

## UTR6.95 - BAILLIEU RESEARCH SCHOLARSHIP

### Recitals-

- A. The Honourable William Lawrence Baillieu, Edward Lloyd Baillieu, Arthur Sydney Baillieu, Clivia Baillieu, Norman Baillieu and Maurice Howard Lawrence Baillieu (hereinafter referred to as 'the founders') made a gift of £25,000 or thereabouts to the Australian Soldiers' Repatriation Fund established by the Australian Soldiers' Repatriation Fund Act 1916 (Commonwealth).
- B. The founders agreed that the gift should be applied to the acquisition of certain hostels described in the preamble to the Repatriation Fund (Baillieu Gift) Act 1937 (Commonwealth) and desired that it should be a condition of the gift that when the purpose for which the hostels were acquired had been fully served the hostels should be realized and the proceeds applied to provide University scholarships tenable by lineal descendants of men who had been killed or who had suffered total and permanent incapacity during service in the war which commenced on the 4th August, 1914.
- C. The trusts upon which the gift was held were varied by the provisions of the Repatriation Fund (Baillieu Gift) Act 1937 (Commonwealth) which directed the Repatriation Commission as trustee to hold the assets representing the gift on trust to be dealt with in the manner set out in section 4 thereof.
- D. The Repatriation Commission has paid to the University the sum of £8,064 10s. 2d. as a first distribution pursuant to the said section 4.
- E. Section 5 of the Repatriation Fund (Baillieu Gift) Act 1937 (Commonwealth) provides-
  - '5. (1) Any amount paid under this Act to a University shall be paid to it upon condition that the amount is applied as provided in this section.
  - (2) Any such amount shall be applied by the governing body of the University for the purpose of establishing and maintaining in perpetuity within that University a scholarship or scholarships to be known as the Baillieu Research Scholarship or Scholarships.
  - (3) Each Scholarship shall be for the purpose of conducting post-graduate research in Medicine, Law, Commerce, Economics or Architecture or any of them.
  - (4) Where any fully qualified candidate for the award of a Baillieu Research Scholarship is the lineal descendant of an Australian soldier or sailor who, as the result of any occurrence happening during the period he was a member of the Forces, has died or has been blinded or has been permanently and totally incapacitated, preference shall be given to that candidate.
  - (5) For the purposes of this section-
    - (a) a member of the Forces shall be deemed to have been blinded if his eyesight is so defective that he has no useful sight; and
    - (b) a member of the Forces shall be deemed to have been permanently and totally incapacitated if he has been

incapacitated for life to such an extent as to be precluded from earning other than a negligible proportion of a living wage.'

F. Section 3 of the Repatriation Fund (Baillieu Gift) Act 1937 (Commonwealth) provides-

'Australian soldier' in that Act unless the contrary intention appears means an Australian soldier as defined by sub-section (2) of section 46 of the Australian Soldiers' Repatriation Act 1920-1935 (Commonwealth) the relevant provisions of which are as follows:

'any person who-

- (a) is or has been, during the present war, a member of the Naval or Military Forces enlisted or appointed for or employed on active service outside Australia or employed on a ship of war; or
- (b) is or has been, during the present war, a member of the Army Medical Corps Nursing Service accepted or appointed by the Director-General of Medical Services for service outside Australia; or
- (c) is serving or has served during the present war in the Naval or Military Forces of any part of the King's Dominions, other than the Commonwealth, on active service outside that Dominion, on proof to the satisfaction of the Commission that he had, before his enlistment or appointment for service, resided in the Commonwealth; or
- (d) is or has been, during the present war, a member of the Army Medical Corps Nursing Service of any part of the King's Dominions, other than the Commonwealth, on proof to the satisfaction of the Commission, that she had, before her acceptance by or appointment to that service, resided in Australia, shall be deemed to be an 'Australian soldier' and 'the present war' referred to therein is the war which commenced on the 4th August, 1914, and which was deemed to terminate on 31st August, 1921, by proclamation made under the Termination of the Present War (Definition) Act 1919 (Commonwealth).'

G. The sum of £8,064 10s. 2d. increased to \$157,874 at 31 December 1994.

It is provided as follows-

1. The sum of \$157,874 and any accumulations and additions to the sum forms a fund called the 'Baillieu Research Scholarship' ('the fund') and the fund must be paid into an investment pool and remain there until the Council directs otherwise.
2. The scholarship is open to competition among graduates undertaking research in Medicine, Law, Commerce, Economics or Architecture.
3. The scholarship is awarded by the Council on the recommendation of the Postgraduate Scholarships Committee which must base its recommendation on reports which must be provided to it by the deans of the faculties specified in section 2 hereof.
4. The scholarship is tenable for three years and has a value and other allowances not less than the value and other allowances provided by a University of Melbourne Research Scholarship. The scholar must devote his or her full time to

research and the tenure of the scholarship is at all times dependent on the work of the scholar being considered satisfactory by the scholar's supervisor. The scholarship may be renewed at the end of the first and second year of tenure only on the recommendation of the scholar's supervisor and the dean or head of the relevant faculty or department.

5. In awarding the scholarship preference is to be given to a fully qualified candidate who is the lineal descendant of an Australian soldier or sailor as defined in section 3 of the Repatriation Fund (Baillieu Gift) Act 1937 (Commonwealth) who, as the result of any occurrence happening during the period he was a member of the forces, has died or within the meaning of section 5, sub-section 4, of the Repatriation Fund (Baillieu Gift) Act 1937 (Commonwealth) has been blinded or have been permanently and totally incapacitated.
6. If any year the committee is of opinion that no applicant is worthy of the award the scholarship is not to be awarded and the income available for that award may be used by the committee to provide for a second award in a future year or to augment the payments of a future award-

Provided that the committee may in its discretion direct that all or any amounts unexpended as aforesaid be added to the fund of the scholarship.

7. Any further or other University trust record respecting the scholarship may at any time be made repealing or altering this University trust record provided that such has due regard to the provisions of section 5 of the Repatriation Fund (Baillieu Gift) Act 1937 (Commonwealth).

[Am. 3/5/99, effective 1/7/99, ss. 3 and 4 am., s. 5 revoked, ss. 6-8 renumbered 5-7 3/9/01, ss. 2 and 4 am. 3/6/02; revoked as a Regulation and certified as a University trust record 26/5/10.]