

University of Canberra (Obligations) Rules 2022

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 2022.

2 Commencement

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

3 Repeal

The University of Canberra (Obligations) Rules 2018 are repealed. Any decision made under those Rules are taken to be made under these Rules.

4 Definitions

In these Rules:

Act means the *University of Canberra Act 1989*.

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 position appointed to this role by the Vice-Chancellor under the *University of Canberra (Obligations) Statute 2015* from time to time.

5 Issuing of Obligation certificate

- (1) If an Obligations Officer is satisfied that a person is in default in respect of a financial obligation to the University under the Act, the University of Canberra Fees Rules 2022, or is otherwise indebted to the University, they may issue a certificate to that effect.
- (2) A certificate issued under sub-rule 5(1) must include the details of the default or debt.

6 Notice of certificate

- (1) If an Obligations Officer issues a certificate under sub-rule 5(1), the Obligations Officer must give notice of that decision to the person specified in the certificate.
- (2) The notice given under sub-rule 6(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 8.

7 Effect of certificate

- (1) Despite any other statute or rule made under the Act, a person specified in a certificate given under sub-rule 5(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 8(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 8(4).

8 Review of certificate

- (1) A person specified in a 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) within 30 days of receiving the application for review, make a decision on whether the certificate should be revoked or remain in force.
- (5) A decision on review under sub-rule 8(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.

9 Revocation of certificate

- (1) The Vice-Chancellor may, at any time in their absolute discretion, revoke an certificate.
- (2) A 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 under sub-rule 9(1).

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 26 August 2022.

