Government of **Western Australia**
South Regional **TAFE**

Vocational Education and Training Act 1996
South Regional TAFE By-Laws 2016-2

Made under section 44 of the *Vocational Education and Training Act 1996* ("the Act") by the governing council of South Regional TAFE.

PART 1—Preliminary

Citation

1. These by-laws may be cited as the *South Regional TAFE By-laws 2016.*

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 -

"assistance animal" (as stated in Section (9)2 of the Disability Discrimination Act 1992 (Cth)) is a dog or other animal -

(a) under a law of a State or Territory that provides for the accreditation of animals trained to assist a person 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 behaviour that are appropriate for an animal in a public place;

"authorised person" means a person designated as an authorised person under by-law 7;

"college land" means land under the control of the college;

"driveway" means a portion of college land set aside for the purpose of driving vehicles;

"enrolled student" means any student enrolled at the college for study purposes;

"governing council" means the governing council of the college;

"managing director" means the person appointed to be managing director of the college under section 46 of the Act;

"proceedings" include appeal and review proceedings;

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

"staff" means staff employed or engaged by, or seconded to, the college;

"student association" means any student association referred to in part 3 of these by-laws;

"the college" means South Regional 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, to any person on college land and to enrolled students.

5. The South Regional TAFE By-Laws 2016 published in the Government Gazette on 29 April 2016 are hereby repealed.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 college 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 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

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 college;

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

(f) promote the good of the college for the benefit of enrolled students.

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 college.

(3) The student association will determine -

(a) the types of membership; and

(b) any associated fees

Student association activities on college land

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

PART 4—Conduct on college 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 college land;

(c) bring any animal on to college land unless -
(i) the animal is an assistance animal; or
(ii) the animal is brought onto college land for college purposes;

(d) deface, interfere with or damage any property of the college;

(e) bring any liquor or illegal drugs on to college land;

(f) smoke on college land, with the exception of designated smoking areas; or

(g) bring any firearms or prohibited weapons on to college land.

Obstruction of college staff

13. A person shall not hinder or obstruct a member of 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 college examination, course work, assessment or test, or the preparation of any thesis, report or other work.

Closure of the college

15. (1) The managing director may:

(a) close the college or any part of the college to the public or to enrolled students or both the public and enrolled 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 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 requirement of the managing director under by-law 14(1) commits an offence.

PART 5—Control of traffic

Object of this Part

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

Speed control signs

17. (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

18. (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

19. A person who contravenes any of these by-laws, or acts contrary to any given permission, requirement, direction, notice, order or other thing done, made, given or issued by the managing director, the governing council or any authorised person pursuant to these by-laws, commits an offence. Penalty: $1,000.

Disciplinary consequences

20. (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 alleged offence.

(2) If the managing director or the authorised person referred to in by-law 20(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, 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 college course or courses;
(f) expel the enrolled student from the college;
(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 20 (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 20(2) within 28 days after the day upon which the penalty is imposed.

(5) 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.

(6) An enrolled student may appeal any decision made in reference to them under by-law 20 to the student appeals committee within 28 days after having been made aware of that decision.

(7) The student appeal process committee shall comprise the following persons who must be approved in writing by the chairperson of the governing council or the managing director -;

a. an executive member of the college or senior member of staff who will be the chairperson;

b. a governing council member or representative industry member; and

c. one enrolled student nominated by the student association or an independent community member.

Relevant cultural sensitivities should be considered when forming the student appeals committee from time to time.

(8) A member of the student appeals committee may not hear or determine an appeal if, in respect to that member, the appeal and the student concerned, there is or is likely to be an actual or perceived bias or conflict of interest.

(9) During the appeals process, any decision, the subject of the appeal, is hereby stayed.

(10) If the appellant student has a recognised disability, the chairperson of the student appeals committee may seek guidance and advice as required. If it is known that the appellant student has an advocate, the advocate will be contacted to assist in relation to the hearing of the appeal.

(11) Nothing in the preceding provisions of by-law 20 removes or lessens the right of an enrolled student to appeal or seek the judicial or administrative review of any decision made under this by-law 20 in any court or tribunal of appropriate jurisdiction.