The Justice Peter Hely Scholarship

Terms and Conditions
July 2018

1. Background

a. Established in 2008 by the University of Sydney Law School through contributions from the friends and colleagues of the Late Justice Peter Hely, to promote postgraduate study in the fields of commercial law and equity.

2. Eligibility

a. Applicants must be either Australian citizens or Australian permanent residents and have completed, or are about to complete either an undergraduate or postgraduate law degree from the University of Sydney.

b. Applicants must have an unconditional offer of admission for full-time studies in a postgraduate coursework degree, or research degree within the Sydney Law School at the University of Sydney, or equivalent institution.

c. Applicants must be completing research or studies in the fields of commercial law and equity.

3. Selection Criteria

a. The successful applicant will be awarded the Scholarship on the basis of:

   I. academic merit,
   II. area of study and research proposal (where relevant),
   III. curriculum vitae,
   IV. a personal statement which demonstrates their interest in commercial law and equity, as well as evidence of their community service.

b. The successful applicant will be awarded the Scholarship on the recommendation of the Head of School and Dean of the University of Sydney Law School, or their nominee and one other academic member of staff.

4. Value

a. The Scholarship is valued at $20,000 for one year only and will become tenable once the applicant has either:

   I. enrolled into their eligible program with the University of Sydney, or
   II. provides evidence of enrolment in an eligible program and institution to the University of Sydney Scholarships Office.

b. The Scholarship value will be paid as follows:

   I. For a coursework student enrolled at the University of Sydney, the Scholarship value will be paid in two equal instalments after the census date of each semester.
   II. For a research student enrolled at the University of Sydney, the Scholarship value will be paid as a stipend payment for a period of one year only. No extension is possible.
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c. For students not enrolled at the University of Sydney, the Scholarship value will be paid as a one-off upon proof of enrolment.

d. The Scholarship is for commencement in the semester or research period in which it is offered and cannot be deferred without the prior permission of the Head of School and Dean of the Sydney Law School.

e. The Scholarship cannot be transferred for another purpose or area of study/research.

f. No other amount is payable.

g. The Scholarship will be offered subject to the availability of funding.

5. Eligibility for Progression

a. The recipient is expected to successfully complete their degree.

6. Leave Arrangements – postgraduate research students enrolled at the University of Sydney only

a. The Scholarship recipient receives up to 20 working days pro rata recreation leave each year of the Scholarship and this may be accrued. However, the student will forfeit any unused leave remaining when the Scholarship is terminated or complete. Recreation leave does not attract a leave loading and the supervisor’s agreement must be obtained before leave is taken.

b. The Scholarship recipient may take up to 10 working days sick leave each year of the Scholarship and this may be accrued over the tenure of the Scholarship. Students with family responsibilities, caring for sick children or relatives, or experiencing domestic violence, may convert up to five days of their annual sick leave entitlement to carers leave on presentation of medical certificate(s). Students taking sick leave must inform their supervisor as soon as practicable.

7. Research Overseas – postgraduate research students enrolled at the University of Sydney only

a. The Scholarship recipient may not normally conduct research overseas within the first six months of award.

b. The Scholarship holder may conduct up to 12 months of their research outside Australia. Approval must be sought from the student’s supervisor, Head of Department and HDRAC, and will only be granted if the research is essential for completion of the degree. All periods of overseas research are cumulative and will be counted towards a student’s candidature. Students must remain enrolled full-time at the University and receive approval to count time away.

8. Suspension – postgraduate research students enrolled at the University of Sydney only

a. The Scholarship recipient cannot suspend their award within their first six months of study, unless a legislative provision applies.
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b. The Scholarship recipient may apply for up to 12 months suspension for any reason during the tenure of their Scholarship. Periods of suspension are cumulative and failure to resume study after suspension will result in the award being terminated. Approval to suspend must be given by both HDRAC and the head of the department concerned. Periods of study towards the degree during suspension of the Scholarship will be deducted from the maximum tenure of the Scholarship.

9. Changes in Enrolment – postgraduate research students enrolled at the University of Sydney only

a. The Scholarship recipient must notify HDRAC and their supervisor promptly of any planned changes to their enrolment including but not limited to: attendance pattern, suspension, leave of absence, withdrawal, course transfer, and candidature upgrade or downgrade. If the award holder does not provide notice of the changes identified above, the University may require repayment of any overpaid stipend.

10. Termination – all recipients

a. Unless terminated earlier under this paragraph, the Scholarship will terminate:

I. on resignation or withdrawal of the student from their relevant degree,
II. upon submission of the thesis or at the end of the award,
III. if the recipient commences study/research in area not related to commercial law or equity,
IV. if the student ceases to be a full-time student and prior approval has not been obtained to hold the Scholarship on a part-time basis,
V. does not resume study at the end of a period of approved leave where relevant,
VI. if the student ceases to meet the eligibility requirements specified for this Scholarship, (other than during a period in which the Scholarship has been suspended or during a period of approved leave).

b. The Scholarship may also be terminated by the University before this time if, in the opinion of the University:

I. the course of study is not being carried out with competence and diligence or in accordance with the terms of this offer,
II. the student fails to maintain satisfactory progress, or
III. the student has committed misconduct or other inappropriate conduct.

c. Stipend payments will be suspended throughout the duration of any enquiry/appeal process.

d. Once the Scholarship has been terminated, it will not be reinstated unless due to University error.

11. Misconduct – all recipients

a. Where during the Scholarship a student engages in misconduct, or other inappropriate conduct (either during the Scholarship or in connection with the student’s application and
elibility for the Scholarship), which in the opinion of the University warrants recovery of funds paid to the student, the University may require the student to repay stipend amounts and any other payments made to the student in connection with the Scholarship. Examples of such conduct include and without limitation; academic dishonesty, research misconduct within the meaning of the Research Code of Conduct (for example, plagiarism in proposing, carrying out or reporting the results of research, or failure to declare or manage a serious conflict of interests), breach of the Code of Conduct for Students and misrepresentation in the application materials or other documentation associated with the Scholarship.

b. The University may require such repayment at any time during or after the Scholarship period. In addition, by accepting this Scholarship, the student consents to all aspects of any investigation into misconduct in connection with this Scholarship being disclosed by the University to the funding body and/or any relevant professional body.