University of Canberra (Obligations) Rules 2018

made under the

University of Canberra Act 1989, s 40 (Statutes), University of Canberra (Obligations) Statute 2015

1 Name of instrument
This Rule is the University of Canberra (Obligations) Rules 2018.

2 Commencement
These Rules commence on the day they are approved by Council.

3 Definitions
In these Rules:
address includes email and postal address (if any).

Authorised Officer means a person holding the title of Deputy Vice Chancellor or Vice President of the University.

certificate means a certificate issued under section 4.

Obligations Officer means the person appointed to this role by the Vice-Chancellor under the University of Canberra (Obligations) Statute 2015.

4 Issuing of Obligation certificate
(1) Where the Obligations Officer is satisfied that a person is in default in respect of a financial obligation to the University under the Act or is otherwise indebted to the University, they may issue a certificate to that effect.

(2) A certificate issued under sub-rule 4(1) must include the details of the default or debt.

5 Notice of certificate
(1) If the Obligations Officer issues a certificate under sub-rule 4(1), the Obligations Officer must give notice of that decision to the person specified in the certificate.

(2) The notice given under sub-rule 5(1) must:
(a) include a copy of the certificate;
(b) be sent to the address of the person shown in the records of the University;
(c) set out the effects of the certificate; and
(d) set out how the person may apply for a review of the decision to issue the certificate under sub-rule 7.

6 Effect of certificate

(1) Despite any other Statute or Rule made under the Act, a person specified in a certificate given under sub-rule 4(1) is not entitled to:
   (a) be enrolled or re-enrolled by the university as a student;
   (b) have an award of the University conferred on the person; or
   (c) be provided with a document by the university that states that the person has completed the whole or part of a course;

   while the certificate remains in force unless and until the student has entered into and is complying with a payment arrangement satisfactory to the University.

(2) If an application for review is received under sub-rule 7(1), the person specified in the certificate may be enrolled or re-enrolled by the University as a student until a decision is made on the review under sub-rule 7(4).

7 Review of certificate

(1) A person specified in an Obligations certificate (the applicant) may apply to the Obligations Officer for a review of the decision to issue the certificate.

(2) An application for review:
   (a) must be in writing;
   (b) must be given to the Obligations Officer within 30 days of the person being notified of the decision; and
   (c) is limited to the grounds that the decision-maker:
      (i) did not take all relevant material into account; or
      (ii) took irrelevant material into account; or
      (iii) did not follow due process in a specified respect; or
      (iv) demonstrated bias that disadvantaged the person in the making of the decision.

(3) If a valid application is received under this sub-rule, the Obligations Officer must refer the decision to an Authorised Officer.

(4) The Authorised Officer must:
   (a) take into account the information in the application and any other relevant material provided by the applicant in connection with the review;
   (b) take into account any other information the person or body considers relevant; and
   (c) as soon as practicable, make a decision on whether the certificate should be revoked or remain in force.

(5) A decision on review under sub-rule 7(4) is taken under these Rules to be the decision of the original decision-maker.

(6) The Authorised Officer must give notice of the decision on review to the applicant and the Obligations Officer.
8 Revocation of certificate

(1) The Vice-Chancellor may, at any time in their absolute discretion, revoke an Obligations certificate.

(2) An Obligations certificate remains in force until the earlier of the following:

(a) the person specified in the certificate ceases to be in default in respect of the relevant obligation or to be indebted to the university;

(b) an Authorised Officer reviewing the decision under sub-rule 7 revokes the certificate; or

(c) the certificate is revoked by the Vice-Chancellor.

The foregoing rules are made by Council under section 40 of the University of Canberra Act 1989 and the University of Canberra (Obligations) Statute 2015.

In making these rules the University had regard to the provisions of section 40B(1)(b) of the Human Rights Act 2004.

Approved by Council on 14 December 2018 at Council meeting 196.