

The Contractual Relationship between the College and the Student

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See also [Definitions and Abbreviations](#)

Background Information

The Postgraduate Specialisation Program is an Australian Program but contains some Subjects specifically designed for students in New Zealand and Asia. This document applies equally to all students undertaking the Postgraduate Specialisation Program irrespective of their location. It should be noted that only Australian students (with very limited exceptions explained at 1.2.1.8) are eligible for Fee-Help loans to pay tuition fees.

The Contractual Relationship between the College and the Student

1. Policies and Procedures relating to Students

1.1 Enrolment and re-enrolment

- 1.1.1 Except where otherwise provided for by the College, an application for enrolment must be made in accordance with the policy and procedures of the College.
- 1.1.2 At the time of enrolment in your Program you must provide to the College a transcript (original or certified copy) of your academic results; or an original certified copy of the testamur; or an original or certified copy of your practicing certificate; or an original or certified copy of your admission certificate. Failure to meet the requirements of this paragraph will, in addition to any other consequences relating to student non-compliance with College policies and procedures, prevent or delay enrolment.
- 1.1.3 Unless the Program Director approves your application to enrol, the College will not accept you into a Program if you, on the first day of the Program, have not satisfied all the requirements of a law qualification which is a prerequisite for admission to the Program. See Appendix 3.
- 1.1.4 You must complete and lodge an application for enrolment before the last day to enroll as specified, unless you have been granted permission by the College to submit a late application for enrolment.
- 1.1.5 You must pay the tuition fee in entirety or may submit a Request for FEE-HELP Loan form upon enrolment. (See 1.2.1 for Fee-Help eligibility.)
- 1.1.6 You are deemed to be enrolled in the Program nominated on your current application for enrolment form, subject to any variations the College may later approve.

1.1.7 You are deemed to be a student of the College while you are yet to complete the Program in which you were last enrolled and the Maximum Permissible Period is yet to expire.

1.1.8 You will cease to be a student of the College if:

- you withdraw from a Program
- you abandon or are excluded from a Program, or
- your enrolment in a Program or participation in a Program is otherwise withdrawn or terminated in accordance with College policies and procedures.

1.1.9 You are taken to have abandoned the Program if you have not completed the Program requirements and the Maximum Permissible Period has expired.

1.2 Tuition fees and refunds

1.2.1 FEE-HELP students

FEE-HELP is a Commonwealth loan scheme available to eligible students (see 1.2.1.8 below) to pay tuition fees for approved courses of study. All College award Programs are approved courses for FEE-HELP. Students wishing to access FEE-HELP loans should download the relevant information from the Study Assist website at: <http://studyassist.gov.au>.

1.2.1.1 At the time of your application for enrolment in a Program or Subject, you must submit a completed Request for a FEE-HELP Loan form with your application for enrolment form. You do not need to submit another Request for FEE-HELP Loan form for subsequent Subjects unless you change Programs.

1.2.1.2 If your application is accepted, you will be eligible to commence the Program or Subject without paying any tuition fees directly to the College.

1.2.1.3 Subject to (1.2.1.4), FEE-HELP students may withdraw from the Program or Subject on, or prior to, the Census Date without incurring a Commonwealth debt.

1.2.1.4 After the Census Date, a student becomes liable to repay the tuition fee via the tax system once they attain the relevant income level. (For more information see the FEE-HELP information booklet published by Department of Education and Training or download the relevant information from the Study Assist website at: <http://studyassist.gov.au>).

1.2.1.5 After the Census Date, the student's liability to the Commonwealth cannot be forgiven except in accordance with the College's Review Procedures (see Appendix 4).

1.2.1.6 All applications for withdrawals, transfers or refunds should be made in writing to the Manager, Client Services.

1.2.1.7 Eligible students are:

- Australians citizens (or New Zealand Special Category Visa holders who meet the long-term residency criteria) who will undertake, in Australia, at least one unit of study contributing to the course;
- permanent humanitarian visa holders who will be resident in Australia for the duration of the unit;
- permanent visa holders who are undertaking [bridging study for overseas-trained professionals](#), and will be resident in Australia for the duration of the study.

1.2.1.8 Eligible students must also:

- be enrolled in an eligible unit of study by the census date for that unit; and
- have not exceeded the FEE-HELP limit.

1.2.1.9 For the purposes of eligibility, “permanent residents” or “citizens” must have the appropriate certificate or visa. The College will not accept Fee-Help applications from people who are not citizens or appropriate visa holders at the time of application.

1.2.1.10 FEE-HELP loans are not available for enrolment on a non-award basis, unless undertaking prescribed Subjects for admission as Legal Practitioner.

1.2.2 Fee paying students

Students paying full fees up front each intake for the Subjects in which they enroll:

1.2.2.1 At the time of your application for enrolment in a Program or Subject, you must pay the advertised tuition fee to secure your place. If your application is refused, this money will be returned in full.

1.2.2.2 Fee paying students may withdraw from the Subject on, or prior to, the Census Date and receive a refund of the tuition fee.

1.2.2.3 After the Census Date, there is no entitlement to a refund except in accordance with the College’s Review Procedures. (See Appendix 4).

1.2.2.4 All applications for withdrawals, transfers or refunds should be made in writing to the Manager, Client Services.

1.2.2.5 The College may withhold your results if you owe any money to the College or have not returned any property of the College.

1.2.2.6 Nothing in these rules removes the right to take further action under applicable consumer protection laws.

1.3 Academic Credit, Withdrawal, Readmission and Transfer

1.3.1 General principles

- 1.3.1.1 Entry to the College's accredited courses is based on specific published entry criteria and decisions regarding student selection will be in accordance with the Admissions Policy contained in the Policy Index.
- 1.3.1.2 The assessment of the amount of Credit to be granted in particular courses shall be determined by the Program Director within the framework of this policy.
- 1.3.1.3 Regardless of the Credit granted, the requirements of each course must be fulfilled.
- 1.3.1.4 Credit can be given in the form of specified or unspecified Credit.
- 1.3.1.5 Candidates for an award from the College are required to complete a minimum amount of the course through the College. The total Credit granted for prior learning shall not exceed 50% of the total credit points required for the award toward which Credit is sought.

1.3.2 Acceptable documents for enrolment

- 1.3.2.1 In order to be enrolled in a College Award Program you must be a graduate in law or equivalent unless otherwise permitted to enroll pursuant to the College's eligibility criteria (see Selection Procedures, Appendix 3).
- 1.3.2.2 The College requires evidence of your academic qualifications and for enrolment purposes will accept:
 - An original academic transcript from the student's university conferring the degree; or
 - An original testamur from the student's university; or
 - A scanned copy which has been certified as a true copy by an authorised person under the Oaths Act in the relevant jurisdiction, of the student's academic transcript from the university conferring their degree; or
 - A scanned copy which has been certified as a true copy by an authorised person under the Oaths Act in the relevant jurisdiction of the student's testamur from the university conferring their degree.
- 1.3.2.3 If the student provides a scanned academic transcript or testamur, the College employee is able to check the qualifications with the university, using the university verification service websites. If the verification confirms the degree the College employee must attach this confirmation to the student's file.
- 1.3.2.4 If an Postgraduate Specialisation Program student has provided any of the above requirements for completion of the College of Law's PLT

Program or PLSC Program the student will not be required to provide further evidence of the law qualification.

1.3.3 Credit for formal, informal and non-formal studies

1.3.3.1 Credit will not normally be granted for formal study completed more than ten years (unless specified otherwise) prior to application unless there is evidence of continued relevance of this study for the course towards which Credit is sought.

1.3.3.2 Credit may be granted for the successful completion of:

- a. subjects which form part of an accredited course provided by a recognised higher education institution;
- b. non-award courses offered by a recognised higher education institution;
- c. accredited courses offered by a vocational training provider;
- d. courses provided by a professional association or other similar body;
- e. training delivered by employers or other similar training (eg, Articles Training; Supervised Workplace Training) where there is clear evidence of targeted learning outcomes equivalent with the learning outcomes of a higher education award.

1.3.3.3 Credit shall be granted where there is substantial overlap with content and/or learning outcomes of the College's subject for which Credit is claimed.

1.3.3.4 When assessing Credit for formal learning the following will be taken into account:

- a. the general educational practices and standards of the provider(s) or any accreditation obtained by such provider that may be relevant to the course under consideration;
- b. the objectives of the particular course and the methods adopted to achieve those objectives;
- c. admission requirements to the course;
- d. the duration of the course, having regard to entry requirements and course objectives;
- e. the breadth, depth and balance in the course material involved and the intellectual effort required;
- f. the methods of assessment;
- g. the relative emphasis on the teaching of skills in relation to the study of the discipline; and
- h. any arrangements for practical training and experience as part of the course.

1.3.3.5 When assessing Credit for informal or non-formal learning the following will be taken into account:

- a. the general educational practices and standards of the provider(s) that may be relevant to the College Program for which credit is claimed;
- b. the objectives of the particular course or learning activity and the methods adopted to achieve those objectives;
- c. admission requirements to the course or learning activity;
- d. the duration of the course or learning activity, in comparison with the duration of equivalent formal studies;
- e. entry requirements in comparison with equivalent formal studies;
- f. the breadth, depth and balance in the course or learning activity and the intellectual effort required;
- g. the methods of assessment;
- h. the relative emphasis on the teaching of skills in relation to the study of the discipline; and
- i. any arrangements for practical training and experience as part of the course or learning activity.

1.3.3.6 Credit for informal or non-formal learning will not be given as specified Credit for core subjects.

1.3.3.7 Any form of informal or non-formal Credit approved for the first time must be ratified by the College's Academic Board, but subsequent similar applications may be approved by the Program Director without reference to the Academic Board.

1.3.3.8 The Program Director will report twice per annum to the Academic Board on all aspects of the award and non-award of academic Credit for the previous six months.

1.3.4 *Articulation*

1.3.4.1 The College regards all its postgraduate award teaching to be at Masters Degree level (AQF level 9) with Graduate Diplomas and Graduate Certificates distinguished from Masters Degrees on the basis of volume rather than level of learning.

1.3.4.2 Graduate Diplomas nested within the Postgraduate Specialisation Program are equivalent to four subjects.

1.3.4.3 Graduate Certificates nested within the Postgraduate Specialisation Program are equivalent to two subjects.

1.3.5 *Internal transfer between courses*

1.3.5.1 Credit granted in accordance with this policy is fully transferable between Postgraduate Specialisation Programs, as long as it meets the course requirements outlined at Appendix 6 to this Manual.

1.3.5.2 As well as Credit for recognised prior learning, Credit may be granted when a student has completed subjects while undertaking a Program with the College and wishes to transfer to another course within the College.

1.3.5.3 The maximum Credit that can be granted pursuant to clause 1.3.5 is not limited.

1.3.6 Academic Transcript for work done

If you withdraw from a Program you may apply to the Program Director in writing for an Academic Transcript for any Subject completed before your withdrawal. Credit will only be given for whole Subjects for any subsequent College enrolment.

1.3.7 Re-admission to the College

If you:

- withdraw from
- abandon
- have been excluded from, or
- had your enrolment terminated in

the Program, and you wish to be readmitted, you must apply to the College and be selected for admission in the same way as persons who have not previously been students of the College. You must pay all fees for the Program in which you seek readmission.

1.3.8 Abandonment and Leave of Absence

1.3.8.1 Notwithstanding the Maximum Permissible Period, you are regarded as having abandoned the Program if you miss more than four consecutive intakes without successfully applying for a Leave of Absence.

1.3.8.2 A Leave of Absence is a period during which the Maximum Permissible Period is suspended.

1.3.8.3 To make a Leave of Absence application, students must contact the College on alp@collaw.edu.au, requesting a Leave of Absence specifying the grounds of their application and the period for which they are seeking the Leave of Absence.

1.3.8.4 A student must apply for a Leave of Absence before the commencement of the intake, for a maximum of 12 months. Such applications may be granted by the Program Director and all such applications must be accompanied by supporting documents (where applicable).

1.3.8.5 A Leave of Absence does not affect any other status with regard to Census Dates or rights of Withdrawal.

1.3.9 Transfer between Subjects or Intakes

1.3.9.1 You may apply to transfer from one Subject to another within:

- (i) 14 calendar days from the start of the online intake based Subject; or
- (ii) 7 calendar days from the start of the intensive based Subject.

1.3.9.2 Applications for transfer between Subjects should be made, in writing, to the Manager, Client Services.

1.3.10 Deferral

1.3.10.1 You may apply to defer from a Subject without academic penalty if you have grounds of hardship (eg, medical hardship) and your application is received by the Deferral Date, which is:

- (i) 14 calendar days after the Census Date for an online intake based subject; or
- (ii) 7 calendar days after the Census Date for an Intensive Subject and FDRP program subjects.

1.3.10.2 In such circumstances, the College will allow you a credit of the fees paid for the Subject, to be used within the next 12 months.

1.3.10.3 This credit can only be used once. There is no second Census Date or Deferral Date that is applicable to this second Subject payment. This means that once you use this credit, you must complete the Subject.

1.3.10.4 Students can request to defer to another intake by sending an email to the Client Services team on alp@collaw.edu.au outlining their grounds. The applications will then be considered by the Client Services Manager. Any applications that are received after the applicable deadline referred to above, will be rejected.

1.3.10.5 Students deferring, will commence the Subject anew and be expected to undertake all coursework in the Subject in accordance with the timetable.

1.3.10.6 FEE-HELP students who defer do not have any right to a re-crediting of their FEE-HELP balance except as provided for under the Review Procedures (Appendix 4).

1.3.10.7 FEE-HELP students who defer do not have the option of withdrawing with a refund, or without incurring a Commonwealth debt, under 1.2 of this Program Manual.

1.3.11 Withdrawal

Fee paying students

- 1.3.11.1 If you wish to withdraw from a Subject, you must immediately notify the Program Director in writing stating the circumstances.
- 1.3.11.2 If you notify the Program Director on or before the Census Date of the relevant Subject from which you wish to withdraw you will receive a refund of the tuition fee.
- 1.3.11.3 If you notify the Program Director after the Census Date, you will no longer be entitled to a refund except at the discretion of the College. In exercising that discretion, the College will apply the same criteria as apply to applications for review by FEE-HELP students under the Review Procedures (see Appendix 4).

FEE-HELP students

- 1.3.11.4 If you wish to withdraw from a Subject, you must immediately notify the Program Director in writing stating the circumstances. In all cases the date of receipt by the College of any letter or email will be taken as the date of notification.
- 1.3.11.5 If you withdraw on or before the Census Date of the relevant Subject you will not incur a debt to the Commonwealth and your FEE-HELP entitlement will be re-credited.
- 1.3.11.6 If you withdraw after the Census Date you will still incur a debt to the Commonwealth of the full tuition fee. In certain circumstances, the College may allow an application to preclude the incurring of a debt (see Review Procedures).

1.4 Academic Credit, Applications and Specific Cases

1.4.1 Applications for Credit

- 1.4.1.1 An application for Credit based on prior learning must be made at the time of application for admission to a Program. The application should be accompanied by sufficient documentary evidence to support the application.
- 1.4.1.2 Assessment of the application will be undertaken by the Program Director who will advise the applicant in writing of the result of their application. A record of any Credit granted (including any reasons for not giving Credit) will be placed on the student's file.
- 1.4.1.3 Students dissatisfied with a decision of the Program Director in relation to the granting of Credit may appeal that decision in accordance with the Complaints & Disputes procedure in the Program Manual.

1.4.2 Credit on the basis of Graduate Diploma of Legal Practice (PLT)

1.4.2.1 Students enrolling in a Masters' program may be awarded two unspecified Credits where they have successfully completed the College's Graduate Diploma of Legal Practice and one unspecified Credit where they have successfully completed the College's New Zealand Professional Legal Studies Course within the last ten years.

1.4.2.2 Credit for the Graduate Diploma of Legal Practice is not available in the FDRP Program, nor for any award less than a Masters Degree.

1.4.2.3 Where students have completed a Graduate Diploma of Legal Practice at another provider within the last ten years, one subject unspecified credit towards the Masters Degree will be granted.

1.4.3 Credit on the basis of completion of Graduate Diploma of Applied Law at the College of Law

1.4.3.1 If a student graduates with a College's Graduate Diploma of Applied Law, the student (with the exception of non-law graduate candidates), may apply to proceed to a higher award at any time and be granted credit for the subjects already completed.

1.4.3.2 If a student has already had conferred a lesser award, the student may apply to proceed to a higher award with full credit for the lesser award, but must surrender the lesser award before the higher award can be conferred.

Credit on the basis of completion of Graduate Diploma of Family Dispute Resolution Practice

1.4.4 College graduates of the Graduate Diploma of Family Dispute Resolution Practice program

1.4.4.1 Graduates of the College's Graduate Diploma of Family Dispute Resolution Practice program (FDRP) may receive credit towards Master of Laws (Applied Law) and Master of Applied Law (Family Law) (subject to meeting entry requirements).

1.4.4.2 College's FDRP graduates, who are currently accredited family dispute resolution practitioners, may receive four subjects specified credit towards the Master of Laws (Applied Law) for subjects FDR1-4. Students will also receive the credit from the fifth core subject FDR5 – Virtual Simulated Practice should they wish to graduate with a major in Family Dispute Resolution Practice.

- 1.4.4.3 Applicants who are not currently accredited family dispute resolution practitioners, and who completed CHC81115 training package, including the College's FDRP5 – Clinical Case Management or FDR4 – Case Management in Family Dispute Resolution Practice Capstone subject, may receive four subjects specified credit towards the Master of Laws (Applied Law) for subjects FDR1 – 4. Students will also receive a credit for the fifth core subject FDR5 – Virtual Simulated Practice should they wish to graduate with a major in Family Dispute Resolution Practice.
- 1.4.4.4 Applicants who are not currently accredited family dispute resolution practitioners and have completed the training package CHC81115 with 50 hours practicum (but who have not completed FDRP5 – Clinical Case Management or FDR4 – Case Management in Family Dispute Resolution Capstone) may receive three subjects specified credit for subjects FDR1-3. These students must complete FDR4 – Case Management in Family Dispute Resolution Capstone in order to major in Family Dispute Resolution Practice. Students will also receive a credit for the fifth core subject FDR5 – Virtual Simulated Practice, should they wish to graduate with a major in Family Dispute Resolution Practice.
- 1.4.4.5 Applicants who are not currently accredited family dispute resolution practitioners and completed the training package CHC80308 with 10 hours practicum may receive three subjects specified credit for subjects FDR1-3. Should students wish to graduate with a major in Family Dispute Resolution Practice, students must complete FDR4 – Case Management in Family Dispute Resolution Capstone and FDR5 – Virtual Simulated Practice. Students can seek a credit for FDR5 if they are able to complete 20 hours practicum externally.
- 1.4.4.6 Applicants who have completed College's FDRP and are seeking to enrol in the Master of Applied Law (Family Law), may receive two subjects credit:
- i. specified credit for FLP14 – Family Dispute Resolution; and
 - ii. one unspecified credit.
- 1.4.4.7 Students who received credit towards a Master of Laws (Applied Law) under this clause, are precluded from enrolling in DRP4 – Mediation, for the purposes of counting this subject towards the total subject requirement.
- 1.4.4.8 The maximum credit that can be approved from all sources cannot be more than 50% of the total requirements for the Masters degree.

1.4.5 Graduates other than College FDRP graduates

- 1.4.5.1 Applicants who have completed a Graduate Diploma of Family Dispute Resolution Practice or an equivalent course with another provider will have their application for credit granted on a case by case basis.

1.4.5.2 Applicants who have completed a Graduate Diploma of Family Dispute Resolution Practice or an equivalent course with another provider and who do not hold current accreditation as a family dispute resolution practitioner, may receive three subjects specified credit (1-3) towards a Master of Laws (Applied Law). Students who would like to major in Family Dispute Resolution Practice, must successfully complete:

- FDR4 – Case Management in Family Dispute Resolution Capstone and FDR5 – Virtual Simulated Practice; or
- FDR4 – Case Management in Family Dispute Resolution Capstone and 20 hours of external practicum.

1.4.5.3 Students who received credit towards a Master of Laws (Applied Law) under this clause, are precluded from enrolling in DRP4 – Mediation, for the purposes of counting this subject towards the total subject requirement.

1.4.5.4 Applicants who completed a Graduate Diploma of Family Dispute Resolution Practice course or equivalent at another provider and who are seeking to enrol in the Master of Applied Law (Family Law) may receive one subject specified credit for FLP14 – Family Dispute Resolution.

1.4.5.5 The maximum credit that can be approved from all sources cannot be more than 50% of the total requirements for the Masters degree.

1.4.6 *Nationally Accredited Mediators*

Applicants that hold current NMAS accreditation, may apply for one subject specified Credit for the DRP4 – Mediation subject. New Zealand students with similar accreditation may apply for the same credit.

1.4.7 *Accredited Specialists*

Accredited Specialists in a particular area of law may apply for Credit on the basis of their specialist accreditation as follows:

- (i) one Subject specified Credit towards a Capstone Project in the practice area in which the applicant is an Accredited Specialist and one subject specified Credit for a foundation subject in the practice area in which the student is an Accredited Specialist; or
- (ii) one subject unspecified credit if the accredited specialisation is not in the same area as the Major.

1.4.8 Credit on the basis of completion of Legal Practice Management Course

1.4.8.1 Applicants who have completed the Legal Practice Management Course (LPMC) at the College of Law Western Australia or College of Law Queensland less than five years prior to the application are entitled to one subject specified credit for LPI2 – Development, Innovations and Management of a Legal Practice..

1.4.8.2 In order to apply for specified credit for LPI2 – Development, Innovations and Management of a Legal Practice on the basis of completion of Legal Practice Management Course at the College of Law in NSW, applicants are required to demonstrate/provide the following:

- successful completion of the Legal Practice Management Course at the College of Law in NSW within the last five years prior to application;
- evidence that the applicant holds a current practising certificate authorising them to practise as a principal of a law practice; and
- a one page memo to the Program Director, outlining how the completion of a Legal Practice Management Course and the applicant's experience, cover at least one of the following learning objectives of LPI2 – Development, Innovations and Management of a Legal Practice subject:
 - explain how to manage yourself and other people
 - apply principles of strategic and business planning to developing a law practice
 - demonstrate an understanding of matters of financial management, such as pricing models, leverage, financial indicators and benchmarks
 - develop a budget and monitor a legal practice and how to manage these risks
 - identify the risks of running a legal practice and how to manage these risks articulate a legal practice's value proposition and communicate this effectively to clients and potential clients
 - design and implement potential innovations in how you deliver legal services, and
 - apply your understanding to critically analyse, evaluate, and improve your own legal practice.

1.4.8.3 The applications will be reviewed by the Program Director. Applicants will be notified within two weeks of the lodgment of application, whether the application for Recognition of Prior Learning has been approved.

1.4.8.4 Applicants who have completed a practice management course at another provider are not eligible to receive this credit.

1.4.8.5 If specified credit was granted for LPI2, Master of Law (Applied Law) students are precluded from enrolling in FLP13 – Development & Management of a Family Law Practice.

1.4.8.6 Students who are enrolled in the Master of Applied Law (Family Law) and who would like to seek credit under this clause, if successful, will receive specified credit for FLP13 – Development & Management of a Family Law Practice.

1.4.9 Postgraduate studies

1.4.9.1 For students enrolling in a Masters' program, applications for recognition of prior learning on the basis of postgraduate studies will be considered by the Program Director. The Program Director will determine what type of credit will be granted, if any.

1.4.9.2 Students who have completed a Master of Laws may receive up to two subjects unspecified credit towards Master of Laws (Applied Law) or Master of Applied Law (Family Law).

1.4.9.3 Students enrolling in the Master of Legal Business program may be awarded up to two subjects unspecified credit where they have successfully completed postgraduate studies in a business discipline at a Masters Degree level (AQF Level 9) within the last ten years.

1.4.10 Credit towards the Graduate Diploma of Family Dispute Resolution Practice (FDRP) or Master of Laws (Applied Law) majoring in Family Dispute Resolution Practice

1.4.10.1 Nationally Accredited Mediators – applicants who hold a current NMAS accreditation, can apply for specified credit for FDR1 – Family Law and Mediation. New Zealand students with similar accreditation may apply for the same credit.

Other studies

1.4.10.2 Completion of Mediation subject from the Master of Laws (Applied Law) – applicants who have completed the DRP4 – Mediation subject from the Master of Laws (Applied Law) award are eligible to receive specified credit for FDR1 – Family Law and Mediation.

1.4.10.3 In the Master of Laws (Applied Law) majoring in Family Dispute Resolution Practice, unspecified credit may be granted towards the elective subjects only. Applications for recognition of prior learning on the basis of other studies may be considered by the Program Director for the purposes of determining if any specified credit can be granted towards the core subjects of the major or any unspecified credit can be granted towards the elective subjects of this award