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ENDNOTES
CHARLES DARWIN UNIVERSITY (FEES AND CHARGES) BY-LAWS

By-laws under the Charles Darwin University Act

1 Citation

These By-laws may be cited as the Charles Darwin University (Fees and Charges) By-laws.

2 Definitions

In these By-laws, unless the contrary intention appears:

(a) fee or charge means a fee or charge determined by the Council under section 31 of the Act;

(b) student has the same meaning as student of the University has in the Act;

(c) unpaid liability means a fee or charge due and payable to the University by a student or by another person in respect of a student.

3 Application of By-laws

These By-laws apply to all students of the University and all other persons responsible for payment of an unpaid liability in respect of a student of the University.

4 When fee or charge payable

A fee or charge is payable by or in respect of a student:

(a) on the date notified to the student by the University, whether in writing or otherwise, as the date by which the fee or charge must be paid to the University; or

(b) where the student has not been notified of a date for payment, 14 days after the fee or charge first became owing or was incurred.
5 Vice-Chancellor may take action where unpaid liability

(1) Where there is an unpaid liability in respect of a student, the Vice-Chancellor may, by notice in writing to the student, do one or more of the following:

(a) withhold an examination or assessment result of the student;
(b) cancel the enrolment of the student in a course, unit or module;
(c) suspend or prevent the student from attending a specified teaching or research activity of the University;
(d) suspend or prevent the student from using a specified University facility, including a residential facility;
(e) prevent the student from enrolling in a course, unit or module;
(f) withhold from the student a degree or other award relating to a course of the University;
(g) prevent the student from participating in a particular activity of any description to which the unpaid liability relates.

(2) Action taken under clause (1) remains in effect until:

(a) the unpaid liability is paid to the University;
(b) an arrangement is made under by-law 9(1) in relation to the unpaid liability; or
(c) the notice is revoked under by-law 8 or 9(2).

(3) The Vice-Chancellor may, irrespective of whether he or she has taken any action under clause (1) or any other clause of these By-laws, refer any unpaid liability that has been due and payable for more than 14 days to a debt collection service, and the costs and expenses incurred by the University in respect of that debt collection service are:

(a) to be added to the amount of the unpaid liability; and
(b) due and payable to the University by the person responsible for the unpaid liability, as if those costs and expenses were part of that unpaid liability.
6 Notice

A notice under by-law 5(1) is to be in writing and is to specify:

(a) the type and amount of the unpaid liability;

(b) the date or dates on which part or all of the unpaid liability was payable; and

(c) that, within 14 days after the notice is given, the student may request that the Vice-Chancellor review his or her decision under by-law 7.

7 Review

(1) A student may request that the Vice-Chancellor review his or her decision to take action under by-law 5(1), within 14 days after notice under that by-law is given, on the grounds that:

(a) the unpaid liability specified in the notice is not payable by or in respect of the student; or

(b) the amount of the unpaid liability specified in the notice under by-law 6(a) is incorrect.

(2) A request under clause (1) is to be in writing and is to:

(a) specify the grounds for the request; and

(b) specify the reasons for the request.

8 Vice-Chancellor to consider request

(1) The Vice-Chancellor must consider a student's request under by-law 7 and, for that purpose, may:

(a) make further inquiries of the student; or

(b) conduct an investigation of whatever kind the Vice-Chancellor thinks fit.

(2) The Vice-Chancellor must decide a request by:

(a) revoking the decision to take action under by-law 5;

(b) varying the decision to take action under by-law 5; or

(c) confirming the decision to take action under by-law 5.

(3) The Vice-Chancellor must notify the student of his or her decision under clause (2).
9 Vice-Chancellor may make arrangements with student or other person for payment of unpaid liability

(1) The Vice-Chancellor may agree with a student to accept payment of an unpaid liability that is otherwise due and payable on the terms and conditions the Vice-Chancellor thinks fit.

(2) The Vice-Chancellor may revoke or amend a notice given under by-law 5, whether or not all or part of the unpaid liability to which it relates has been paid.

(3) The Vice-Chancellor must, as soon as practicable after:

   (a) entering into an agreement under clause (1); or
   
   (b) revoking or amending a notice under clause (2),

notify in writing the student to whom the agreement or notice relates.

10 Payment of unpaid liability may be redirected

The Vice-Chancellor may, without notice, direct that an amount paid by or on behalf of a student to the University in payment of an unpaid liability is to be used to pay another specified unpaid liability of that student.

11 Vice-Chancellor may authorise person

The Vice-Chancellor may authorise a person to exercise a power or perform a function of the Vice-Chancellor under these By-laws, either in relation to a particular unpaid liability or generally, and any power or function exercised or performed by that person is taken to have been exercised or performed by the Vice-Chancellor.

12 Giving of notices, &c.

(1) A notice under these By-laws may be given to a student by:

   (a) delivering it personally to the student; or
   
   (b) posting it in a prepaid letter addressed to the student at the last known address notified to the University as the student's contact address.

(2) A notice under these By-laws is to be taken to be given:

   (a) where notice is given in accordance with clause (1)(a), on the delivery of the notice to the student;
(b) where notice is given in accordance with clause (1)(b), at the time at which the notice would be delivered in the ordinary course of post; or

(c) on a later date specified in the notice for that purpose.

13 Students who are minors

(1) Where an unpaid liability is due and payable to the University by or in respect of a student who is a minor:

(a) any notice to be given to the student under these by-laws may be given to either or both of that student or a parent or guardian of that student;

(b) either or both of that student or a parent or guardian of that student may request a review of the Vice-Chancellor’s decision under by-law 7;

(c) the Vice-Chancellor must consider and decide a request made by a parent or guardian of that student in accordance with by-law 8 as if the request was made by that student;

(b) the Vice-Chancellor may make arrangements under by-law 9 with either or both of that student or a parent or guardian of that student in relation to the unpaid liability.

14 Records to be kept

The Vice-Chancellor must cause a record to be kept of all notices given under these By-laws.

15 Taking of other action

Nothing in these By-laws:

(a) prevents the University from engaging a debt collection service and/or commencing proceedings in a court of competent jurisdiction for recovery of an unpaid liability and from recovering costs and expenses and interest associated with the recovery of an unpaid liability;

(b) affects an action taken under the Act or any other by-law of the University by an officer of the University to recover an amount from, or to impose a penalty on or in respect of, a student;

(c) affects the Council’s powers in relation to exemption from or deferment of payment of fees and charges under section 31(3) and (4) of the Act; or
(d) where a student has been given a notice under by-law 5 in relation to an unpaid liability, prevents the Vice-Chancellor from giving another notice to the student in relation to another unpaid liability.

16 Repeal

The by-laws in force immediately prior to the date of commencement of these by-laws and cited as the Northern Territory University (Fees and Charges) By-laws are repealed on and from the date of commencement of these by-laws.
1  KEY

Key to abbreviations

amd = amended
app = appendix
bl = by-law
ch = Chapter
cl = clause
div = Division
exp = expires/expired
f = forms
Gaz = Gazette
hdg = heading
ins = inserted
lt = long title
nc = not commenced

od = order
om = omitted
pt = Part
r = regulation/rule
rem = remainder
renum = renumbered
rep = repealed
s = section
sch = Schedule
sdiv = Subdivision
SL = Subordinate Legislation
sub = substituted

2  LIST OF LEGISLATION

Charles Darwin University (Fees and Charges) By-laws
Notified 26 January 2005
Commenced 26 January 2005