

LA TROBE UNIVERSITY

**EXPLANATORY MEMORANDUM FOR THE STUDENTS' LOAN FUND
STATUTE 2009**

Council is invited to make the attached **Students' Loan Fund Statute 2009** (the new Statute).

The new Statute is intended to replace Statute 26 – Students' Loan Funds (*sic*) and Regulation 26.1 – Students' Loan Fund.

The new Statute provides for the administration of the Students' Loan Fund, and requires Council to establish a standing committee for the overall administration of the fund and a loans application committee at each Campus for the purpose of dealing with applications for loans.

As with almost all duties of the Council, this duty can be delegated (see section 24(1) of the *La Trobe University Act 1964*).

The new Statute also provides that while a loan repayment remains overdue, the debtor student cannot, without the permission of the Vice-Chancellor or Deputy Vice-Chancellor, enrol or re-enrol, receive results, graduate or receive a certificate or transcript of academic record.

Finally, the new Statute provides that an overdue loan amount is a civil debt which can be pursued through the courts.

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LA TROBE UNIVERSITY
STUDENTS' LOAN FUND STATUTE 2009

The Council of La Trobe University makes this Statute under section 30 of the *La Trobe University Act 1964*.

1. Name and commencement

- (1) This Statute is the **Students' Loan Fund Statute 2009**.
- (2) This Statute comes into full force and effect on 1 July 2009.

2. Purpose

The purpose of this Statute is to provide for the administration of the students' loan fund, as contemplated by section 34(4) of the Act.

3. Administration of students' loan fund

- (1) The Council shall by resolution establish the following committees for the following purposes—
 - (a) a standing committee of the students' loan fund, for the purpose of providing overall administration of the fund;
 - (b) at each campus of the University, a loans application committee, for the purpose of receiving and considering applications for loans from the students' loan fund.
- (2) Each committee established under this section—
 - (a) shall be constituted in accordance with the relevant resolution of the Council; and
 - (b) may regulate its own procedure.

4. Overdue loan repayments

- (1) While a repayment on a loan from the students' fund remains overdue, the borrowing student may not, without the written consent of the Vice-Chancellor or the Deputy Vice-Chancellor—
 - (a) enrol or re-enrol in any course, subject or unit;
 - (b) receive the results of any assessments;
 - (c) graduate or be given any academic award;

- (d) receive a certificate or transcript of academic record.
- (2) Any overdue amount on a loan from the students' fund is a civil debt recoverable summarily by the University in any court of competent jurisdiction.

5. Transitional

- (1) Despite the coming into full force and effect of this Statute, the Old Statute continues to apply to—
 - (a) an application for a loan from the students' loan fund that was made in accordance with the Old Statute but which, immediately before the commencement day, had not yet been determined; and
 - (b) an existing loan from the students' loan fund that had not, immediately before the commencement day, been fully repaid in accordance with the terms of the loan.

- (2) In this section—

commencement day means the day on which this Statute comes into full force and effect;

Old Statute means Statute 26 – Students' Loan Funds, and any regulations made under that Statute, as in force immediately before the commencement day.

6. Revocation of earlier University legislation

Statute 26 – Students' Loan Funds and Regulation – 26.1 – Students' Loan Fund are **revoked**.

Approved by the Council—

Approved by the Minister—