

ED401\*

VOCATIONAL EDUCATION AND TRAINING ACT 1996  
GOLDFIELDS INSTITUTE OF TECHNOLOGY BY-LAWS 2012

Made under section 44 of the *Vocational Education and Training Act 1996* by the Minister for Training and Workforce Development for the Governing Council of the Goldfields Institute of Technology

PART 1—PRELIMINARY

**1 Citation**

These by-laws may be cited as the *Goldfields Institute of Technology By-laws 2012*.

**2 Commencement**

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

**3 Interpretation**

In these by-laws unless the contrary intention appears—

“**academic record**” means any document or other record containing information relating to a person’s academic results, awards or achievements;

“**academic record fraud**” means conduct by a student, other than conduct constituting general misconduct, that is dishonest in connection with an academic record, such as—

- (a) falsifying, or arranging the falsification of an academic record;
- (b) giving false or misleading information in relation to an academic record; or
- (c) allowing a false or misleading academic record to be presented on behalf of the student or another person;

“**authorised person**” means a person designated as an authorised person under *by-law 6*;

“**general misconduct**” means conduct by a student, other than conduct constituting academic record fraud or academic misconduct—

- (1) (a) which contravenes the provisions of any by-law;
- (b) which contravenes any lawful direction by a member of the staff of the Institute relating to student conduct on Institute premises;

(2) In particular, without limiting the effect of the definition of General Misconduct above, each of the following is General Misconduct—

- (a) obstructing or disrupting any training and assessment on Institute premises;
- (b) obstructing or deterring, or attempting to obstruct or deter, any member of staff in his or her performance of Institute functions on Institute premises;
- (c) obstructing or disrupting any official meeting, proceeding, ceremony or activity, conducted under the auspices of the Institute on Institute premises;
- (d) interfering with the freedom of movement of any member of the Institute staff, any other student or any person lawfully on the Institute's premises;
- (e) assaulting or attempting to assault any person in or upon the premises of the Institute;
- (f) being in any building or other location, to which access by the student has been prohibited under any rule, by-law, policy or procedure, or by a duly authorised member of staff of the Institute;
- (g) damaging or wrongfully dealing with—
  - any Institute property or Institute facilities on Institute land;
  - any property for which the Institute has responsibility or Institute facilities on Institute land; or
  - any property of any other person, within the Institutes premises or Institute facilities on Institute land;
- (h) inappropriate or prohibited use of Institute computing equipment, computer programs or computer networks;
- (i) bringing any alcohol liquor and/or illegal drugs onto Institute land or premises;
- (j) conducting any business for private gain or reward on Institute land or premises;
- (k) bringing any animal (other than a dog used as a guide or hearing dog) onto Institute land.

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

“**driveway**” means a portion of Institute lands 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 8*;

“**student**” means—

- (a) a person enrolled in a program of learning with the Institute (including a person who is on leave, or absent without leave, from that course) until that person has withdrawn from, or is
- (b) no longer admitted to, that course or until that person—
  - (i) has been conferred his or her award for that course; or
  - (ii) completes any activity relating to graduation from that course, whichever is the later; or
- (c) a person who is enrolled in a unit- until that person is given the final results for that unit;

“**student misconduct**” means conduct by a student that is—

- (a) academic record fraud;
- (b) academic misconduct; or
- (c) general misconduct.

An instance of Student Misconduct is an “offence” within the meaning of that term under *by-law 9*.

“**the Institute**” means the Goldfields Institute of Technology.

## PART 2—GENERAL

### 4 Hours of Business

(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.

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

(3) The Institute's premises and facilities are only open to such persons, and for such purposes, as are directed and notified from time to time (eg including by signs erected by authority of the Council), and that every person is to abide by those restrictions as to access to the grounds and facilities.

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

### 5 Setting Aside Land and Places

(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 the land or place is set aside.

(2) A person who contravenes a notice erected under *by-law 5 (1)* commits an offence.

## 6 Authorised Persons

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

## 7 Closure of the institute

- (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 7(1)* commits an offence.

## PART 3—CONTROL OF TRAFFIC

### 8 Speed control signs and speed limit

- (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.

## PART 4—PENALTIES AND DISCIPLINARY CONSEQUENCES

### 9 Offences

A person who contravenes any of these by-laws commits an offence which may be punishable by way of a fine of up to \$1000 or by way of a disciplinary consequence.

### 10 Financial Penalty

The Governing Council has the power to make contravention of a by-law an offence punishable by way of a fine. A decision as to whether a person has committed an offence can only be made by a Magistrates Court and upon a conviction can impose, by the Court, of a fine of up to a maximum of \$1000.

### 11 Disciplinary consequences

- (1) If the managing director or the authorised person referred to in *by-law (6)* is of the opinion that the alleged offender has committed an offence the managing director or authorised person may, subject to giving the person a reasonable opportunity to be heard on the allegation and otherwise following any current disciplinary policy, impose any one or more of the following penalties—
- (a) suspend all or any of the privileges of the enrolled student;
  - (b) exclude the enrolled student from attending Institute lectures, workshop or similar training activities;
  - (c) withhold assessment results of the enrolled student;
  - (d) suspend the enrolled student for a period not exceeding 2 semesters of any course or courses;
  - (e) expel the enrolled student from the Institute;
  - (f) refuse re-enrolment as a student.
- (2) A person may appeal to the governing council against any decision under *by-law 11(1)* within 14 days of receiving notice under *by-law 11(3)* and the governing council may (upon such an appeal) suspend the operation of the decision until the appeal is determined.
- (3) The managing director or authorised person is to serve notice of any penalty imposed on an enrolled student under *by-law 11(1)* within 28 days of the day after the penalty is imposed.
- (4) 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, the granting of the award may be adjourned until after the proceedings are completed.
- (5) 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.
- (6) An appeal under *by-law 11(2)* is to be determined in accordance with such procedures as the governing council determines, from time to time.

### 12 Application

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

**PART 5—SIGNATORIES**

The Common Seal of Goldfields Institute of Technology was affixed on 12th day of September 2012 by the authority of the Governing Council.

DAVID NICHOLSON, Chairperson, Deputy Chairperson.

MELLISA TEEDE, Managing Director.

---

Adopted by the Minister for Training and Workforce Development; Corrective Services for Goldfields Institute of Technology.

MURRAY COWPER MLA, Minister for Training and Workforce Development; Corrective Services.