

UTR 7.306 – THE JAMES MERRALLS VISITING FELLOWSHIP IN LAW

Background

- A. The University's Campaign for Gifts resulted in a total sum of \$515,142.86 (**Gift**) being received from a number of friends and professional colleagues of James D. Merralls AM QC (**Donors**) for the purposes of establishing and funding, in perpetuity, the James Merralls Visiting Fellowship in Law (**Fellowship**). The Fellowship is a position (**Visiting Fellow**) to which leading legal scholars in the area of private or constitutional law from across the globe would be appointed for a period of up to one semester each year and will include a series of public lectures. (**Purpose**).
- B. James D. Merralls AM QC is an alumnus of the Melbourne Law School, having graduated LLB (Hons) in 1958. Mr Merralls was a resident tutor in law at Trinity College between 1958 and 1972 and was Dean of the College in 1967 and 1968. In addition to an illustrious practice at the Victorian bar, Mr Merralls was a reporter for the *Commonwealth Law Reports* between 1960 and 1969 and since 1969 has been the editor. He has been publically commended for his contribution to the Australian legal profession.
- C. This University Trust Record is the means by which the University records –
- (1) the trusts upon which the University holds trust property, including the capital sum; and
 - (2) the administrative arrangements for the implementation and ongoing performance of those trusts from time to time.

The trust terms and administrative arrangements governing the Gift are as follows.

Trust terms

1. A perpetual trust was established for the Purpose on receipt by the University of the Gift and the University is the trustee of that trust.
2. The University must invest and preserve the Gift and any accumulations and additions to the Gift (**Fund**) and apply only the net annual income arising from the Fund to appoint a Fellow.
3. The Visiting Fellow will:
 - (a) be involved in teaching in the Juris Doctor and/or the Melbourne Law Masters at the Melbourne Law School (**MLS**); and
 - (b) give two public lectures, on a topic jointly agreed by the Victorian Bar and MLS as being of interest and significance to members of the legal profession. One to be hosted jointly by the Victorian Bar and MLS and one in another Australian capital city.
4. Each lecture will be followed by a dinner with members of the judiciary, the profession and MLS.

5. The Visiting Fellow will be selected each year by the appointments panel of MLS and the Chairman of the Victorian Bar (or delegate) will be a member of the panel for the purpose of recommending an applicant for selection.

Administrative arrangements

In order to implement the trust terms, the University has determined that:

1. the Gift and any further donations received by the University are to be transferred to the University's long-term investment common fund at the end of the quarter following receipt by the University and remain there until Council otherwise directs.
2. any unexpended income arising from the Gift referred to above in any year may be:
 - (a) retained as income in which case it will be available in any subsequent year to be applied for Purpose; or
 - (b) added to the capital sum represented by the Gift, in which case that unexpended income will be forever regarded as capital and will therefore be preserved in the same manner as the capital sum represented by the Gift.
3. the Dean of MLS, on advice from the appointments panel, is authorised by the University to appoint each Visiting Fellow on behalf of the University.

[UTR Certified 27 May 2016]