

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

## **Conditions of Award 2020**

### **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.

Further details on the Australian Government Research Training Program can be obtained from <http://www.education.gov.au/research-training-program-frequently-asked-questions-students>

#### **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 undertaking a higher degree by research (HDR) within the Faculty of Law at the University of Technology Sydney in the year of the RTP Stipend (RTP Stipends are not available to applicants whose enrolment into a postgraduate research program has not been accepted by the University); and
- (c) be enrolled as a full-time student, unless the University has approved a part-time RTP Stipend for a domestic student under paragraph 5.2 of these Conditions; and
- (d) not be receiving an equivalent award, stipend or salary providing a benefit greater than 75% of the RTP 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.

If the student does not satisfy all the above eligibility requirements, the student must notify the Graduate Research School in writing as soon as possible by email. Upon accepting an equivalent award, scholarship or salary providing a benefit greater than 75% of the stipend rate to undertake the HDR, the student must report this occurrence by sending the award letter or offer to the Graduate Research School immediately. The Graduate Research School will review the documents which may result in the stipend being relinquished (see 5.6. **TERMINATION OF AWARD**).

- 1.2 Where applicants do not hold a Bachelor Degree with First Class Honours, the University may determine that the applicant has demonstrated an equivalent level of academic attainment. In determining an equivalent level of academic attainment, the University may consider previous study, relevant work experience, research publications, referees' reports and other research experience.
- 1.3 Applicants will be selected for this scholarship on a competitive basis, and the quality of candidates' applications will be considered, as per section 2 of these Conditions.

## **2. SELECTION POLICY**

- 2.1. The scholarship is awarded in accordance with the eligibility requirements outlined in the Guidelines and on a competitive basis, taking into account the following criteria:
  - (a) research capacity of the applicant; and
  - (b) potential for the proposed research project to benefit Aboriginal and Torres Strait Islander people; and
  - (c) academic merit in previous studies; and
  - (d) research and other relevant experience of the applicant
- 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. SIR GERARD BRENNAN SCHOLARSHIP DURATION**

### **3.1. Acceptance**

Awardees should indicate the acceptance of their scholarship by the prescribed deadline in their offer letters; otherwise, the University may withdraw the scholarship if the awardee does not respond by the prescribed date.

### **3.2. Commencement**

- 3.2.1. 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
- 3.2.2. Currently enrolled students may only commence their award from the first day of the session of the Stipend offer letter, but not before the first day.
- 3.2.3. The scholarship cannot be deferred to a later year.

### 3.3. Duration

- 3.3.1. A full-time scholarship may be held for a maximum period of four years for doctoral degrees and two years for masters by research degrees. The duration of a part-time award is eight years for doctoral degrees and four years for masters by research degrees (see paragraph below).
- 3.3.2. The maximum scholarship duration will be reduced by any periods of study undertaken:
  - (a) towards the degree prior to commencement of the scholarship; and/or
  - (b) towards the degree during suspension of the scholarship.
- 3.3.3. The duration of the scholarship will be increased by any periods of paid sick or maternity leave approved by the University (see paragraph 4.4).
- 3.3.4. If a part-time award is converted to a full-time award, the period of the time that the student is regarded as having been in receipt of the part-time award immediately prior to the conversion will be halved for the purpose of determining the duration the awardee is regarded as having been in receipt of a full-time award immediately after conversion.
- 3.3.5. If a full-time award is converted to a part-time award, the period of the time that the student is regarded as having been in receipt of the full-time award immediately prior to the conversion will be doubled for the purpose of determining the duration the awardee is regarded as having been in receipt of a part-time award immediately after conversion.
- 3.3.6. No Extension of the scholarship is permitted.

## 4. BENEFITS

### 4.1. Annual Stipend

The annual stipend rates are as follows:

- (a) Up to a maximum of \$50,000 (currently tax-free) for full-time study mode. This is made up of the Australian Government Research Training Program Stipend (RTPS) amounting to \$43,885 (indexed) and a UTS Top-up amounting to \$6,115; or

(b) Up to \$25,000 (currently taxable) for part-time study mode, made up of half the rates as specified in 5.1(a), if a part-time award is approved under paragraph 5.2.

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

4.1.2. 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.

#### **4.2. Relocation Allowance**

The University may pay a RTP Stipend recipient a relocation allowance for the cost of relocating to Sydney only from a permanent residence from within Australia to take up the RTP Stipend at the University subject to paragraph 4.2.5.

4.2.1. 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

4.2.2. 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.

4.2.3. 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 4.2.2. Fuel receipts may be used as evidence of travel. "

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

4.2.5. 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 RTP Stipend.

4.2.6. Relocation allowances are not payable for travel undertaken after completion of studies, or termination of RTP Stipend.

#### 4.3. Thesis Allowance

4.3.1. 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 conditions set out in paragraph 5.3.2. 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 masters by research thesis; and
- (e) up to \$840 for a doctoral thesis.

4.3.2. 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.

4.3.3. The application form for the thesis allowance is available from Graduate Research School website. 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.

#### 4.4. Leave Entitlements

4.4.1. Scholarship holders are entitled to take up to twenty (20) working days' paid recreation leave and up to ten (10) days' paid sick leave for each year of their scholarship, pro rata basis. Up to 5 days of their paid sick leave may be used for family leave or family caring responsibilities. Leave for these purposes may be accrued but must be taken within the duration of the scholarship. Leave periods for these purposes are not added to the duration of the scholarship as students continue to be paid during the period of leave.

Application for recreation and standard sick leave (up to 10 days per year) is not required. However, scholarship holders are required to report the number of days of recreation and sick leave taken each sessions in their Review of Progress.

4.4.2. Scholarship holders are entitled to receive **additional paid sick leave** of up to a total of twelve (12) weeks during the duration of the scholarship for periods of illness where a student has insufficient sick leave entitlements available under paragraph **Error! Reference source not found.** for which a medical certificate has been provided. This period of leave is added to the duration of the scholarship.

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

4.4.4.Scholarship holders who have completed twelve (12) months of their scholarship are entitled to twelve (12) weeks of paid **maternity leave** at the time of and including the birth or adoption date during the duration of the scholarship. This period of leave is added to the duration of the scholarship. Unpaid maternity leave may be accessed through the suspension provision.

4.4.5.Scholarship holders who are partners of women giving birth or adopting during the scholarship and who have completed twelve (12) months of their scholarship are entitled to five (5) days of paid **parenting leave** at the time of the birth or adoption. This period of leave is added to the duration of the scholarship. Unpaid parenting leave may be accessed through the suspension provision.

4.4.6.Periods of leave do not attract leave loading. Scholarship leave application forms for additional paid sick leave, maternity and parenting leave are downloadable from Graduate Research School website. Completed forms must be submitted to GRS attached with relevant certified supporting documents.

## 5. OTHER CONDITIONS

### 5.1. Ongoing Eligibility

The University monitors Stipend recipient's ongoing eligibility and progress to ensure that each student continues to meet the eligibility requirements set out in section 1 and maintain satisfactory progress. Except in special circumstances as determined by the Graduate Research School Board of the Academic Board, throughout the term of the Stipend a student shall:

- (a) diligently pursue a course of study in the University as a candidate for the degree enrolled in; and
- (b) submit to the relevant Faculty reports to enable review of progress in accordance with the guidelines approved by the Graduate Research School Board from time to time as per Section 11.13 of the UTS Student Rules found at <http://www.gsu.uts.edu.au/rules/11-13.html>
- (c) successfully complete the required stage assessments as per Section [11.15](#) of the UTS Student and Related Rules; and
- (d) comply with the rules and regulations of the University concerning postgraduate students which can be found at: <http://www.gsu.uts.edu.au/rules/11-index.html> ; and
- (e) participate in the [Research Student Development program](#).

The scholarship holder must give at least twenty days' notice of intention to relinquish the scholarship (e.g. on discontinuation of studies).

### 5.2. Scholarship for Part-time Study

- 5.2.1. The University may approve a part-time award if the student has reasons acceptable to the University that preclude full-time study for part or the entire course of study.
- 5.2.2. The scholarship may not be held part-time for employment reasons.
- 5.2.3. For the purpose of 5.2.1, 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.
- 5.2.4. Application for the part-time RTP 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.
- 5.2.5. Students holding the scholarship 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 scholarship on a part-time basis.
- 5.2.6. The University will subject part-time scholarship holders to the same restrictions on employment as full-time scholarship holders.
- 5.2.7. A part-time scholarship holder is expected to progress at half the rate of a full-time scholarship holder.
- 5.2.8. 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.
- 5.2.9. The stipend associated with a part-time scholarship is presently considered to be 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 his/her tax return.

### **5.3. Suspension of Award**

- 5.3.1. After completion of the first six months of the scholarship the student may be granted up to twelve months (two sessions) suspension of his/her scholarship with the permission of the University.
- 5.3.2. Periods of approved suspension will be added to the normal time for which the scholarship may be held. Any periods of study undertaken towards the degree during suspension of the scholarship will be deducted from the maximum period of duration.
- 5.3.3. If the Stipend holder remains enrolled whilst his/her Stipend is suspended, this period of enrolment will be deducted from the Stipend duration; that is, the duration of the Stipend will be reduced. It is therefore recommended that the Stipend holder applies for a leave of absence with respect to his/her candidature. Information regarding leave of absence is available in the Graduate Research Candidature Management, Thesis Preparation and Submission Procedures which is available on the UTS website.

5.3.4. Note that if the scholarship holder does not resume study at the conclusion of a period of suspension, or does not make arrangements to extend the period of suspension, the scholarship will be terminated.

5.3.5. If prior approval of a suspension of the scholarship is not obtained, the scholarship holder will be deemed to be absent without permission and the scholarship will terminate.

#### **5.4. Conversion of Degrees**

5.4.1. Students may convert from a masters by research degree to a doctoral degree or from a doctoral degree to a masters by research degree and continue to receive their scholarship.

5.4.2. The maximum duration of a converted scholarship becomes that for the new research degree minus periods of study undertaken towards the related degree prior to the conversion.

#### **5.5. Paid Employment**

5.5.1. 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.

5.5.2. 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. Scholarship holders must seek approval of the RAO in their Faculty or Institute prior to engaging in part-time work in excess of 8 hours per week.

5.5.3. The RAO's decision will take the principal supervisor/s' recommendation into consideration. Details of paid employment or other activities, which temporarily interfere with the capacity to devote the required minimum hours per week to the research project, must be recorded in the student's review of progress.

#### **5.6. Termination of Award**

5.6.1. The scholarship will terminate:

- (a) if the student ceases to meet the eligibility criteria specified in paragraph 1 other than during a period in which the scholarship has been suspended with approval or during a period of leave in accordance with paragraph 4.4; or
- (b) when the scholarship holder ceases to be a full-time student and approval has not been obtained from the University to hold the scholarship on a part-time basis; or



- (c) upon submission of the thesis for examination or when the scholarship expires, whichever is the earlier; or
- (d) if, after due enquiry, the University determines that:
  - i. the course of study is not being carried out with competence and diligence or in accordance to the offer of the scholarship; or
  - ii. the student has failed to maintain satisfactory academic progress; or
  - iii. the student has committed serious misconduct, including, but not limited to, the provision of false or misleading information as outlined in paragraph 6.1.

5.6.2. If the scholarship is terminated, it cannot be re-activated unless the termination occurred in error, or on re-submission of the thesis. For thesis re-writes, the scholarship may be reactivated until the thesis is finally submitted, to the maximum duration of the scholarship.

#### 5.7. Scholarship Overpayment

A Stipend recipient is required to repay any Stipend overpayment within thirty calendar days of being requested to do so by the University. Stipend overpayments are viewed as financial obligations by the University and failure to repay may result in sanctions being placed on your candidature as per Rule 4.4 of the Student and Related Rules at UTS. More information is available at <http://www.gsu.uts.edu.au/rules/4-4.html>

## 6. OTHER INFORMATION

### 6.1. Provision of False or Misleading Information

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

- (a) re-assess the student's entitlement to the RTP Stipend; and
- (b) Notify the Department of Education and Training of the suspected offence and provide a copy of the student's application and any other relevant information requested by the Department.

### 6.2. Insurance

6.2.1. 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.

6.2.2. 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.

## **7. ACKNOWLEDGEMENT**

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."

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

To be eligible for an RTP 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](#).