

## **The FA & MF Joyner Scholarship in Law**

### *General*

The FA & MF Joyner Scholarship in Law (hereafter referred to as 'the Scholarship') has been established to encourage postgraduate and other advanced research of original or progressive nature leading to advancement of knowledge in any branch or aspect of Law.

The nature of the Scholarship shall be determined by Australian Executor Trustees Limited in consultation with The University of Adelaide, The Flinders University of South Australia and any other South Australian university with a faculty or school of law (hereafter referred to as 'the Universities'. The Scholarship will be dependent on the available income and is to be available from time to time as funds permit.

The Scholarship will be administered by a committee comprising representatives from the Universities.

The rules of the FA & MF Joyner Scholarship in Law may be varied from time to time by Australian Executor Trustees Limited in consultation and on the recommendation of the Universities but the name and the general purpose of the Scholarship shall not be changed.

### *Eligibility*

An applicant must be an Australian citizen or have permanent residence status in Australia. Candidates should hold or expect to obtain a First Class or high Second Class (Division A) Honours degree or an equivalent level of academic attainment. Applicants must be acceptable for admission to higher degree candidature and must be commencing postgraduate study in the year for which the Scholarship is tenable.

### *Selection*

A short list of eligible applicants, in order of merit, will be developed within each of the Universities.

The successful applicant will be the highest ranked applicant in an appropriate discipline from one of the Universities. The successful applicant will be selected on the grounds of academic merit and research potential by Australian Executor Trustees Limited on the recommendation of a designated Selection Committee who will place all suitable applicants into a single order of merit. This order of merit will constitute the reserve list if the highest ranked candidate were to decline the award. The Selection Committee's recommendation, together with a reserve list, shall be forwarded to Australian Executor Trustees Limited for its consideration and determination.

The Selection Committee will comprise one administrative representative from each of the Universities and the Deans of Law or their nominees from each of the Universities.

### *Study*

The holder of a Scholarship will be required to undertake full-time research leading to the degree of Doctor of Philosophy or Masters degree by research in an appropriate legal discipline at one of the Universities.

The successful applicant will be under no obligation to render any service to Australian Executor Trustees Limited or to the University concerned as a result of receiving this Scholarship, except insofar that he or she is required to pursue his or her postgraduate research as a full-time student and be subject to the normal procedures for monitoring academic progress. He or she will be supervised in the same manner and to the same extent as any other postgraduate student.

### *Stipend*

The stipend will be 10% above the Australian Postgraduate Award stipend per annum subject to indexation in accordance with movements in the Australian Postgraduate Award. All other

allowances will be identical to those provided by the Australian Postgraduate Award. Under present taxation law the stipend is expected to be tax exempt.

#### *Tenure*

A Scholarship is available from 1 January of the year of the award and the successful applicant is normally required to commence full-time study within one of the Universities by 30 June of the year of award. Payment will commence from 1 January of the year of award or date on which full-time study commences, as appropriate.

A Scholarship is granted on an annual basis, but is normally tenable, subject to satisfactory progress, for three years.

Tenure and annual renewal of the Scholarship will be subject to satisfactory progress, as indicated by the student's supervisor(s) and Head of Department or School, subject to the normal procedures of the University concerned.

#### *Employment*

Employment during working hours, after approval by the Head of the Department or School, should not exceed eight hours in any one week for a maximum of 240 hours in a calendar year. Employment during working hours outside the University must be undertaken unless approval is obtained, in advance, from the University concerned.

#### *Illness*

Short absences, which will not interfere with a student's progress, need not be reported to the University concerned. However, longer absences (two weeks or more) should be reported to the University, through the Head of the Department or School. The value of any support that a student may receive from the Scholarship during a period of absence through illness shall be determined after consideration of the circumstances in each individual case. A medical certificate will be required for any period of illness in excess of two weeks. In the event of illness lasting in excess of three months, a further medical certificate must be provided. If Scholarship support is to continue there must be some indication that the student will be able to resume full-time study.

#### *Absence from Studies and Suspension of Payments*

The Scholarship holder is expected to continue full-time study during the period of which the Scholarship is held (ie there are no breaks between academic semesters or academic years). However, leave of absence may be granted in the following circumstances:

- Recreation Leave – A PhD candidate will be granted recreation leave for three annual periods of four weeks during the three years of tenure. Recreation leave does not accumulate but is forfeited if not taken within the prescribed period. All periods of recreation leave are subject to the approval of the student's supervisor.
- Leave of Absence – Short absences (eg as a result of illness, attendance at a conference related to postgraduate studies or involvement in a University activity) which the supervisor considers would not interfere with the student's progress need not be reported. However, if the period of absence exceeds two weeks, approval should be sought from the University.
- Suspensions – In general, when a student discontinues full-time study, the Scholarship terminates. When a break in study is desired for personal reasons or is unavoidable, the student may intermit the Scholarship for a maximum total period of twelve months.
- Overseas Study – The Scholarship is offered to promote advanced research in Australia. However, in special circumstances, a limited period of supervised study overseas may be approved. The study abroad must be necessary and an integral part of the student's research program and must not exceed twelve months duration. A student should, after consultation with their supervisor, apply for approval from the University to undertake overseas study at least three months before the proposed date of departure and must not leave Australia before approval is granted.

#### *Intellectual Property*

If results of the research may be subject to future commercialisation, the student may be required to sign an intellectual property agreement acknowledging the rights of both the student and the University, depending on the procedures applying at the University concerned.

#### *Previous Tenure of Postgraduate Awards*

An applicant who has previously held an Australian Postgraduate Award or other postgraduate scholarship, whether at the University concerned or elsewhere, and who has relinquished the scholarship without completing the work for the degree concerned, will be given a low priority when selecting the successful candidate.

#### *Payments*

Payments in respect of the Scholarship will be made directly by Australian Executor Trustees Limited to the University concerned, half yearly in advance, upon presentation of an invoice. The Universities shall also provide at that time a half yearly acquittal of funds to Australian Executor Trustees Limited. Payments of the stipend to the successful applicant will be disbursed by the Scholarships Administration of the University concerned on a basis appropriate to that institution, usually fortnightly in arrears.

Funding will be approved by Australian Executor Trustees Limited which will be sufficient to enable the successful applicant to undertake a PhD or equivalent research degree over not less than three years.

No provision has been made under the Scholarship for payment of HECS, Student Union Fees or Research Maintenance Allowances.

#### *Disclaimer*

The Universities accept no responsibility for continuing support of the successful applicant in the event that the Joyner Scholarship ceases to be funded for any reason.