

**NORTHERN TERRITORY OF AUSTRALIA**

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

As in force at 26 January 2005

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# NORTHERN TERRITORY OF AUSTRALIA

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

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## 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.

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## **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.

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## **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).

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**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;

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- (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

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- (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.

## ENDNOTES

### 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

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### LIST OF LEGISLATION

#### *Charles Darwin University (Fees and Charges) By-laws*

Notified	26 January 2005
Commenced	26 January 2005