

ED301*

VOCATIONAL EDUCATION AND TRAINING ACT 1996
DURACK INSTITUTE OF TECHNOLOGY BY-LAWS 2014

Made under section 44 of the *Vocational Education and Training Act 1996* by the governing council of Durack Institute of Technology with the approval of the Minister for Training and Workforce Development.

PART 1—PRELIMINARY

Citation

1. These by-laws may be cited as the *Durack Institute of Technology By-laws 2014*.

Commencement

2. These by-laws come into operation on the day on which they are published in the *Government Gazette*.

Interpretation

3. (1) In these by-laws unless the contrary intention appears—

“**authorised person**” means a person designated as an authorised person under by-law 7;

“**institute land**” means land under the control of the institute;

“**driveway**” means a portion of institute land set aside for the purpose of driving vehicles;

“**governing council**” means the governing council of the institute.

“**managing director**” means the person appointed to be managing director of the institute under section 46 of the Act;

“**speed control sign**” means a sign that is erected under by-law 16;

“**the institute**” means Durack Institute of Technology.

“**assistance animal**” (as stated in Section (9)2 of the Disability Discrimination Act 1992 (Cth)) is a dog or other animal—

(a) Accredited under a law of a State or Territory that provides for the accreditation of animals trained to assist a persons with a disability to alleviate the effect of the disability; or

(b) Accredited by an animal training organisation prescribed by the regulations for the purposes of this paragraph; or

(c) Trained—

(i) to assist a person with a disability to alleviate the effect of the disability; and

(ii) to meet standards of hygiene and behavior that are appropriate for an animal in a public place.

(2) The notes that appear at the foot of any of these by-laws are only for the purposes of information and do not form part of the by-law.

Application

4. These by-laws apply to institute land and to any person on institute land.

Repeal

5. The Geraldton Regional College of TAFE By-laws published in the *Government Gazette* on 29 April 1997 and the Durack Institute of Technology By-laws published in the *Government Gazette* on 13 December 2013 are both hereby repealed.

PART 2—GENERAL

Hours of business

6. (1) Subject to any order under section 38 of the Act, the hours of business of the institute are those fixed by the governing council from time to time.

(2) Different hours may be fixed for different purposes.

(3) The hours during which the institute is open for business are to be published in the manner determined by the governing council.

[NOTE—Section 38 of the Act enables the Minister by order to determine vacation periods for institutes.]

Setting aside land and places

7. (1) Where the governing council sets aside any land or place for a particular purpose the governing council may cause a notice to be erected specifying the purpose for which the land or place is set aside.

(2) A person who contravenes a notice erected under by-law 6(1) commits an offence.

Authorised Persons

8. The managing director may designate a person to be an authorised person for the purposes of these by-laws.

PART 3—STUDENT ASSOCIATIONS

Functions of student associations

9. The functions of the student associations are to—

- (a) further the common interest of the enrolled students;
- (b) provide for and encourage communication amongst enrolled students in matters of common interest;
- (c) provide extracurricular activities for the general well-being of enrolled students;
- (d) represent enrolled students whenever such representation is necessary or desirable and provide the recognised means of communication between students and the institute;
- (e) co-operate or affiliate with anybody or organisation having kindred aims;
- (f) promote the good of the institute for the benefit of students studying at the institute.

Membership of student association

10. (1) Subject to this by-law, all enrolled students are eligible to be members of the student association.

(2) A person is not eligible to be a member of the student association if the person is a member of the staff of the institute.

(3) The student association will determine—

- (a) the types of membership
- (b) any associated fees

Student association activities on institute land

11. Where a student association intends to hold any activities on institute land, during class time or not, prior approval by the managing director and liaison with appropriate institute staff is required.

PART 4—CONDUCT ON INSTITUTE LAND

Conduct generally

12. (1) A person shall not hinder or obstruct another person or otherwise behave in a disorderly, unlawful or anti-social manner.

(2) A person shall not, without the prior written permission of the governing council—

- (a) hold a public meeting;
- (b) conduct any business for commercial purposes on institute land;
- (c) bring any animal on to institute land unless—
 - (i) the animal is an assistance animal; or
 - (ii) the animal is brought onto institute lands for institute purposes
- (d) deface, interfere with or damage any property of the institute;
- (e) bring any liquor or illegal drugs on to institute land;
- (f) smoke on institute land, with the exception of designated smoking areas; or
- (g) bring any firearms or prohibited weapons on to institute land.

Obstruction of institute staff

13. A person shall not hinder or obstruct a member of the institute staff from carrying out his or her powers, entitlements or duties.

Dishonest conduct

14. A person shall not act dishonestly or unfairly in connection with any institute examination, course work, assessment or test, or the preparation of any thesis, report or other work.

Closure of the institute

14. (1) The managing director may—

- (a) close the institute or any part of the institute to the public or to students or both the public and students, if in the opinion of the managing director, the persons are behaving, or are likely to behave, in a disorderly manner;
- (b) require any person whose presence at the institute is in contravention of a by-law or is likely to be detrimental to the institute, to leave the institute or any part of the institute.

(2) A person who refuses or fails to comply with a request of the managing director under by-law 14(1) commits an offence.

PART 5—CONTROL OF TRAFFIC

Object of this Part

15. The object of this Part is to provide for the orderly occupation and use of institute land by vehicles and the parking of vehicles.

Speed control signs

16. (1) The managing director may approve the erection of signs indicating the maximum speed at which vehicles may be driven on institute land.

(2) A person shall not drive a vehicle on a driveway at a speed in excess of the speed indicated on a speed control sign that applies in relation to the driveway.

Parking permits

17. (1) The managing director may arrange for the issue of parking permits.

(2) Parking permits may be of different classes.

(3) A parking permit is not valid unless—

- (a) if it is issued in relation to a specified time or specified period of time, it is used accordingly;
- (b) it is used for the purpose that it was issued for;
- (c) it is used for, or in respect to, a vehicle in the control and possession of a person or class of person that it was issued to;
- (d) it is used in relation to a vehicle or kind of vehicle that it was issued to or in respect of; and
- (e) if any fees are payable under these by-laws in relation to the parking permit, those fees have been paid.

(4) A person is not to park a vehicle contrary to the terms of any permit that applies in relation to the vehicle.

(5) If a parking permit is used for a purpose other than the purpose for which it is issued the managing director may cancel the parking permit.

PART 6—PENALTIES AND DISCIPLINARY CONSEQUENCES

Offences

18. A person who contravenes any of these by-laws commits an offence. Penalty: \$1,000.

Disciplinary consequences

19. (1) Instead of recovering a penalty in a court of summary jurisdiction, if an alleged offender is an enrolled student, an authorised person may proceed against the enrolled student as for a disciplinary offence and have the complaint heard and determined by the managing director or an authorised person other than the person who commenced the proceedings in relation to the offence.

(2) If the managing director or the authorised person referred to in by-law 19(1) is of the opinion that the alleged offender has committed an offence, the managing director or authorised person may impose any one or more of the following penalties—

- (a) a fine not exceeding \$50;
- (b) suspend all or any of the privileges of the enrolled student;
- (c) exclude the enrolled student from attending institute lectures, tutorials, workshops or other training activities;
- (d) withhold assessment results of the enrolled student;
- (e) suspend the enrolled student for a period not exceeding 2 semesters of any course or courses;
- (f) expel the enrolled student from the institute;
- (g) refuse the student re-enrolment as a student.

(3) A decision by the managing director or authorised person imposing a penalty specified in by-law 19 (2) (f) or (g) is not effective unless confirmed in writing by the governing council.

(4) The managing director or authorised person is to serve notice of any penalty imposed on an enrolled student under by-law 19(2) within 28 days after the day upon which the penalty is imposed.

(5) If proceedings for an offence against an enrolled student are pending at any time before the enrolled student is or may become entitled to an award from the institute, the granting of the award may be adjourned until after the proceedings are completed.

(6) If at the time an enrolled student is entitled to an award from the institute—

- (a) the enrolled student has not paid any penalty imposed on the enrolled student under these by-laws; or

(b) the enrolled student, without lawful excuse, retains any property of the institute,
the award may be withheld until the enrolled student has paid the amount of the penalty or returned the property to the institute.

(7) Nothing in the preceding provisions of this by-law 19 removes or lessens the right of an enrolled student to appeal or seek the judicial review of any decision made under this by-law 19 in any court or tribunal of appropriate jurisdiction.

The Common Seal of Durack Institute of Technology was hereunto affixed in the presence of—

MALCOLM SMITH, Chairperson.
HERBERT BEEVERS, Board Member.

These by-laws are hereby approved by the Minister for Training and Workforce Development—

K. D. HAMES, Minister for Training
and Workforce Development.