

UTR6.138 - THE JOHN ILIFFE SCHOLARSHIPS

Recitals-

- A. By his Will dated 2 September 1913, the late John Iliffe, dental surgeon ('donor'), who died on 2 August 1914, appointed Trustees Executors and Trustees and Agency Company Limited (now ANZ Trustees Limited) as trustee of his residuary estate, and directed that the income arising from his estate be paid to the University ('bequest') as follows -
- 'Upon trust to apply the same in creating four scholarships annually at the Australian College of Dentistry, Melbourne, to be given respectively to the student in each year of the four years' course for the Diploma of Licentiate of Dental Surgery of Victoria who is most proficient in the work of the year, especial regard being given to the subjects of Practical Dental Surgery and Practical Dental Prosthetics. The four scholarships are to be of the value of forty pounds each providing the income is sufficient to realise that amount and if not or if there be more than sufficient each scholarship is to increase or decrease pro rata with the increase or decrease of the income.'
- B. The Supreme Court of Victoria by orders made on 8 March 1932, 27 March 1956 and 3 August 1956, respectively, approved and varied a scheme to effectuate the intentions of the testator. On 20 July 1966, the Supreme Court further varied the scheme by substituting the University for the Australian College of Dentistry to be the judge of the scholarships.
- C. In 2013, ANZ Trustees Limited made a *cy près* application to the Attorney-General pursuant to section 4 of the Charities Act 1978 (Vic) ('Act'). On 25 May 2013, the Attorney-General sanctioned the following scheme pursuant to section 4 of the Act to vary the trust known as The John Iliffe Scholarships-
- '... I, ROBERT CLARK, Attorney-General for the State of Victoria, HEREBY SANCTION pursuant to Section 4 of the Charities Act 1978, a scheme proposed by ANZ Trustees Limited, trustee of the Estate of John Iliffe whereby the trust created by the will of the Late John Iliffe dated 2 September 1913 and codicil dated 28 October 1913 and varied by orders of the Supreme Court of Victoria be wound-up and that the net funds be paid by the trustee to the University of Melbourne to be held on trust by the University of Melbourne to divide the net annual income into four equal parts and to pay equal parts as prizes to the top student at each year level of the Doctor of Dental Surgery and such prizes to be known as the John Iliffe Scholarships.'
- D. On 15 July 2013, 15 August 2013, 30 September 2013 respectively, the University received \$84,231.73, \$531.32 and \$1,020.00 (\$85,703.05 in total) from ANZ Trustees on the winding up of the trust. The amounts received comprised capital of \$81,605.31 and \$33.55 (\$81,638.86 in total) and income of \$2,626.42, \$479.77 and \$1,020.00 (\$4,126.19 in total).
- E. The University accepted the funds upon the trusts specified by the Attorney-General, and the amount of \$81,638.86 therefore became the capital subject to those trusts ('capital sum').
- F. This University trust record is the means by which the University records -
- (1) the trusts specified by the Attorney-General upon which the University as trustee holds trust property, including the capital sum; and
 - (2) the administrative arrangements for the implementation and ongoing performance 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 John Iliffe Scholarships' ('fund').

Investment of the fund

2. The fund is to be paid into one or more investment common funds 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 Attorney-General-
 - (1) to establish a perpetual trust;
 - (2) to divide the net annual income into four equal parts and to pay equal parts as prizes to the top student at each year level of the Doctor of Dental Surgery; and
 - (3) to provide that such prizes be known as the John Iliffe Scholarships.

Administrative arrangements

4. Until its further determination, and in order to implement the trust terms, the University has determined that-
 - (1) each prize is to be awarded by the dean of Medicine, Dentistry and Health Sciences ('dean') on the recommendation of head of Melbourne Dental School; and
 - (2) if more than one student receives the top mark in their year, preference must be given to students in accordance with the expressed wishes of the donor, being performance in the areas of practical dental surgery and practical dental prosthetics.
5. The dean is authorised to award each prize on behalf of the University.

[Revoked as a Regulation and certified as a University trust record 26/5/10; Revoked and remade 28/10/13]