

By-Laws

Part I

General Provisions

1. (1) These By-laws are made pursuant to section 17 of the Murdoch University Act 1973 as amended and may be cited as the Murdoch University By-laws and shall come into force when approved by the Governor and published in the *Government Gazette*.
- (2) In these By-laws, unless the context otherwise requires–
 - 'authorised officer' means a person authorised by the Vice-Chancellor or the Senate to act under and for the purposes of these By-laws;
 - 'authorised' (except when used in the definition of 'authorised officer') means
 - (a) approved by the Senate by resolution, or by the Vice Chancellor in writing, or
 - (b) an otherwise prohibited land use or activity which is permitted by a parking permit or declaration issued pursuant to these By-laws;
 - 'declaration' means a notice in writing issued by the Vice-Chancellor pursuant to these By-laws permitting an otherwise prohibited land use or activity. The Vice-Chancellor may issue a declaration which gives effect to a Senate resolution;
 - 'owner' in relation to a vehicle, means the owner for the purposes of the Road Traffic Act 1974 and includes the hirer of a vehicle;
 - 'park' or 'parking' includes leaving a vehicle standing or waiting whether it is occupied or not;
 - 'parking permit' means a permit to park a vehicle issued in accordance with these By-laws and shall include a ticket obtained by a person from a vending machine on payment of the prescribed fee;
 - 'police officer' means an on-duty serving officer of the Western Australian Police Force;
 - 'Senate' includes an authorised officer to whom the Senate has delegated function, power or duty under these By-laws;
 - 'the Act' means the Murdoch University Act 1973 as amended;
 - 'traffic sign' means an authorised marking, notice or sign to regulate or guide traffic or the parking of vehicles or to prescribe maximum speed limits;
 - 'University land' means all land and buildings from time to time declared by the Governor in accordance with section 24(2) of the Act to be University land and all buildings or structures on any such land;
 - 'Vice-Chancellor' includes an authorised officer to whom the Vice-Chancellor has delegated function, power or duty under these By-laws;
 - 'vehicle' means 'vehicle' for the purposes of the Road Traffic Act 1974 and includes a car, truck, motor cycle, motor scooter, bicycle, semi-trailer or caravan and any other form of conveyance, or trailer, however ridden, driven or propelled;

'visitor' includes any of the persons described in By-law 5(1) paragraphs (b), (c), (d) and (e) but shall not include a member of the University, a member of staff of the University or the Guild, or any employee of a business conducted on the University land;

'without authority' means not authorised.

- (3) The Interpretation Statute of the University as from time to time in force, shall apply to these By-laws and shall be deemed to be incorporated in these By-laws;

Application

2. These By-laws shall apply:
 - (1) within the boundaries of University land; and
 - (2) to every person who is at any time on University land.

Declarations

3. The Vice-Chancellor may from time to time declare in writing that a particular area, or areas, of University land–
 - (1) shall be open to members of the public or any specified section of the public subject to compliance with such conditions as may be specified in the declaration;
 - (2) may be used for specific activities, by members of named clubs or organisations, or other persons referred to in the declaration subject to compliance with such conditions as may be specified in the declaration; and no person shall use any such area unless that person is a member of the named club or organisation or is one of the persons or class of persons to which the declaration refers.
 - (3) Every application for a declaration under these By-laws shall be made to the Vice-Chancellor.
 - (4) Any declaration by the Vice-Chancellor under this By-law may be modified or revoked by the Vice-Chancellor at any time and without notice, except when the declaration gives effect to a Senate resolution which can be modified or revoked at any time and without notice only by Senate resolution.
 - (5) When an application for a declaration is made the Vice-Chancellor may either make the declaration or refuse to make the declaration, or make the declaration subject to any conditions (including the payment of a fee) determined by the Vice-Chancellor in any particular case.

Parking Permits

4.
 - (1) Every application for a parking permit under these By-laws shall be made to the Vice-Chancellor.
 - (2) The Vice-Chancellor may prescribe such categories of parking permit as are thought fit. A parking permit shall have the effect as described in these By-laws.
 - (3) The Vice-Chancellor to whom an application for a parking permit is made may either issue the parking permit to the applicant or refuse the application, or issue the parking permit subject to any conditions (including the payment of a fee) determined by the Vice-Chancellor in any particular case.
 - (4) The Vice-Chancellor may vary, suspend or revoke any parking permit issued to any person who has committed a breach of these By-laws.

- (5) It shall be deemed to be a condition of every parking permit issued (whether gratuitous or otherwise) that the holder of the parking permit or any person or category of persons specified in the parking permit does the act authorised by the parking permit at the risk of that person and it is a condition of every parking permit issued that the University is not and shall not be liable or responsible in any way for the safe custody of a vehicle, or its contents.
- (6) A person may seek a review by the Vice Chancellor of a decision made pursuant to By-law 4(3) or 4(4) only by making a written application for review to the Vice-Chancellor within seven (7) days after notification of the decision by the Vice-Chancellor and such review shall be final.

Part II

Management, Preservation, Protection and Use of University Land

Entrants

- 5. (1) Any of the following persons may enter and remain on University land–
 - (a) a member of the University, a member of the staff of the University or the Guild, or an employee of a business lawfully conducted on University land;
 - (b) a person attending a course of study at the University or other authorised activities at the University, during such times and in respect of such areas within University land as are appropriate for the purpose of such activities;
 - (c) a person who holds a parking permit or in relation to whom a parking permit has been issued authorising that person to enter or remain on University land and who observes all conditions of the parking permit;
 - (d) a person who enters or remains on the University land in good faith for the purpose of transacting lawful business or having lawful dealings with the University or with a person lawfully on University land unless the business or other dealing has been prohibited by the Vice-Chancellor; or
 - (e) a person to whom a declaration by the Vice-Chancellor under By-law 3 applies, in relation only to any area that is the subject of the declaration and during the hours specified in the declaration. No other person may enter or remain on University land without authority.
- (2) A person described in paragraphs 1(a) to 1(e) inclusive of this By-law shall not, without authority, enter or remain on any part of University land which is not customarily open to entry by that person or to which the Vice-Chancellor has forbidden entry.

Refuse

- 6. (1) No person shall, without authority, deposit or leave upon University land any rubbish, refuse, clothing, paper, glass (broken or otherwise), china, timber, stone, bricks, sand, gravel, scrap metal or other material, other than in an approved receptacle or storage location provided either for the purpose of recycling or for the purpose of disposal or for the purpose of storage of a particular item or class of items.
- (2) Every person offending against this By-law shall be liable for every such offence to a penalty of \$50.

Assault and Abuse

7. (1) Any person who:
- (a) assaults, threatens, or attempts to assault or threaten any other person; or
 - (b) uses abusive or insulting language or engages in any offensive, indecent or improper act, conduct or behaviour; or
 - (c) is found upon reasonable suspicion by an authorised officer or police officer to be in a state of intoxication,
- shall be liable to be removed from University land and shall be guilty of an offence against this By-law.
- (2) Every person offending against this By-law shall be liable for every such offence to a penalty of \$50.

Indecency and Obscenity

8. (1) No person shall write, draw, print, publish, record, broadcast, distribute, perform or otherwise disseminate any indecent or obscene act or matter of any kind.
- (2) Every person offending against this By-law shall be liable for every such offence to a penalty of \$40.

Depiction Dissemination and Publication

9. (1) No person shall, without authority:
- (a) post, stick, stamp, stencil or otherwise or affix or cause to be posted, stuck, stamped, stencilled or otherwise affixed, any placard, handbill, notice, advertisement, writing or picture to any building, structure, fence, post, gate, wall, flagging, seating, path, tree, grass or other vegetation on the University land; or
 - (b) publish or distribute or display or disseminate within the University land any placard, paper, notice or advertisement or written, printed or graphic matter; or
 - (c) write, draw or paint on or deface any building, structure, fence, post, gate, wall, flagging, seating, path, tree, grass or other vegetation on the University land.
- (2) Every person offending against this By-law shall be liable for every such offence to a penalty of \$40.

Intoxicating Substances

10. (1) No person shall, without authority:
- (a) bring or take into or keep or cause to be brought or kept or consumed any fermented or spiritous or intoxicating substances on any part of University land; or
 - (b) smoke or chew tobacco or any like product on any part of University land declared by an authorised officer to be 'smoke free'.
- (2) Every person offending against this By-law shall be liable for every such offence to a penalty of \$30.

Damage and Trespass to Property

11. (1) No person shall, without authority:

- (a) cut, break, deface, pick, injure, destroy or remove any tree, shrub, plant, flower, garden or lawn;
 - (b) damage, remove or interfere with any stake or label on or near any tree, shrub, plant, flower, garden or lawn;
 - (c) walk on or cause any damage to any bed containing or being prepared for shrubs or flowers;
 - (d) enter or remain in any pond, lake or ornamental water;
 - (e) enter an area which is temporarily enclosed and on or by which is a notice prohibiting entry; or
 - (f) damage, interfere with or move any part of University land or any fixed or movable article on University land; or
 - (g) light a fire except where fireplaces are provided.
- (2) Every person offending against this By-law shall be liable for every such offence to a penalty of \$40.

Weapons, Explosives, Projectiles and Nuisance

12. (1) No person, not being a police officer, shall, without authority:
- (a) carry or discharge a firearm or other offensive weapon; or
 - (b) throw or release a stone or other missile or any dangerous material of any kind; or
 - (c) create or discharge any offensive or dangerous gas, smoke, smell or noise; or
 - (d) bring onto or allow to be brought on to University land or make any bomb or other explosive device.
- (2) Every person offending against this By-law shall be liable for every such offence to a penalty of \$50.

Animals

13. (1) No person shall, without authority, disturb, frighten, shoot at or throw missiles at, or otherwise attempt to capture or kill any bird, fish or animal.
- (2) Every person offending against this By-law shall be liable for every such offence to a penalty of \$40.
14. (1) No person shall, without authority:
- (a) bring any animal upon University land; or
 - (b) allow or fail to prevent any animal to be on University land, unless the animal is a guide dog or a hearing dog being used to assist the movement of a visually impaired or otherwise disabled person or the animal is being brought upon any part of University land upon which animals may be brought for the purposes of treatment or University purposes.
- (2) Every person offending against this By-law shall be liable for every such offence to a penalty of \$30.

Sale and Soliciting

15. (1) No person shall, without authority, sell or hire, expose or offer for sale or hire, or solicit orders for the purchase or hire of any goods, or services or solicit donations for charity, or beg.

- (2) Every person offending against this By-law shall be liable for every such offence to a penalty of \$30.

Performance

16. (1) No person shall, without authority, arrange, advertise or take part in:
- (a) any fete, picnic or concert or other performance; or
 - (b) any public speaking or preaching, unless such public speaking or preaching is allowed by law or practice.
- (2) Every person offending against this By-law shall be liable for every such offence to a penalty of \$30.

Gambling

17. (1) No person shall, without authority:
- (a) bet or offer to bet or accept a bet;
 - (b) sell, purchase or offer for sale or purchase any ticket or coupon for or which purports to be for a sweep, horse race or other lottery; or
 - (c) play cards for money or engage in any other form of gambling.
- (2) Every person offending against this By-law shall be liable for every such offence to a penalty of \$30.

Obstruction

18. (1) No person shall obstruct:
- (a) any police officer or member of the staff of the University in the discharge of his or her duty; or
 - (b) any person in the exercise and enjoyment of any lawful activity.
- (2) Every person offending against this By-law shall be liable for every such offence to a penalty of \$50.

Exclusion from University Land

19. A person shall, if and when required so to do by a police, or authorised, officer, who has reasonable grounds to believe that the person has committed a breach of a By-law, give his or her name and address and if required by the police, or authorised, officer, leave University land or such part of the University land as may be specified by the police, or authorised, officer.
20. (1) The Vice-Chancellor may notify in writing any person whose presence on University land is, in the opinion of the Vice-Chancellor, detrimental to the welfare of the University, that the person is forbidden to enter, to remain on the University land or any specified part thereof, and after receipt of such notification notwithstanding any other provision of these By-laws, the person notified shall not enter or remain, or attempt to enter or remain on University land or the specified part thereof.
- (2) The Vice-Chancellor may in writing direct that a specified part of University land be forthwith cleared and closed and that all persons then or thereafter on that part of University land (other than authorised officers) shall forthwith leave and disperse. No person shall fail to leave the specified part of University land as directed.

21. A police, or authorised, officer may apprehend or remove from University land a person who is committing or has committed a breach of any of these By-laws.

Part III

Traffic By-laws

Established Roadways and Parking Areas

22. No person shall, without authority, drive, or bring a vehicle on the University land except on established roadways or parking areas.

Dangerous and Careless Driving

23. No person shall drive a vehicle on University land in a dangerous or careless manner or without all reasonable consideration for other persons and vehicles in the vicinity.

Traffic Speed

24. No person shall drive a vehicle at a speed exceeding that indicated by the numerals on the speed limit sign at the beginning of the area or stretch of roadway. The Vice Chancellor shall determine the speed limits applicable for different areas and stretches of roadway.

Give Way

25. A person who is about to drive or is driving a vehicle into or out of a parking area shall give way to all other vehicles passing along a roadway.

Traffic Directions

26. A person driving or in charge of a vehicle shall obey every signal, order or direction of a police, or authorised, officer in relation to the movement or control of traffic.
27. A person driving a vehicle shall comply with all directions relating to traffic shown on traffic signs.

Road Traffic Act 1974

28. No person driving or in charge of a vehicle on a roadway shall commit or do any act which would be a breach of any Act or Regulation of the State of Western Australia if such roadway were a 'road' for the purposes of the Road Traffic Act 1974.

Parking Areas

29. The Vice-Chancellor may set apart a place or places as a parking area for vehicles, and may by a traffic sign displayed on or near a parking area specify the hours during which it may be used for parking, the kinds of vehicles that may be parked there, the persons who are entitled to use it, the length of time a vehicle is permitted to be parked there, or otherwise regulate its use.
30. An authorised officer may, by an authorised sign placed on or near a parking bay in a parking area, reserve that parking bay for a specific purpose or a specified person or class of persons.

Form of Parking Permits

31. A parking permit shall be in such form as may be approved by the Vice-Chancellor and unless the parking permit is varied, suspended or revoked, it shall be current only for the period of time specified in the parking permit.

Display of Parking Permits

32. A parking permit affixed to a vehicle in accordance with these By-laws entitles the holder to park that vehicle during the currency of the parking permit in an unreserved parking bay in that section of any parking area set aside for such purposes or categories or classes of persons unless the parking permit is varied, suspended or revoked.

Description and Transfer of Parking Permits

33. (1) If the holder of a parking permit changes the vehicle or number of that vehicle in respect of which the parking permit has been issued, written notice of the change shall immediately be given to the Vice-Chancellor.
- (2) Except as authorised by the conditions of the parking permit it shall not be transferable.

Parking by Permit Only

34. No person shall park a vehicle, for which a parking permit is held, except in accordance with the terms of that parking permit.
35. No driver or person in charge of a vehicle shall park a vehicle in a place for which a parking permit is required unless a parking permit is displayed in or on the vehicle in such a manner as shall be required by these By-laws.

Responsibility of Parking Permit Holder

36. A holder of a parking permit is responsible for the vehicle for which the parking permit is issued notwithstanding that the vehicle is driven or parked by another person.
37. (1) The holder of the parking permit shall be deemed to have been the driver or person in charge of the vehicle at the time of any alleged breach of these By-laws involving that vehicle. If that vehicle does not have a current parking permit, the owner of the vehicle shall be deemed to have been the driver or person in charge of it at the time of the alleged breach of these By-laws.
- (2) It shall be a defence to a charge against any person deemed by paragraph (1) of this By-law to have been the driver or person in charge of a vehicle to prove that the vehicle was stolen or was being unlawfully used at the time of the alleged breach.
- (3) The owner and the parking permit holder, if any, of the vehicle referred to in paragraph (1) of this By-law shall, if these facts are known to that person and if required by a police, or authorised, officer, inform the officer as to the identity and address of the driver or person in charge of the vehicle at the time the breach of these By-laws is alleged to have been committed.
- (4) The driver or person in charge of a vehicle who is alleged by a police, or authorised, officer to have committed a breach of these By-laws shall, upon being required to do so by that officer, provide his or her name and address.
- (5) Nothing in this By-law shall prevent action being taken against any person who commits any breach of these By-laws or prevent that person from being punished accordingly. If any person has been punished for the commission of a breach no action may be taken under the provisions of this By-law against any other person for commission of that breach.

Parking Without Authority

38. No person shall without authority:

- (1) park a vehicle in a no parking area, or in a loading bay or other place reserved by an authorised sign for a particular purpose, except in accordance with that purpose;
- (2) park a vehicle other than wholly within the marked boundary of any parking bay marked on a parking area;
- (3) park a vehicle in such a position as to interfere with traffic or obstruct other vehicles;
- (4) park a motor cycle, motor scooter or bicycle on any roadway or other area on which there are marked parking bays of an area appropriate for the parking of four-wheel vehicles;
- (5) park a vehicle except during permitted hours and in a parking area set apart for parking by pursuant to By-law 29.

Removal of Vehicles

39. (1) A vehicle parking in breach of these By-laws or in such a position as to interfere with traffic or obstruct other vehicles, or apparently abandoned, may be removed by, or under the authority of, an authorised officer to any place on the University land not being an authorised car parking area as the authorised officer shall determine.
- (2) A person removing a vehicle under the authority of this By-law is entitled to take any action reasonably necessary for the purpose of the effecting the removal.
- (3) The owner of a vehicle so removed shall pay all reasonable costs to recover the vehicle.
- (4) Neither the University nor any officer, or employee or agent of the University shall be liable to any person or owner of any vehicle removed for any loss or damage arising out of or in consequence of a vehicle being removed under the authority of this By-law.
- (5) The University may retain possession of a vehicle so removed until the charge payable under paragraph (3) of this By-law is paid.

Issue of Notices Alleging Breach

40. (1) If a person drives a vehicle in a manner that is in breach of these By-laws or there is otherwise a breach of these By-laws with respect to a vehicle, an authorised officer may affix on the vehicle or give to the driver or person in charge of the vehicle or post to the owner or permit holder a notice, in a form approved by the Vice-Chancellor, which notice shall:
 - (a) be identified by a serial number;
 - (b) if the name of the person driving the vehicle, or the holder of a parking permit issued with respect to the vehicle or the owner of the vehicle is known to the authorised officer, be addressed by name to the driver, holder of the permit or owner, or otherwise be addressed to the driver holder of the parking permit or owner by the registration number of the vehicle;
 - (c) describe the vehicle by make and registration number;
 - (d) state that it is alleged that a breach of a By-law has been committed and in general terms the breach which it is alleged has been committed;
 - (e) state that the breach will be reported and that further action may be taken unless within the time and manner stated in the notice:

- (i) the modified penalty specified in By-law 46(3) and indicated on the notice is paid and accepted; or
 - (ii) within seven (7) days an explanation in writing addressed to the Vice-Chancellor is given for the breach and accepted by the Vice-Chancellor;
- (f) state the modified penalty payable.
- (2) If the person to whom a notice is addressed under paragraph (1) of this By-law gives a written explanation to the Vice-Chancellor in accordance with the terms of the notice, the Vice-Chancellor may accept the explanation. If the explanation is not accepted then further notice will be given and state either that further action will be taken or that further action will be taken failing payment of the modified penalty indicated on the notice within seven (7) days after the date of the further notice.

Traffic Control

- 41. On such days or nights and during such a time or times as the Vice-Chancellor may authorise, police and authorised officers shall have complete control over all traffic upon University land, whereupon every person in charge of any vehicle or animal upon University land shall obey every order and direction of any police, or authorised, officer relating to the movement or control of such traffic, and shall stop or proceed or park in such manner and direction as the police, or authorised, officer may from time to time order. This By-law shall apply notwithstanding the terms of any issued permit.

Parking Fees

- 42. The Vice-Chancellor may from time to time prescribe parking fees to be paid for parking permits or by persons parking vehicles in specified parking bays or areas set aside for parking.

Offences

- 43. A person who commits a breach of these By-laws shall be guilty of an offence and liable to a penalty not exceeding the amount prescribed by the Act or By-laws as the maximum penalty that may be imposed for any breach of a By-law and to pay compensation for any damage done by that person to University property.

Summary Proceedings

- 44. Proceedings may be taken in any court of summary jurisdiction in accordance with the Justices Act 1902 in respect to any offence committed under these By-laws, and any penalty imposed or compensation made payable may be recovered in a summary manner in accordance with that Act.
- 45. Proceedings may be taken by any police, or authorised, officer, who shall be reimbursed out of the funds of the University for all costs, charges, expenses or damages which the police, or authorised, officer may incur or become liable for by reason of taking proceedings.

Modified Penalties

- 46. (1) A person who does not contest an allegation of the commission of a breach of these By-laws may pay to the Vice-Chancellor within the time prescribed by a notice given under By-law 40, the modified penalty prescribed for that breach by paragraph (3) of this By-law. The production of an acknowledgment from the Vice-Chancellor of the payment of the modified penalty shall be a defence to a charge of the breach in respect of which the modified penalty is paid.
- (2) If it appears to the Vice-Chancellor that an alleged breach of these By-laws cannot be adequately punished by the payment of a modified penalty, the

Vice-Chancellor may refuse to accept payment of the modified penalty and an authorised officer may take proceedings against the alleged offender.

(3) The modified penalties shall be:

<i>By-law</i>	<i>Description of the Offence</i>	<i>Modified Penalty</i>
22	driving other than on a road way	\$30.00
23	careless driving	\$50.00
23	dangerous driving	\$50.00
	exceeding speed limits by	
24	9 km/h or less	Caution
24	more than 9 km/h but less than 19 km/h	\$40.00
24	more than 19 km/h	\$50.00
26	disobeying signal or direction of police, or authorised, officer	\$30.00
27	disobeying traffic signs	\$30.00
33(1)	failure to give notice of change of vehicle or number of vehicle	\$30.00
33(2)	unauthorised transfer of a permit	\$40.00
34	parking other than in accordance with terms of permit	\$30.00
35	failure to display current permit	\$30.00
37(3)	failure of owner to identify driver	\$50.00
37(4)	failure to provide name and address	\$50.00
38(1)a	unauthorised parking in a no-parking area, loading bay or other place reserved by an authorised sign for a particular purpose	\$50.00
38(1)b	Unauthorised parking in a disabled/easy access bay	\$50.00
38(2)	parking not wholly within a parking bay	\$30.00
38(3)	parking causing interference or obstruction	\$30.00
38(4)	parking of a motor cycle or motor scooter in areas other than those designated for these vehicles	\$30.00
38(5)	parking other than in a parking area – Verge	\$30.00
38(6)	Parking other than in a parking area – Double yellow line	\$30.00

Student Offences

47. If a student commits a breach of a By-law, the student may be charged with misconduct in accordance with the applicable University legislation or policy.

Notice

48. (1) Without prejudice to the provisions of By-law 40 or any other express provision of these By-laws, any notice required to be given to any person under these By-laws shall be sufficiently given if personally given to that person or sent to that person by pre-paid post addressed to the last address known to the Registrar as that person's place of residence.
- (2) Any notice given by post shall be deemed to have been given when the notice would have been received at the address in the normal course of post.

Related Documents:

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Revision History:

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Published 19/10/1999, Government Gazette No. 196, page 4915
Published 27/08/1999, Government Gazette No. 164, page 4151
Published 25/10/1994, Government Gazette No. 150, page 5417
Published 10/04/1992, Government Gazette No. 53, page 1586

Note: All enquiries relating to Legislation should be referred to the University Secretary's Office.