

R7.166 – THE OLGA LAWLESS ZIEGLER MEMORIAL FUND

Recitals-

- A. John Ziegler, late of 46 Kingston Street, Hampton, who died on 26 March 1987, bequeathed his residuary estate to the University 'to further the study of agricultural science' and specifically 'to create a Scholarship Trust Fund to be called the Olga Lawless Ziegler Memorial Fund'.
- B. The testator directed the University to 'apply the capital and income derived therefrom in perpetuity in forming establishing and maintaining one or more scholarships to be called "the JOHN and OLGA LAWLESS ZIEGLER SCHOLARSHIP(S)" of the annual value of ONE THOUSAND DOLLARS (\$1,000) or such other sum as the University Council may in its sole and absolute discretion think fit each to be awarded to such student or students who desire to pursue a course of study at the University of Melbourne in Agricultural Science who shall be selected by the Council of the said University.'
- C. The testator further directed that the following principles govern the award of such scholarships-
- '(i) That the scholarship(s) be awarded upon the results of the Higher School Certificate examination or such examination as may from time to time be the necessary prerequisite for entrance to the said University in the next year preceding the award of such scholarship or scholarships;
 - (ii) That each such scholarship be tenable for a period of four years at the said University;
 - (iii) That a scholar who for financial reasons would be unable to enter the said University be preferred to any other or others whose financial circumstances would be no such barrier but this factor is not to be construed against the main object of the bequest created by me which is to further the study of Agricultural Science;
 - (iv) That the number of such scholarships awarded shall be within the discretion of the said Council of the University of Melbourne;
 - (v) That the Council of the said University may at any time during the continuance of such Trust Fund in its sole and absolute discretion as it shall see fit suspend the awarding of such scholarship/s and or terminate the tenure thereof if it shall consider that the holder/s for the time being is/are not making sufficient progress in his or her work or his or her general conduct at the University is/are unsatisfactory and any action taken by the Council of the said University in accordance with such provisions shall be final and binding on the holder/s of the said scholarship/s for the time being;
 - (vi) In the event of the said University at any future date altering the length of the prescribed course of study for a degree in agricultural science the said Council may in like manner change the period for which the said scholarship/s has been issued to fit in with any such change so effected by the said Council;
 - (vii) The said University Council may at any time during the continuance of the aforesaid Fund in its sole and absolute discretion as it shall deem fit suspend the awarding of such scholarship/s if it considers it desirable or necessary for the Trust Fund to accumulate further corpus by such suspension to provide sufficient income therefrom to meet all or any of the requirements set out above.'
- D. The University received \$292,328 in satisfaction of the bequest.
- It is provided as follows -
1. The sum of \$292,328 and any accumulations and additions to the sum forms a fund called the 'Olga Lawless Ziegler Memorial Fund' ('fund'), and the fund must be paid into an investment pool and remain there until Council directs otherwise.
 2. The fund forms the endowment for one or more scholarships each to be known as the 'John and Olga Lawless Ziegler Scholarship' ('scholarship').
 3. Each scholarship is awarded by Council on the recommendation of the dean of Melbourne School of Land and Environment ('dean') to a student undertaking undergraduate studies in agricultural science and who, amongst those qualified to enter the course in any one year, has achieved a high result in the assessment which is the prerequisite for university entrance. Preference must be given to students who are in financial need.

4. Subject to section 5 each scholarship is tenable for the duration of the course and the annual value of each scholarship is \$5,000 or such other sum as Council from time to time decides.
5. The continued tenure of the scholarship depends on the work and behaviour of the scholar being considered satisfactory by Council and Council, on the recommendation of the dean, may suspend or terminate a scholarship at any time if the scholar's work or behaviour is not considered satisfactory.
6. The years in which each scholarship is offered are those determined by Council having regard to the future viability of the fund and measures necessary to preserve its value so that if in any year the income of the fund is considered insufficient to provide for the making of any new awards Council must not award the scholarship in that year and instead must direct that the income for that year be added to the capital of the fund.

[Edit. am. 13/11/98, Recital A, ss. 3 and 4 am. 2/7/01, Title, ss. 1 and 3-6 am. 7/3/05; am 27/4/09]