

**UTR7.234 - THE ANNEMARIE MANKIEWICZ-ZELKIN FELLOWSHIP  
(OPHTHALMOLOGY)**

**Recitals -**

- A. Mr. Lawrence Zelkin of 225 Orrong Road, Balaclava in the State of Victoria who died on 27 June 1998 by a Declaration of Trust dated 15 June 1998 provided that the sum of US\$1M ('the Zelkin Trust') be set aside from Mr Zelkin's estate and from the income thereof the sum of US\$50,000 be paid annually to his partner Mrs Annemarie Mankiewicz during her lifetime and 'Upon the death of ANNEMARIE MANKIEWICZ any remaining assets in such trust shall be distributed to the ANNEMARIE AND WALTER MANKIEWICZ OPHTHALMOLOGICAL SCHOLARSHIP FUND and in such proportion as may have been provided by her in her last Will but if she shall have died intestate or if her Will shall not make provision for a bequest to any charity then my executors shall distribute my residuary estate for such charitable purposes as they may in their absolute discretion deem to be in conformity with the manner I would have applied my residuary estate had I been alive at the time of such distribution.'
- B. At the time Mr Zelkin died he knew that Mrs Mankiewicz had made a Will with a bequest to the University to establish the Annemarie and Walter Mankiewicz Ophthalmological Scholarship Fund. Subsequently Mrs Mankiewicz made a new Will with no bequest to the University.
- C. Mrs Mankiewicz died on 7 March 2003 and by her Will provided-
- 'It is my wish and desire that the moneys to be paid to the University of Melbourne [from the Zelkin Trust] shall be applied by the University of Melbourne to establish a chair to the effect named as follows:-  
'THE ANNEMARIE MANKIEWICZ-ZELKIN SCHOLARSHIP (OPHTHALMOLOGY)' (formerly referred to as The Annemarie and Walter Mankiewicz Ophthalmological Scholarship Fund).'
- D. Mrs Mankiewicz directed that her executors pay the Zelkin Trust to the University on them being satisfied with the terms of a University trust record governing the fund.
- E. Since the value of the Zelkin Trust was insufficient to establish a chair the executors approved the terms of this University trust record prescribing that the income of the fund be applied to providing the Annemarie Mankiewicz-Zelkin Fellowship.
- F. On 28 February 2004 the University received the sum of \$1,346,209.75 (US\$1,065,000).

It is provided as follows –

1. The sum of \$1,346,209.75 and any accumulations and additions to the sum is to form a fund known as 'The Annemarie Mankiewicz-Zelkin Fellowship fund' ('the fund') and the fund must be paid into an investment pool and remain there until Council directs otherwise.

2. The net annual income of the fund is to be used to provide a fellowship to be called 'The Annemarie Mankiewicz-Zelkin Fellowship' ('the fellowship') open to Australian residents who have completed their clinical training in ophthalmology to enable them to undertake further academic development in the department of Ophthalmology ('the department').
3. The fellowship is to be awarded by Council on the recommendation of a committee known as The Annemarie Mankiewicz-Zelkin Fellowship Committee ('the committee') established by Council. The committee comprises –
  - (a) the dean of the faculty of Medicine, Dentistry and Health Science;
  - (b) the Ringland Anderson Professor of Ophthalmology;
  - (c) an ophthalmologist nominated by the Victorian State Branch of the Royal Australian College of Ophthalmology ('the College') or its successor body, who is not a full-time member of the University staff but who is an active member of the clinical school, whose initial term as a committee member is to be five years which term may be extended for a further term of up to five years.
4. In recommending a candidate for award of the fellowship, the committee must take into account the candidate's academic attainments and potential for advanced training.
5.
  - (1) The fellowship is to be open for award annually and is to have such value as may be recommended by the committee provided that the value must be not less than sixty per cent of the net annual income of the fund.
  - (2) The term of the fellowship is to be one year but the holder of the fellowship may be awarded a further fellowship in any subsequent year.
6.
  - (1) Applications for the fellowship are to be invited by such means as the committee in its absolute discretion determines are appropriate. The cost of advertising the availability of the fellowship other than within the University is to be borne by the income of the fund.
  - (2) A candidate for the fellowship must submit to the committee a detailed proposal which sets out the programme of advanced training that he or she proposes to undertake and the candidate shall also be required to attend an interview conducted by the committee.
7. After the provision for the fellowship, the remaining net annual income is to be applied to research in the department. All research so funded is to be identified as having been undertaken 'with funds provided by the Annemarie Mankiewicz-Zelkin Fellowship Fund'.
8. If the fellowship is not awarded in any year the sum allocated for the fellowship in that year must be retained by Council and used to provide an additional fellowship in the following or any subsequent year.

9. If at any time and for whatever reason Council forms the view, on the recommendation of the committee, that it is impossible or impracticable to continue the purpose referred to in section 2, then Council may apply the income of the fund and, where necessary, the capital for such other purposes as are, in its opinion, as close as reasonably possible to the original intentions of Mrs Mankiewicz and Mr Zelkin.

[Made 11/4/05; revoked as a Regulation and certified as a University trust record 26/5/10]