

7 March 2016

Federal Court decision on Phoenix Institute vs. Commonwealth of Australia

The Federal Court handed down judgement in the action by the Phoenix Institute of Australia against the Commonwealth to recover funds under the terms of its funding arrangements for the VET FEE HELP scheme.

Justice Mark Moshinsky ruled that:

- 1) a determination by the Commonwealth that an advance was payable to Phoenix created an obligation on the Commonwealth to make the payment;
- 2) the decision by the Commonwealth to defer the advance payments were valid; and
- 3) the proceedings be dismissed.

The board is considering its position.



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