UTR 6.262 - THE ALAN BLAKNEY MEMORIAL SCHOLARSHIPS

Background

A. On 30 January 2008, Lorna Waller of Nambour, Queensland ('donor') donated the sum of $100,000 to the University ('donation'). When making the donation the donor stated-

‘I … have donated $100,000 to the University of Melbourne for the purpose of setting up a perpetual trust to be named The Alan Blakney Memorial Fund. The net income from this fund is to be used to provide one or more scholarships for students from disadvantaged rural backgrounds to study at Dookie College.

I would prefer only the net annual income earned from the fund to be spent however any unexpended income in any year may be retained as income and be available in any subsequent year for the purpose of the fund, or may be added to the capital of the fund for the purpose of the fund.

[In the unlikely scenario] … that at some time the University may determine that Dookie College, either through closure or for any other reason, can no longer fulfil the purposes for which the fund was established … the fund should be transferred to Hawkesbury Agricultural College to provide one or perhaps two but not more scholarships to that institution for students from disadvantaged backgrounds to study at that college.’

B. The donation memorialises the donor’s brother, the late Alan Cecil Blakney, DFC, who graduated from Dookie Agricultural College in 1940. Alan served as a navigator in the Royal Australian Air Force during the Second World War, and was attached to the Mosquito Pathfinder Squadron 571 with the Royal Air Force; in December 1945 he was awarded the Distinguished Flying Cross. On his return to Australia Alan farmed initially in Tasmania, and later in Western Australia. He died on 23 March 1983.

C. The University does not operate and has never operated a college called ‘Dookie College’.

D. Dookie Agricultural College (often called Dookie College), was established following the enactment of the Agricultural Education Act 1884 (Vic); it was one of the agricultural colleges carried on as a State Agricultural College pursuant to the Agricultural Colleges Act 1958 (Vic).

E. By section 7(1)(a) of the Victorian College of Agriculture and Horticulture Act 1982 (Vic), the control and administration of Dookie Agricultural College was transferred to and vested in the council of the Victorian College of Agriculture and Horticulture established by that Act.

F. By section 4 of the Melbourne University (VCAH) Act 1992 (Vic), Victorian College of Agriculture and Horticulture Limited became the successor in law of the Victorian College of Agriculture and Horticulture and its council.

G. By section 4 of the Melbourne University (VCAH) Act 1997 (Vic), the University became the successor in law of Victorian College of Agriculture and Horticulture Limited.

H. At all times the University has administered the trust established by the donation on the basis that the donor’s reference to ‘Dookie College’ was a reference to the Dookie campus of the University.
I. The University accepted the donation upon the trusts specified by the donor, and the donation therefore became the capital subject to those trusts (‘capital sum’).

J. This University trust record records-
   (1) the trusts specified by the donor upon which the University as trustee holds the capital sum; and

   (2) the administrative arrangements for the implementation of those trusts, as determined by the University from time to time. It is provided as follows

Name of the fund

1. The capital sum, all income arising from the capital sum, and any accumulations and additions thereto together form a fund called ‘The Alan Blakney Memorial Fund’ (‘fund’).

Investment of the fund

2. The fund is to be paid into one or more investment pools and remain there until Council directs otherwise.

Trust terms

3. As trustee of the fund, the University is obliged by the trusts specified by the donor (‘trust terms’)-
   (1) to establish a perpetual trust named ‘The Alan Blakney Memorial Fund’;

   (2) to preserve the capital of the fund, meaning that the capital of the fund is not to be spent;

   (3) to award annually one or more scholarships from the net annual income of the fund;

   (4) to award each scholarship to a student from a disadvantaged rural background enrolled or enrolling at the Dookie campus of the University (‘Dookie’);

   (5) to retain any unspent income as income for the award in a subsequent year of one or more scholarships, or to add it to the capital of the fund; and

   (6) if at any time the University determines that it cannot fulfil the purposes for which the fund was established, either through the closure of Dookie or for any other reason, to transfer the fund to Hawkesbury Agricultural College or its successor for that institution to provide at least one but not more than two scholarships for students from disadvantaged backgrounds to study at that institution.

Administrative arrangements

4. Until its further determination, and in order to implement the trust terms, the University has determined-
   (1) to call each scholarship ‘The Alan Blakney Memorial Scholarship’;

   (2) to award each scholarship on the basis of financial need to a student enrolled or enrolling in agricultural studies at Dookie;
(3) to award each scholarship upon the recommendation of the head of Dookie ('head') who is to determine-
   (a) the number of scholarships awarded each year;
   (b) the value of each scholarship; and
   (c) the term of each scholarship; and

(4) that the Dean of the Faculty of Veterinary and Agricultural Sciences ('Dean'), after consulting with the head, is to determine each year for the purpose of section 3(5) whether unspent net annual income of the fund, if any, is to be retained as income or added to the capital of the fund.

5. Council is to make any determination referred to in section 3(6). 6. Council hereby authorises the Dean to award each scholarship on behalf of the University.

[Revoked and remade 12/10/09; revoked as a Regulation and certified as a University trust record 26/5/10; s 4(4) am. 18/12/2015; s 4(2) am. 5/10/2016]