

NORTHERN TERRITORY OF AUSTRALIA
CHARLES DARWIN UNIVERSITY (STUDENT RESIDENCES) BY-LAWS

As in force at 26 January 2005

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NORTHERN TERRITORY OF AUSTRALIA

This reprint shows the By-laws as in force at 26 January 2005. Any amendments that may come into operation after that date are not included.

CHARLES DARWIN UNIVERSITY (STUDENT RESIDENCES) BY-LAWS

By-laws under the Charles Darwin University Act

1. Citation

These By-laws may be cited as the *Charles Darwin University (Student Residences) By-laws*. (See back note 1)

2. Definitions

In these By-laws:

- (a) "Residence Manager" means a person appointed by the Vice-Chancellor as being primarily responsible for the operation and management of a University Residence, and includes a person acting in or carrying out the duties of that office from time to time;
- (b) "Resident" means a student of the University or other person who is residing in a University Residence from time to time; and
- (c) "University Residence" means any hall of residence or accommodation facility established or provided by the University from time to time.

3. Residence Manager

(1) Subject to these By-laws, a Residence Manager has the control and management of the University Residence in respect of which he or she is appointed and has all the powers and functions that are necessary or convenient to have in connection with or incidental to the control and management of that University Residence.

(2) Without limiting by-law 3(1), a Residence Manager has the following specific powers and functions in respect of the University Residence in respect of which he or she is appointed:

- (a) to determine the persons who are entitled to reside at or visit or use the facilities of the University Residence;
- (b) to impose any conditions or restrictions on residing at or visiting or using the facilities of the University Residence by any person or by people generally;
- (c) to give a direction to any person with respect to residing at or visiting or using the facilities of the University Residence;
- (d) to terminate a person's entitlement to reside at or visit or use the facilities of the University Residence; and
- (e) to revoke or waive or modify any determination, decision, direction, condition, restriction or regulation made by a Residence Manager, but any such revocation or waiver or modification applies only to the extent specified by the Residence Manager.

(3) Where a Residence Manager exercises any of his or her powers under by-law 3(2)(a) or (b), the Residence Manager must, where practicable, make available to all persons on request a written notice giving details of the manner in which that power has been exercised.

(4) The powers and functions of a Residence Manager are subject to any directions given by the Vice-Chancellor from time to time.

4. General Conduct

(1) Residing at or visiting or using the facilities of a University Residence by any person is subject to these By-laws.

(2) Any person residing at or visiting or using the facilities of a University Residence must:

- (a) comply with and observe all determinations, decisions, directions, conditions, restrictions or regulations made by a Residence Manager from time to time in respect of that University Residence;
- (b) without limiting by-law 4(2)(a), not behave in a manner which:
 - (i) interferes with or is likely to interfere with the use and enjoyment of a University Residence by other people who are residing at or visiting or using the facilities of a University Residence;

- (ii) causes damage or is likely to cause damage to the University Residence or any part of it.

5. Penalties

(1) The Residence Manager may impose a penalty on a person for a contravention of or failure to comply with any of these By-laws.

(2) A penalty imposed under by-law 5(1) must be determined by the Residence Manager having regard to:

- (a) the seriousness of the contravention or failure to comply with these By-laws; and
- (b) whether that person has previously contravened or failed to comply with these By-laws,

but in any case must not exceed 10 penalty units.

(3) The Residence Manager must give written notification to a person of the imposition of a penalty, which includes:

- (a) a brief description of the contravention or failure to comply with these By-laws that resulted in the imposition of a penalty;
- (b) the amount of the penalty;
- (c) the time by which the penalty must be paid by the person; and
- (d) a statement to the effect that the person is entitled to request a review of the Residence Manager's decision to impose a penalty under by-law 6.

(4) Where a person in respect of whom a penalty has been imposed under by-law 5(1) is a Resident, and the penalty is not paid by the date specified on the notice as the date by which the penalty must be paid, the Residence Manager may, without prejudice to the University's rights and remedies, add the amount of that penalty to the Resident's University Residence account.

(5) The Residence Manager or the Vice-Chancellor may waive, reduce or extend the period for payment of a penalty imposed under these By-laws by the Residence Manager.

(6) The powers conferred on a person or any exercise of those powers or other thing done by a person under these By-laws is without prejudice to:

- (a) the University's right to be reimbursed or compensated for any damage to any property owned or used by the University;

- (b) the Residence Manager's right to terminate a Resident's accommodation at a University Residence, or to refuse to renew a Resident's accommodation at a University Residence;
- (c) the Residence Manager's right to revoke privileges or rights or scholarships that were previously made available to a Resident; and
- (d) the rights and obligations of any person under the *Charles Darwin University (Student Conduct) By-laws* or at law.

6. Request for Review

(1) A person may request a review of a decision by a Residence Manager to impose a penalty on that person under these By-laws by lodging written notice of that request with the Vice Chancellor within 7 days of that person receiving a notice under by-law 5(3).

(2) A request for review may only be lodged under by-law 6(1) on one or both of the following grounds:

- (a) the decision was not made in accordance with the principles of procedural fairness and natural justice; and
- (b) relevant information relating to the conduct of the person was not available to the Residence Manager at the time that the Residence Manager made his or her decision.

(3) On receipt of a request for review under by-law 6(1), the Vice Chancellor must consider the request and may inform himself or herself regarding the matter that is the subject of the request in any manner he or she thinks fit.

(4) The Vice Chancellor may:

- (a) decide that the penalty imposed stands; or
- (b) reduce or waive the penalty imposed.

(5) The Residence Manager must notify the appellant in writing of the outcome of the request for review within 7 days of the Vice Chancellor's decision.

(6) If the Vice Chancellor determines that a penalty (whether reduced or the same) is still payable by the person, that penalty is then payable by that person within 7 days of receipt of the notice given under by-law 6(5).

7. Repeal

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

Charles Darwin University (Student Residences) By-Laws

Notes

1. The *Charles Darwin University (Student Residences) By-laws*, in force under the *Charles Darwin University Act*, comprise By-laws made on 19 August 2004, the details of which are specified in the following table:

	Date made	Date notified in the <i>Gazette</i>	Date of commencement
<i>Charles Darwin University (Student Residences) By-laws</i>	19 Aug 2004	26 Jan 2005	26 Jan 2005