

## VOCATIONAL EDUCATION AND TRAINING ACT 1996

**MIDLAND COLLEGE OF TAFE BY-LAWS 1997**

Made under section 44 of the *Vocational Education and Training Act 1996* by the Minister for Employment and Training as the interim governing council of the Midland College of TAFE.

**PART 1 — PRELIMINARY****Citation**

1. These by-laws may be cited as the *Midland College of TAFE By-laws 1997*.

**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;

“**college land**” means lands under the control of the college;

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

“**governing council**” means the governing council of the college and includes the interim governing council;

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

“**speed control sign**” means a sign that is erected under by-law 15;

“**the college**” means the Midland College of TAFE.

(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 college land and to any person on college land.

**PART 2 — GENERAL****Hours of business**

5. (1) Subject to any order under section 38 of the Act, the hours of business of the college are those fixed by the governing council.

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

(3) The hours during which the college 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 colleges.]

**Setting aside land and places**

6. (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 sub-by-law (1) commits an offence.

**Authorised persons**

7. 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 association**

8. The functions of the student association 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 extra curricular 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 College;

(e) co-operate or affiliate with any body or organisation having kindred aims;

(f) provide, conduct or manage educational, cultural, sporting, welfare, recreational or commercial facilities or activities intended for the benefit directly or in-directly of enrolled students;

(g) accommodate and provide for all types of amenities or facilities for enrolled students;

(h) promote the good of Midland College of TAFE for the benefit of students studying at the college.

**Membership of student association**

9. (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 full-time academic staff of the College.

(3) There are to be 3 classes of membership of the student association as follows—

- (a) full-year full-time membership comprising students who are enrolled for tuition at the College for a period of not less than 540 hours during an academic year;
- (b) part-year full-time membership comprising students who are enrolled for tuition at the College for a period of less than 540 hours but not less than 120 hours during an academic year;
- (c) part-time membership comprising students who are enrolled for tuition at the College for a period of less than 120 hours during an academic year.

(4) A student is entitled to membership of the student association only in relation to the class of membership that is appropriate to the student.

#### **PART 4 — CONDUCT ON COLLEGE LAND**

##### **Conduct generally**

10. (1) A person shall not hinder or obstruct another person or otherwise behave in a disorderly manner.

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

- (a) deface, interfere with or damage any property of the college;
- (b) hold a public meeting;
- (c) bring any alcoholic liquor on to college land;
- (d) conduct any business for private gain or reward on college land; or
- (e) bring any animal on to college land.

##### **Obstruction of college staff**

11. A person shall not hinder or obstruct a member of the college staff from carrying out his or her duties.

##### **Dishonest conduct**

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

##### **Closure of college**

13. (1) The managing director may—

- (a) close the college or any part of the college 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 college is in contravention of a by-law or is or is likely to be detrimental to the college, to leave the college or any part of the college.

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

#### **PART 5 — CONTROL OF TRAFFIC**

##### **Object of this Part**

14. The object of this Part is to provide for the orderly use of college land by vehicles and the parking of vehicles.

##### **Speed control signs**

15. (1) The managing director may approve the erection of signs indicating the maximum speed at which vehicles may be driven on college 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**

16. (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 specified time or specified period of time, it is used in relation to that time or period of time;
- (b) if it is issued in relation to a purpose, it is used in relation to that purpose;
- (c) if it is issued in relation to a person or class of person it is used for a vehicle for that person or class of person;
- (d) if it is issued in relation to a particular vehicle or kind of vehicle, it is used in relation to that vehicle or kind of vehicle; 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**

17. A person who contravenes any of these by-laws commits an offence.

Penalty: \$1 000.

**Disciplinary consequences**

18. (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 sub-by-law (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 college lectures;
- (d) withhold examination 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 college;
- (g) refuse re-enrolment as a student.

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

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

(5) If proceedings for an offence against an enrolled student is pending at any time before the enrolled student is or may become entitled to an award from the college 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 college—

- (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 college,

the award may be withheld until the enrolled student has paid the amount of the penalty or returned the property to the college.

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Adopted by the Minister for Employment and Training as the interim governing council of the Midland College of TAFE.

Dated this 6th day of January 1997.

CHERYL EDWARDES, Minister for Employment and Training.

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