

## **UTR7.135 - MELBOURNE UNIVERSITY LAW SCHOOL FOUNDATION**

### **Background**

- A In 1984, Council approved the establishment of a fund to be named 'Melbourne University Law School Foundation' ('Foundation') and the conduct of an appeal, the proceeds of which were to be credited to the Foundation, for the encouragement and promotion of excellence in education, study, teaching and research in the Faculty of Law, now known as Melbourne Law School ('Faculty').
- B The Foundation was initially established with provision for a board of management, members of the Foundation, and other matters as set out in a constitution that was a schedule to the then regulation.
- C In 2011, the Foundation and the University Council agreed to repeal the constitution and amend the University Trust Record to simplify the administrative arrangements of the Foundation.
- D As at 30 June 2018, the Foundation had \$3,017,279 in capital ('capital sum') and \$246,577 in accumulated income.
- E This University trust record is the means by which the University records -
  - (1) the trusts upon which the University as trustee holds trust property, including the capital sum and any income thereon; 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-

### **Trust terms**

1. The capital sum, all income arising from the capital sum, and any accumulations and additions thereto form part of the Foundation and all monies credited to the Foundation are to be paid into one or more investment common funds and remain there until Council directs otherwise.
2. As trustee of the Foundation, the University is required to apply the capital and income of the Foundation for its objects ('trust terms'), which are for purposes associated with the encouragement and promotion of excellence in education, study, teaching and research in the Faculty and, without restricting the generality of the foregoing, in particular to:
  - (a) promote the development of excellence in selected areas of the Faculty and the enhancement of its physical environment for that purpose;
  - (b) foster the development of close relationships between persons engaged in the legal profession and the Faculty, including the members of staff and students of its departments;

- (c) assist in bringing to the University as visiting fellows or visiting lecturers in the Faculty, persons of outstanding achievement in law and allied disciplines;
- (d) sponsor and organise lectures, seminars and meetings for the furtherance of the objects;
- (e) assist in or arrange the printing of publications or other means of communication for the furtherance of the objects;
- (f) apply funds received or raised through the activities of the Foundation to the promotion of teaching and researching in law and allied disciplines in the Faculty and without restricting the generality of the foregoing in particular by:
  - (i) the initiation and support of special projects which could not otherwise be funded,
  - (ii) the development of new research activities,
  - (iii) the funding of visiting fellowship and visiting lectureship appointments in particular fields,
  - (iv) the funding of research fellowship appointments in particular fields,
  - (v) the development of programs of continuing education, special courses, seminars and symposia in fields of interest to the Faculty and the legal profession, and
  - (vi) the purchase of equipment and materials;
- (g) solicit donations, gifts and bequests to the University for the purposes of the Faculty;
- (h) with the concurrence of Council enter into arrangements on behalf of the University with any institution or association having objects similar to those of the Foundation; and
- (i) do all such things as are incidental or conducive to the attainment of the above objects or any of them.

### **Administrative arrangements**

3. Until its further determination, and in order to implement the trust terms and deal with related issues, the University has determined:
  - (a) to call the fund 'Melbourne University Law School Foundation';
  - (b) that there is an advisory board for the Foundation ('Foundation Board') comprising:
    - (i) the Dean of the Faculty ('Dean') as its chair,
    - (ii) one member of the academic staff of the Faculty appointed by the Dean,
    - (iii) the Vice-Chancellor or nominee, and
    - (iv) up to 15 people who have a law degree, appointed by the Dean, for terms of up to three years, with eligibility for reappointment;

- (c) although referable to issues extending beyond the trust terms governing the Foundation, that the role of the Foundation Board shall include stewardship for the Foundation and for other trusts under the responsibility of the faculty, consulting and advising on the Faculty fundraising strategic plan, attracting and honouring acts of benefaction, and otherwise providing strategic advice as requested by the Dean;
  - (d) to expend the capital and income of the Foundation as determined by the Dean after consultation with the Faculty executive (as established under Council Regulations 13 and 14) and the Foundation Board;
  - (e) that any unexpended income from the Foundation in any year may be added to the capital of the Foundation, or accumulated as income for expenditure in a subsequent year;
  - (f) that the Dean, after consultation with the Faculty executive and the Foundation Board, is to determine each year for the purpose of section 3(e) what is to be done with unspent net annual income of the Foundation, if any; and
  - (g) that a meeting of the Foundation Board will be held at least three times per year for the purposes of advising the Dean on matters set out in this section 3, and otherwise receiving reports from the Dean. At least one of the three meetings each year must be conducted in person, but otherwise meetings may be held remotely (including electronically or by telephone).
4. The Dean is authorised to apply the capital and income of the Foundation on behalf of the University, in accordance with this University trust record.
  5. Any costs incurred in fundraising for the purposes of the Faculty are not payable from the Foundation.
  6. The Dean is to submit an annual report to Council on the activities of the Foundation, together with accounts for the Foundation.

[Schedule incl. 26/9/97, Edit. am. 14/12/98; revoked as a Regulation and certified as a University trust record 26/5/10, background D, E, ss 1, 3(b)(iv), 3(d), 3(g) am 16/7/18]