolen or was being used unlawfully at the time of the breach.

(4) Nothing in this by-law is to prevent action being taken against any person who actually committed the breach, or to prevent that person from being punished accordingly, but if the person who actually committed the breach is so punished, no action may be taken under this by-law against any other person.

#### 4.5 Infringement notices

(1) If an authorised person considers that there has been a breach of a by-law, the authorised person may issue an infringement notice, in a form approved by the Vice-Chancellor, that—

- (a) is identified by a serial number;
- (b) where the breach involves a vehicle, describes the vehicle by make and registration number;
- (c) states that it is alleged that a breach of a by-law has been committed and in general terms describes the breach which it is alleged has been committed;
- (d) states the modified penalty that is payable in respect of that breach; and
- (e) states that the breach will be reported and that further action may be taken unless within the time and manner stated in the notice—
  - (i) the modified penalty is paid; or
  - (ii) within 7 days an explanation in writing addressed to the Vice-Chancellor is given for the breach, in which case further notice will be given either that the explanation is accepted or that the explanation is not accepted, and further action will be taken failing payment of the modified penalty indicated on the notice within 14 days after the date of the further notice.

(2) If the alleged breach involves a vehicle, the authorised person may affix the infringement notice to the vehicle or give it to the driver or the person apparently in charge of the vehicle.

(3) If the alleged breach does not involve a vehicle, the authorised person must give the infringement notice to the person who appears to have committed the breach.

(4) If an authorised person is unable to give an infringement notice under by-law 4.5(2) or (3), the authorised person may—

- (a) where the breach involves a vehicle, give the infringement notice by posting it to the holder of the parking permit (if any) issued with respect to the vehicle, or to the owner of the vehicle at his or her last known place of abode; or
- (b) in any other case, give the infringement notice by posting it to the person who appears to have committed the breach at his or her last known place of abode.

(5) An infringement notice may also be given to a person in any of the ways provided for by sections 75 and 76 of the *Interpretation Act 1984*.

(6) If the person to whom an infringement notice under this by-law is given, gives a written explanation to the Vice-Chancellor in accordance with the terms of the notice, the Vice-Chancellor may—

- (a) accept the explanation or not accept it; and
- (b) if not accepted, give the person a further notice stating that further action may be taken if the modified penalty indicated on the notice is not paid within 14 days after the date of the further notice.

#### 4.6 Modified penalties

(1) A person who does not contest an allegation that he or she has committed a breach of these By-laws may pay to an authorised person within the time specified by a notice given under by-law 4.5, the modified penalty for that breach.

(2) The production of an acknowledgement from an authorised person of the payment of the modified penalty is a defence to a charge of the breach in respect of which the modified penalty is paid.

(3) If it appears to an authorised person that an alleged breach of these By-laws cannot be adequately punished by the payment of the modified penalty, the authorised person may refuse to accept payment of the modified penalty and may take proceedings against the alleged offender in a court of competent jurisdiction.

*Schedule*  
**MODIFIED PENALTIES**

<b>Item no.</b>	<b>By-law breach</b>	<b>Modified Penalty</b>
1.	A breach of by-law 2.4 or 3.5.	\$200.00
2.	A breach of a by-law in Part 2; or a breach of by-law 3.13, 3.16, 3.21(c) or 3.21(f); or exceeding the speed limit by 20 km/h or more in breach of by-law 3.14.	\$100.00
3.	Exceeding the speed limit by at least 10 km/h but less than 20km/h in breach of by-law 3.14.	\$75.00
4.	A breach of by-law 3.2(2), 3.2(5), 3.12, 3.17, 3.19, 3.20(3), 3.21(b), 3.21(d) or 3.21(g); or exceeding the speed limit by less than 10 km/h in breach of by-law 3.14; or a breach of any other by-law not specified in this Schedule.	\$45.00
5.	A breach of by-law 3.21(e).	\$20.00

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The Common Seal of CURTIN UNIVERSITY OF TECHNOLOGY was hereto affixed on the 30th day of March 2009.

By the authority of the Vice-Chancellor—

JEANETTE HACKETT, Vice-Chancellor.  
JOSEPHINE DiFAVA, Administrative Secretary.

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