

**BY-LAWS MADE BY**

**FLINDERS AND UPPER NORTH LOCAL HEALTH  
NETWORK INCORPORATED**

**PURSUANT TO SECTION 42 OF THE *HEALTH CARE ACT 2008***

These by-laws were approved by the Minister for Health and Wellbeing in accordance with section 42(2) of the *Health Care Act 2008* on the <sup>twenty</sup>~~seventh~~ day of May 2019.



**MINISTER FOR HEALTH AND WELLBEING**

These by-laws come into force on confirmation by the Governor pursuant to section 42(3) of the *Health Care Act 2008*.

## PART A. INTERPRETATION

1. In these by-laws, unless the context otherwise requires:

**"Act"** means the *Health Care Act 2008* as amended;

**"Authorised Officer"** means a person appointed in accordance with Part E of the by-laws;

**"Flinders and Upper North Local Health Network Incorporated"** means the Flinders and Upper North Health Network Incorporated being the hospital established under that name pursuant to section 29 of the Act;

**"Chief Executive Officer"** means the Chief Executive Officer of the hospital (or the Chief Executive of the Department for Health and Wellbeing) and includes a delegate appointed in writing by the Chief Executive Officer or the Chief Executive of the Department for Health and Wellbeing;

**"commercial vehicle"** means a motor vehicle constructed solely or mainly for the carriage of goods (including the kind commonly called a utility, but excluding a vehicle of the kind commonly called a station wagon or station sedan);

**"driver"** means the driver of a vehicle, or person in charge of or responsible for a vehicle whilst located on Hospital Grounds, or the registered owner of a vehicle;

**"Hospital"** means the sites at which Flinders and Upper North Local Health Network Incorporated delivers services and includes all grounds, buildings and other such areas on which health services delivered by Flinders and Upper North Local Health Network Incorporated are carried out;

**"Hospital Grounds"** means the lands used for the purposes of the Hospital, including all buildings, roads, paths and open spaces on and appurtenances to such lands;

**"Local Health Network"** means a hospital established pursuant to section 29 of the Act, which includes Northern Adelaide Local Health Network, Southern Adelaide Local Health Network, Central Adelaide Local Health Network, Riverland Mallee Coorong Local Health Network, South East Local Health Network, Eyre and Far North Local Health Network, Barossa Hills Fleurieu Local Health Network, Yorke and Northern Local Health Network, Flinders and Upper North Local Health Network, Women's and Children's Health Network;

**"law enforcement officer"** means a person appointed as a police officer or other law enforcement officer under a law of the State or Commonwealth;

**"loading zone"** means an area within the Hospital Grounds marked with a line or lines and sign denoting that it is a loading zone;

**"Minister"** means the Minister of the Crown to whom the administration of the Act is for the time being committed, and includes any Minister for the time being discharging the duties of office of that Minister;

**"No Parking Area"** means an area within the Hospital Grounds where vehicles are not permitted to park, which is clearly marked with a sign denoting that it is a no-parking area, the exception is if a driver has parked or left standing the vehicle to drop off or pick up passengers or goods provided the vehicle is not left unattended and the driver drives off as soon as possible;

**"No Stopping Area"** means an area within the Hospital Grounds where vehicles are not permitted to park or stop, which is clearly marked with a sign denoting it is a no-stopping area;

**"permit parking area"** means a designated area within the Hospital Grounds, which is clearly marked with a sign denoting that only official permit holders are permitted to park;

**"property"** means any land, building, object, article, equipment, fence, fixture or chattel either fixed or moveable, or plant or animal owned, leased, licensed, rented, operated or otherwise controlled by the Hospital;

**"road"** includes way or track;

**"sign"** means any sign or other marking within the Hospital Grounds which designates the specific requirements to be observed in that area or section of roadway under these by-laws;

**"staff"** for the purposes of this By-Law includes any person engaged to work at the Hospital, including but not limited to contractors and volunteers;

**"vehicle"** includes any motor car, station wagon, van, truck, motorcycle, bicycle or any other motorised or non-motorised mode of transport;

**"visitor"** means a patient, a visitor to a patient, or a person accompanying a patient to the Hospital.

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## PART B. PUBLIC ORDER

2. No person shall act within the Hospital Grounds in a manner that constitutes disorderly or offensive behaviour.
3. No person shall throw, place, deposit or leave within the Hospital Grounds any rubbish, refuse, paper, bottle or glass (broken or otherwise) or any litter of any kind whatsoever except in receptacles designed for that purpose.
4. No person shall smoke or otherwise use or cause to be smoked or otherwise used, tobacco or tobacco-related products within the Hospital Grounds.
5.
  - (1) No person shall, without permission of the Chief Executive Officer, bring any alcoholic liquor or unlawful substances upon the Hospital Grounds, or keep or consume any alcoholic liquor or unlawful substances within the Hospital Grounds;
  - (2) Before removing any person(s) reasonably suspected of being intoxicated or of being under the influence of unlawful substances from the Hospital Grounds, Authorised Officers are to take reasonable steps to ensure that the person(s) is not in need of any medical assistance
6. No person shall enter or remain within the Hospital Grounds while in possession of firearm or offensive weapon of any kind or any explosive device or substance except:
  - (1) police officers or other law enforcement officers; Protective Security Officers appointed under the *Protective Security Act 2007* who are authorised under the terms of their employment to possess a firearm or an offensive weapon; or security guards engaged directly or indirectly by the Flinders and Upper North Local Health Network Incorporated or the Minister to provide security and related services at the Hospital who are carrying firearms or other weapons by arrangement with the Hospital; or
  - (2) staff of Flinders and Upper North Local Health Network Incorporated carrying a weapon or explosive device or substance for use in maintenance or construction work within the Hospital Grounds and authorised to do so by the Chief Executive Officer or an Authorised Officer.
7. No person shall light or cause to be lit any fire within the Hospital Grounds except:
  - (1) in a place set aside for that purpose; and
  - (2) with the permission of an Authorised Officer.
8.
  - (1) No person shall bring onto the Hospital Grounds any animal except where such animal is:
    - (a) a dog used as a guide dog, a trained hearing-assistance dog, or a dog trained to assist a person to alleviate the effect of a disability or any other animal that is an assistance animal as defined by the *Disability Discrimination Act 1992 (Cth)*; or

- (b) brought pursuant to a contract with the Flinders and Upper North Local Health Network Incorporated; or
  - (c) subject to an arrangement made between the Chief Executive Officer, Chief Executive or an Authorised Officer and the owner or the person having the custody or control of such animal; or
  - (d) to be used in the conduct of research approved in accordance with the Hospital's system for approving research using animals; or
  - (e) for the purposes of providing a research, pathology or diagnostic service associated with veterinary science.
- (2) An animal brought onto the Hospital Grounds pursuant to by-laws 8(1)(b) or (c) shall at all times be kept under absolute and continuous control by its owner or the person who has custody or control of the animal at the time.
9. (1) No person shall:
- (a) trespass on Hospital Grounds; or
  - (b) wilfully damage Hospital Grounds or any part thereof or any property within the Hospital Grounds including without limitation buildings, fixtures, chattels, trees, shrubs, bushes, flowers, gardens or lawns on or in those grounds; or
  - (c) remove, damage or interfere with any stake or label on or near any tree, shrub, plant or flower; or
  - (d) walk on or over or cause damage to any bed containing or being prepared for flowers or shrubs, or walk on or over any lawn or other area in contravention of any notice or sign; or remove, interfere with, or climb upon any tree, shrub, plant or garden; or
  - (e) enter or walk on or over any part of the Hospital Grounds which is either temporarily or permanently closed and on which is posted a notice prohibiting persons from entering or walking on or over that place; or
  - (f) damage, injure or interfere with, or climb upon any fence, building or erection, tap or irrigation system or any fixed or movable thing.
- (2) By-law 9(1) shall not apply to staff acting in the course of their employment or contract or arrangement (and then only within the specific requirement of the work to be performed).
- (3) Every person reasonably suspected by an Authorised Officer of trespassing on the Hospital Grounds shall:
- (a) give his/her name and address to that Authorised Officer upon being requested to do so; and

- (b) immediately leave the Hospital Grounds if requested to do so by that Authorised Officer, provided reasonable steps are taken by the Authorised Officer to ensure that the person is not in need of medical assistance; and
  - (c) comply with all reasonable directions of the Authorised Officer.
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## PART C. REGULATION OF TRAFFIC

10. No person shall:
  - (1) drive a vehicle within the Hospital Grounds at a speed exceeding that indicated on signs posted within the Hospital Grounds; or
  - (2) drive any vehicle within the Hospital Grounds in a dangerous or careless manner or without reasonable consideration for other persons using such grounds; or
  - (3) drive or use any vehicle on the Hospital Grounds in such manner as to cause undue noise; or
  - (4) park or leave standing any vehicle in the Hospital Grounds in such a manner as to obstruct the passage of vehicles or pedestrians using such grounds.
11. No person shall without the express permission of the Chief Executive Officer or an Authorised Officer, within the Hospital Grounds, ride a skate board, roller skates, roller blades, non-motorised scooter or similar apparatus normally propelled by human exertion but not including bicycles.
12.
  - (1) No person shall park or leave standing any vehicle in a No Parking Area within the Hospital Grounds contrary to any by-law.
  - (2) No person shall park or leave any vehicle in a No Stopping Area within the Hospital Grounds.
  - (3) The driver of any vehicle within the Hospital Grounds or any person reasonably suspected by an Authorised Officer of having parked or left standing a vehicle contrary to these by-laws at any place in the Hospital Grounds shall give his/her name and address to an Authorised Officer when requested to do so.
13.
  - (1) The driver of a vehicle shall:
    - (a) comply with any directions given to him/her by an Authorised Officer for the purpose of regulating vehicular traffic within the Hospital Grounds; and
    - (b) comply with a request made by an Authorised Officer to remove the vehicle from the Hospital Grounds.
  - (2) If a person referred to in by-law 13(1) refuses to comply with a direction to remove a vehicle, or cannot be found, an Authorised Officer may remove or cause to be removed, any vehicle from the Hospital Grounds.
  - (3) An Authorised Officer may remove or cause to be removed any vehicle from Hospital Grounds that constitutes an obstruction contrary to any by-law.

14. No person shall park or leave standing a vehicle in a designated disabled parking area unless he/she is the holder of and displays a currently valid disabled parking permit.
15. The Chief Executive Officer:
  - (1) may from time to time:
    - (a) issue parking permits; and
    - (b) designate areas within the Hospital Grounds where parking of vehicles is:
      - (i) permitted;
      - (ii) absolutely prohibited;
      - (iii) restricted to:
        - (A) certain classes of vehicles; or
        - (B) certain classes of drivers of vehicles holding current permits issued by or on behalf of the Chief Executive Officer; or
      - (iv) restricted to certain periods of time;
    - (c) subject to by-law 10(1), designate the speed limits for particular roads or parts of roads within the Hospital Grounds;
    - (d) designate routes within the Hospital Grounds to be followed by vehicles;
    - (e) make such rules as may be necessary from time to time for the regulation of vehicles within the Hospital Grounds; and
  - (2) shall cause such signs to be erected or markings to be made as may be necessary in order to give effect to any designation or rule made pursuant to by-law 15(1).
16. No person (including an employee) shall park in the Visitors Car Park, unless he/she is visiting the Hospital as a visitor, or he/she is the holder of a currently valid permit issued by the Chief Executive Officer or Authorised Officer for the parking or leaving of such vehicle in such place.
17. Except when authorised to do so by an Authorised Officer, no person (including an employee) shall park or leave standing a vehicle, or cause, permit or suffer a vehicle to be parked or left standing:
  - (1) In any place within the Hospital Grounds designated as a permit parking area unless:
    - (a) such vehicle has attached to it a currently valid permit, issued by the Chief Executive Officer or an Authorised Officer, for the parking or leaving of such vehicle in such place and then subject to such conditions as the Chief Executive Officer or Authorised Officer may specify from time to time; and



- (b) such permit is affixed or displayed so that it is prominently visible to an observer outside the vehicle and/or in accordance with any instructions given in writing when such permit was issued;
  - (2) In any place within the Hospital Grounds which is designated by sign or marking as an area in which parking is prohibited including areas designated for use by emergency vehicles;
  - (3) In any place within the Hospital Grounds for a longer period of time than that which is designated by a sign or marking as a maximum period of time or time limit for which vehicles may be parked or left standing in that place;
  - (4) In any place within the Hospital Grounds which is not designated or marked out by a sign or marking as an area in which a vehicle may be parked or left standing;
  - (5) In any place within the Hospital Grounds which is designated by a sign or marking as being reserved or restricted parking or for a specific purpose unless he/she meets the purpose of the reservation or restriction or the specific purpose or he/she is the holder of a currently valid permit issued by the Chief Executive Officer or Authorised Officer for the parking or leaving of such vehicle in such place;
  - (6) Adjacent to or on any section of road, path or paved area marked with a yellow line or lines within the Hospital Grounds;
  - (7) In a loading zone within the Hospital Grounds except for the express purpose of loading or unloading goods and then only for that period of time which it takes to load or unload those goods being a period of no more than 30 minutes for commercial vehicles and no more than 10 minutes for all other motor vehicles;
  - (8) Over any kerb or on a garden bed, lawn, footpath or median strip within the Hospital Grounds;
  - (9) Over or across any marking or line defining a parking bay within the Hospital Grounds or otherwise than in accordance with any sign or marking;
  - (10) Park or leave standing any vehicle in a designated paid parking area in Hospital Grounds without a valid parking permit/ticket;
  - (11) In a No Parking Area.
18. Where a sign or marking indicating the route to be followed by a vehicle is, pursuant to these by-laws, erected or placed on or near a road within the Hospital Grounds, the driver of a vehicle shall comply with that sign or marking.

19. If a person breaches a by-law regulating the parking of a vehicle by reason of a vehicle being parked in contravention of by-laws 10, 12, 14, 16, 17 and/or 18 the person will be deemed to have committed a further breach:
- a) in the case of an offence for being parked longer than a permitted period of time then for each period of time that the vehicle is parked continuously in the area or length of road in question;
  - b) in any other case for each hour that the contravention continues.
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## PART D. ENFORCEMENT

20. (1) Any person who contravenes or fails to observe any of these by-laws shall be liable to a fine as set out in the following table.

By-law contravened	Applicable fine	Expiation fee
All by-laws in Part B	\$1000	\$200
All by-laws in Part C	\$200	\$50

(2) Offences against these by-laws may be expiated in accordance with the *Expiation of Offences Act 1996*, and an expiation notice for the amount prescribed in the table above in relation to the by-law:

(a) shall be issued in the manner prescribed by the *Expiation of Offences Act 1996* and Regulations;

(b) may be issued by an Authorised Officer.

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## **PART E. APPOINTMENT OF AUTHORISED OFFICERS**

21. The Chief Executive Officer may appoint a person or class of persons as Authorised Officers for the purposes of these by-laws and sections 42 and 43 of the Act. All appointments made by the Chief Executive Officer must be in writing.
  22. All members of the South Australian police force are Authorised Officers for the purposes of these by-laws and sections 42 and 43 of the Act.
  23. The Chief Executive Officer may make an appointment subject to conditions specified in the instrument of appointment. The Chief Executive Officer may vary or revoke a condition specified in the instrument of appointment, or impose a further condition.
  24. The Chief Executive Officer may, at any time, vary or revoke an appointment.
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