

**IMPORTANT: Please ensure you retain this copy of the Conditions of Award and continue to refer to them throughout your candidature.**

## Conditions for Award 2025

### Sir Gerard Brennan Scholarship

The Sir Gerard Brennan Scholarship is funded by the funded by the Australian Government, Department of Education and Training alongside University of Technology Sydney (UTS) in conjunction with the Jumbunna Institute for Indigenous Education and Research. This scholarship was established in 2004 to honour the work of former Chancellor, Sir Gerard Brennan, AC KBE, who was also former Chief Justice of the High Court of Australia. Throughout his career, Sir Gerard demonstrated his commitment to the Australian Aboriginal people and Torres Strait Islanders.

This scholarship is provided to assist with general living costs and is awarded to newly commencing Indigenous Australian students of exceptional research potential to undertake a higher degree by research in the Faculty of Law at UTS.

#### 1. ELIGIBILITY

1.1. To be eligible for the scholarship, a student must:

- (a) be an Australian Aboriginal Person and/or Torres Strait Islander\*; and
- (b) be accepted for admission to a higher degree by research at the University of Technology Sydney (UTS), with UTS Supervisors; and
- (c) meet the admissions criteria for research doctorate degrees or Master by Research studies as outlined in [UTS Admissions and Recognition of Prior Learning Policy](#); and
- (d) be enrolled as a full-time student unless the University has approved a part-time award under section 9 of these Conditions; and
- (e) not be receiving an equivalent award, scholarship or salary providing a benefit greater than 75% of the scholarship stipend rate to undertake the HDR. Income earned from sources unrelated to the course of study is not subject to the 75% rule.

\* For administrative purposes, the Commonwealth has defined an Australian Aboriginal person and/or Torres Strait Islander as someone meeting all three of the criteria below:

- i. be a person of Aboriginal and/or Torres Strait Islander descent; and
- ii. identify as an Aboriginal and/or Torres Strait Islander; and
- iii. be accepted as such by the community in which he or she lives.

Applicants may be required to provide evidence of the above to the Jumbunna Institute for Indigenous Education and Research.

## 2. SELECTION POLICY

- 2.1. The stipend is awarded based on a competitive process using the scoring system determining:
- (a) academic merit of the applicant; and
  - (b) research and other relevant experience of the applicant; and
  - (c) publications record of the applicant; and
  - (d) relevance of the proposed research to the University's research strengths.
- 2.2. Eligible candidates will be presented to a Scholarships Committee, which will undertake the selection of Recipients. The Scholarships Committee will be made up of the Pro-Vice Chancellor (Indigenous) or nominee, the Dean of the Graduate Research School or nominee, the Dean of the Faculty of Law or nominee, the Director of Research for the Jumbunna Institute for Indigenous Education and Research, UTS or nominee, and an Indigenous member of Council or senior Indigenous academic (nominated by the Pro-Vice Chancellor (Indigenous)).

## 3. ACCEPTANCE

- 3.1. Scholarship recipients should indicate the acceptance of their scholarship by the prescribed deadline in their offer letters. The scholarship offer will lapse if the scholarship recipient does not accept by the prescribed date and the stipend will be withdrawn.

## 4. COMMENCEMENT

- 4.1. Newly commencing students must enrol and commence their award during the official enrolment period for the session in which the offer is made. The University may grant delayed commencement of the award to the following session of the same year where, due to significant prior commitments or exceptional circumstances, an awardee is not able to commence by the offered session.
- 4.2. Currently enrolled students may commence their award from the date of the scholarship offer letter, but not before 1 January.
- 4.3. The scholarship cannot be deferred to a later year.

## 5. DURATION

- 5.1. A full-time stipend may be held for a maximum period of four (4) years for doctoral studies and two (2) years for Master by Research studies. The duration of a part-time award is eight years for doctoral degrees and four years for Master by Research studies.
- 5.2. The stipend duration will be reduced by any periods of study undertaken towards the degree prior to commencement of the stipend at UTS.
- 5.3. The duration of a stipend will be increased by any periods of paid leave approved by the University (see section 7).



5.4. The maximum duration for a stipend may be reduced where the stipend is awarded in conjunction with a joint degree, to match the period of study at UTS.

5.5. No extensions are possible.

## 6. STIPEND VALUE AND ALLOWANCES

### 6.1. Annual Stipend

6.1.1. The annual stipend rates are as follows:

- (a) Up to a maximum of \$52,352 (currently tax-free) for full-time study mode. This is made up of the Australian Government Research Training Program Stipend
- (b) Up to \$26,176 (currently taxable) for part-time study mode, made up of half the rates as specified in Section 5.1(a), if a part-time award is approved under Section 9.

6.1.2. Payments are made in equal fortnightly instalments directly to a nominated account in the scholarship holder's name with an active Australian Authorised Deposit-taking Institution through the University's payment system. Part-time stipends may be adjusted to withhold tax.

6.1.3. Under Section 23(z) of the Income Tax Assessment Act 1936 (as amended), full-time scholarships are presently exempt from taxation. It is the responsibility of the scholarship holder to assess the tax liability of their scholarship. The University cannot provide advice regarding taxation. Please refer to the Australian Tax Office Website for further information: <http://www.ato.gov.au>.

### 6.2. Relocation Allowance

6.2.1. The University may pay a stipend recipient a relocation allowance for the cost of relocating to Sydney only from a permanent residence from within Australia to take up the stipend at the University subject to Section 6.2.6.

6.2.2. This covers travel & removal expenses for themselves, their spouse and dependants up to the maximum rate applicable in addition to the annual stipend. The relocation allowance limits are:

- (a) up to \$505 per eligible adult; and
- (b) up to \$255 per eligible child; and
- (c) up to a maximum total value of \$1,520

6.2.3. Where travel is by air, an eligible student will be reimbursed for travel cost equivalent to the cheapest economy or student airfare for a one-way trip from within Australia to Sydney, as calculated on the date of their relocation allowance claim form (excludes domestic flights as a transiting leg of a journey from overseas). Proof of purchase and boarding passes must be provided.

6.2.4. Where travel is by car, an eligible student will be reimbursed for travel cost of a "per kilometre" allowance for one direct trip, as per the University's motor vehicle kilometre reimbursement claim procedure (excludes travel from the Sydney airport by taxi, ride



share companies and hire cars). The total travel cost must not exceed the cheapest equivalent airfare (excluding accommodation and meal cost) as per paragraph 6.2.2. Fuel receipts may be used as evidence of travel.

6.2.5. Removal expenses are only for moving personal items to Sydney. Original tax receipts with the supplier's ABN and receipts must be provided.

6.2.6. A completed Stipend allowance form must be submitted to Graduate Research School detailing the expenses with the relevant original tax invoice and receipts attached, and evidence of travel. Claims must be made within six (6) months of commencement of the stipend.

6.2.7. Relocation allowances are not payable for travel undertaken after completion of studies, or termination of stipend.

### 6.3. Thesis Allowance

6.3.1. The University may pay a thesis allowance up to the maximum rate applicable at the time of submission of the thesis in addition to the annual stipend subject to the scholarship holder satisfying the below conditions. The allowance is a contribution to the cost of production of the thesis (e.g. editing, proofreading costs) and does not include costs such as the purchase of computer equipment or postage. The thesis allowances limit are:

- (d) up to \$420 for a master by research thesis; and
- (e) up to \$840 for a doctoral thesis.

6.3.2. The allowance must be claimed within one year of re/submission date of the thesis, or lodgement date and within two years of termination of the scholarship. The combined total of allowances for submission and re-submission cannot not exceed the approved maximum rate applicable at the time of submission of the thesis.

6.3.3. The application form for the thesis allowance is available from the UTS webpage. Original tax receipts with the supplier's ABN associated with the submission and re-submission of a thesis or the lodgement of the bound copies must be attached.

## 7. SCHOLARSHIP LEAVE

### 7.1. Annual Leave and Sick Leave

Students are entitled to receive up to 20 working days (4 weeks) paid annual leave and 10 working days paid sick leave for each year of the UTSP stipend. These leave entitlements may be accrued over the life of the UTSP stipend but will be forfeited when the UTSP stipend is terminated. Leave periods for these purposes are not added to the duration of the UTSP stipend as students continue to be paid during the period of leave.

Periods of annual leave and sick leave (of 10 days or less) will not result in a suspension of enrolment and therefore will be included for the purpose of calculating candidature and UTSP stipend end dates.

### 7.2. Leave of Absence

During [Leave of Absence](#), the scholarship payments will be stopped for the equivalent number of calendar days to the period of leave. At the time that the Leave of Absence is approved,



UTSP payments will be stopped for the full period of leave and the scholarship end date will be extended by the same number of days as the approved period of leave. Scholarship recipients will be advised, via email, of the date when the scholarship will be stopped and when it will be restarted.

### 7.3. Paid Leave of Absence

In the case of approved Paid Leave of Absence, the scholarship payments will be stopped during the Leave of Absence for part of the leave that is not paid.

If the Leave of Absence is paid, UTSP payments will continue during the period of leave (or for part of the leave period) and the scholarship end date will be extended by the same number of days as the approved period of leave.

Paid Leave of Absence can only be sought in the following circumstances:

#### 7.3.1. Sick Leave

UTSP stipend recipients are entitled to receive **additional paid sick leave** of up to a total of twelve (12) weeks during the duration of the UTSP stipend for periods of illness, where a leave of absence request must be accompanied with medical certificates; if a medical certificate is not available a statutory declaration is required.

Medical certificates are not limited to a specified list of medical professionals, and can therefore be provided by a range of health professionals such as registered physiotherapists, doctors, maternal and child health care nurses and occupational therapists. It is allowable for individual higher education providers to determine what is acceptable for required documentation of medical certificates.

Additional sick leave entitlements may also be used to cover family leave or family caring responsibilities after exhausting their recreation and sick leave entitlements.

#### 7.3.2. Maternity and Parenting Leave

UTSP stipend recipients who have completed twelve (12) months of their UTSP stipend are entitled to a maximum of twelve (12) weeks of paid **maternity leave** during the duration of the UTSP stipend. This period of leave is added to the duration of the UTSP stipend. Unpaid maternity leave may be accessed through the scholarship leave provision.

UTSP stipend recipients who are partners of women giving birth within the duration of their UTSP stipend award, and who have completed twelve (12) months of their UTSP stipend are entitled to four (4) weeks of paid **parenting leave**, which may be taken at any time in the three-month period following the birth of a child or adoption date. This period of leave is added to the duration of the UTSP stipend. Unpaid parenting leave may be accessed through the scholarship leave provision.

Periods of leave do not attract leave loading. Stipend leave application forms for additional paid sick leave, maternity and parenting leave are accessible from the UTS webpage. Completed forms must be submitted to the Graduate Research School along with relevant certified supporting documents.

## 8. ONGOING ELIGIBILITY



- 8.1. The University monitors scholarship holders' ongoing eligibility and progress to ensure that each student continues to meet eligibility requirements set out in paragraph 1 and maintain satisfactory progress. Throughout the tenure of the scholarship a student shall:
- (a) diligently pursue a course of study in the University as a candidate for the degree enrolled in; and
  - (b) maintain satisfactory progress of candidature as evidenced by the Candidature Assessment in line with the [Procedures](#) and as per [UTS Student Rules 11.15](#); and
  - (c) comply with the [UTS Student Rules Section 11](#) and regulations of the University concerning postgraduate students.

## 9. STIPENDS FOR PART-TIME STUDY

- 9.1. The University may approve a part-time stipend if:
- (a) the student is a domestic student; and
  - (b) the student has reasons acceptable to the University that preclude a full-time study for part or all of the course of study.
- 9.2. A stipend may not be held part-time for employment reasons.
- 9.3. For the purpose of 9.1, the University must be satisfied that the reasons relate to caring commitments, a medical condition, a disability or other circumstance which limits the student's capacity to undertake full-time study.
- 9.4. Application for the part-time stipend requires a written request to the Dean of the Graduate Research School with the support of the principal supervisor and the Responsible Academic Officer (RAO). A separate application form for part-time enrolment for the candidature is from the UTS webpage.
- 9.5. Students holding a stipend on a part-time basis are required to change to full-time if a change to their circumstances means that they no longer qualify to hold their stipend on a part-time basis.
- 9.6. The University will subject part-time stipend recipients to the same restrictions on employment as full-time stipend recipients.
- 9.7. A part-time stipend recipient is expected to progress at half the rate of a full-time stipend recipient.
- 9.8. Part-time stipend recipients may revert to full-time study at any time with the permission of the Faculty. A separate application form for full-time enrolment for the candidature is from the UTS webpage.
- 9.9. Part-time stipend is taxable by the Australian Government. As the University does not provide advice regarding taxation matters, it is the responsibility of the individual student to seek his/her own independent professional advice prior to submitting their tax return.

## 10. CONVERSION OF DEGREES



- 10.1. Students may convert from a Master by Research degree to a doctoral degree or from a doctoral degree to a Master by Research degree and continue to receive their stipend.
- 10.2. The maximum duration of a converted stipend becomes that for the new research degree minus periods of study undertaken towards the related degree prior to the conversion.

## 11. PAID EMPLOYMENT

- 11.1. Full-time scholarship holders are required to work on their research project and complete their thesis within the allocated period and are only permitted to undertake a limited amount of paid employment which must not interfere with the student's study and progress.
- 11.2. HDR students are expected to devote a minimum of 35 hours per week for full-time study and 17.5 hours per week for part-time study. Students engaging in other activities such as paid employment must not compromise the average weekly amount of time they devote to their research project.

## 12. TERMINATION OF AWARD

- 12.1. Scholarships will be immediately terminated in the event of an unsatisfactory candidature assessment (as outlined in [UTS Student Rules 11.15](#)) and/or discontinuation of candidature following candidature assessment (as outlined in [UTS Student Rules 11.23 to 11.25](#)) or suspension due to student misconduct ([UTS Student Rules Section 16](#)).
- 12.2. The stipend will terminate:
  - (a) if the student ceases to meet the eligibility criteria specified in section 1 other than during a period in which the stipend has been suspended with approval or during a period of leave in accordance with section 7; or
  - (b) when the stipend recipient ceases to be a full-time student and approval has not been obtained from the University to hold the stipend on a part-time basis; or
  - (c) upon submission of the thesis for examination or when the stipend expires, whichever is the earlier; or
  - (d) if the student submits a request to relinquish their stipend; or
  - (e) if, after due enquiry, the University determines that:
    - i. University the course of study is not being carried out with competence and diligence or in accordance to the offer of the stipend; or
    - ii. the student has failed to maintain satisfactory academic progress; or
    - iii. the student has been discontinued; or
    - iv. the student has committed serious misconduct, including, but not limited to, the provision of false or misleading information as outlined in section 14.1.
- 12.3. If the stipend is terminated, it cannot be re-activated unless the termination occurred in error.



### 13. SCHOLARSHIP OVERPAYMENT

- 13.1. The scholarship holder is required to repay any scholarship overpayment within thirty calendar days of being requested to do so by the University. Scholarship overpayments are viewed as financial obligations by the University and failure to repay may result in sanctions being placed on your candidature as per [UTS Student Rules Section 4.4](#) of the Student and Related Rules at UTS.

### 14. OTHER INFORMATION

#### 14.1. Provision of False or Misleading Information

If the University knows or has reason to believe that a student in receipt of a Stipend has provided false or misleading information to the University in relation to that Stipend, the University will immediately:

- (a) re-assess the student's entitlement to the Stipend; and
- (b) take action in accordance with the Student Misconduct and Appeals rules ([UTS Student Rules Section 16](#)).

#### 14.2. Insurance

- 14.2.1. Research students should be aware that the University only provides a minimal level of automatic insurance cover for personal accidents for enrolled students, and only whilst the student is on campus. Where a student's research involves high-risk activities or the student research is located off-campus, he/she should contact the Faculty Research Office to request approval so that the activity is covered by insurance.
- 14.2.2. Research students conducting fieldwork or conference presentations interstate or overseas will have insurance cover only if the activity is approved UTS business. Please contact the Faculty Research Office for approval.

### 15. ACKNOWLEDGEMENT

- 15.1. There is a legislative requirement that you acknowledge the support in any published materials related to your HDR. This relates to any time, both during and after completion of your HDR. Materials include items such as books, articles, newsletters or other literary or artistic works which relate to your HDR project. The acknowledgement must include the mention of your support through an "Australian Government Research Training Program Scholarship". We suggest that you use the statement "This research is supported by an Australian Government Research Training Program Scholarship."





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## **16. NOTIFICATION OF COMMONWEALTH HIGHER EDUCATION STUDENT SUPPORT NUMBER (CHESSN)**

- 16.1. To be eligible for a scholarship the University is required to issue you a CHESSN and report this number to the Department of Education and Training. If you already have a CHESSN from previous study, the number will remain the same. If not, the University will seek a number on your behalf and will notify you of this number prior to the research census date found in the [UTS: Handbook](#).