

UTR7.166– THE OLGA LAWLESS ZIEGLER MEMORIAL FUND

Background

- A. John Ziegler ('donor'), who died on 26 March 1987, bequeathed his residuary estate to the University 'to further the study of agricultural science' and specifically 'to create a Scholarship Trust Fund to be called the Olga Lawless Ziegler Memorial Fund'.
- B. The donor directed the University to 'apply the capital and income derived therefrom in perpetuity in forming establishing and maintaining one or more scholarships to be called "the JOHN and OLGA LAWLESS ZIEGLER SCHOLARSHIP(S)" of the annual value of ONE THOUSAND DOLLARS (\$1,000) or such other sum as the University Council may in its sole and absolute discretion think fit each to be awarded to such student or students who desire to pursue a course of study at the University of Melbourne in Agricultural Science who shall be selected by the Council of the said University.'
- C. The donor further directed that the following principles govern the award of such scholarships-
- '(i) That the scholarship(s) be awarded upon the results of the Higher School Certificate examination or such examination as may from time to time be the necessary prerequisite for entrance to the said University in the next year preceding the award of such scholarship or scholarships;
 - (ii) That each such scholarship be tenable for a period of four years at the said University;
 - (iii) That a scholar who for financial reasons would be unable to enter the said University be preferred to any other or others whose financial circumstances would be no such barrier but this factor is not to be construed against the main object of the bequest created by me which is to further the study of Agricultural Science;
 - (iv) That the number of such scholarships awarded shall be within the discretion of the said Council of the University of Melbourne;
 - (v) That the Council of the said University may at any time during the continuance of such Trust Fund in its sole and absolute discretion as it shall see fit suspend the awarding of such scholarship/s and or terminate the tenure thereof if it shall consider that the holder/s for the time being is/are not making sufficient progress in his or her work or his or her general conduct at the University is/are unsatisfactory and any action taken by the Council of the said University in accordance with such provisions shall be final and binding on the holder/s of the said scholarship/s for the time being;
 - (vi) In the event of the said University at any future date altering the length of the prescribed course of study for a degree in agricultural science the said Council may in like manner change the period for which the said scholarship/s has been issued to fit in with any such change so effected by the said Council;
 - (vii) The said University Council may at any time during the continuance of the aforesaid Fund in its sole and absolute discretion as it shall deem fit suspend the awarding of such scholarship/s if it considers it desirable or necessary for the Trust Fund to accumulate further corpus by such suspension to provide sufficient income therefrom to meet all or any of the requirements set out above.'

- D. The University received \$292,328 in satisfaction of the bequest.
- E. The University accepted the bequest upon the trusts specified by the donor, and the bequest 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 donor 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 Olga Lawless Ziegler Memorial Fund' ('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 donor-
 - (1) to establish a perpetual trust;
 - (2) to award one or more scholarships to such student or students who desire to pursue a course of study at the University in the discipline of agriculture;
 - (3) to call the scholarships 'the John and Olga Lawless Ziegler Scholarship';
 - (4) to provide that the annual value of each scholarship will be \$1,000 or such other sum as Council may in its sole and absolute discretion think fit;
 - (5) to provide that the recipients are to be selected by Council;
 - (6) to provide that-
 - (a) the scholarships be awarded upon the results of the Higher School Certificate examination or such examination as may from time to time be the necessary prerequisite for entrance to the University in the next year preceding the award of such scholarship or scholarships,
 - (b) each scholarship be tenable for a period of four years at the University,
 - (c) a student who for financial reasons would be unable to enter the University be preferred to any other or others whose financial circumstances would be no such barrier but this factor is not to be construed against the main object of the bequest which is to further the study of Agricultural Science,

- (d) the number of scholarships awarded is within the discretion of Council,
- (e) Council may at any time in its sole and absolute discretion as it shall see fit suspend the awarding of a scholarship or terminate the tenure thereof if it shall consider that the holder for the time being is not making sufficient progress in his or her work or his or her general conduct at the University is unsatisfactory and any action taken by Council in accordance with such provisions shall be final and binding on the holder of the scholarship for the time being,
- (f) In the event of the University at any future date altering the length of the prescribed course of study for a degree in agricultural science, Council may in like manner change the period for which the scholarship has been issued to fit in with any such change so effected by Council,
- (g) Council may at any time in its sole and absolute discretion as it shall deem fit suspend the awarding of such scholarship if it considers it desirable or necessary for the fund to accumulate further corpus by such suspension to provide sufficient income to meet all or any of the requirements set out above.

Administrative arrangements

- 4. Until its further determination, and in order to implement the trust terms, the University has determined-
 - (1) each scholarship is awarded by the Dean ('Dean') of the Faculty of Veterinary and Agricultural Sciences ('Faculty') on the recommendation of the Faculty scholarship committee to a student undertaking undergraduate studies in agricultural science and who, amongst those qualified to enter the course in any one year, has achieved a high result in the assessment which is the prerequisite for university entrance
 - (2) preference must be given to students who are in financial need;
 - (3) subject to section 4(4) each scholarship is tenable for the duration of the course and the annual value of each scholarship is \$5,000 or such other sum as the Dean from time to time decides;
 - (4) the continued tenure of the scholarship depends on the work and behaviour of the scholar being considered satisfactory by the Dean and the Dean, on the recommendation of the Faculty scholarship committee, may suspend or terminate a scholarship at any time if the scholar's work or behaviour is not considered satisfactory;
 - (5) the years in which each scholarship is offered are those determined by the Dean having regard to the future viability of the fund and measures necessary to preserve its value so that if in any year the income of the fund is considered insufficient to provide for the making of any new awards the dean must not award the scholarship in that year and instead must direct that the income for that year be added to the capital of the fund.
- 5. As provided in section 43 of the Act, Council has delegated its power to make awards to the Dean of the Faculty but this does not extend to Council's powers and responsibilities as set out in section 2.

6. The Dean is authorised to award each scholarship on behalf of the University.

[Edit. am. 13/11/98, Recital A, ss. 3 and 4 am. 2/7/01, Title, ss. 1 and 3-6 am. 7/3/05; am 27/4/09; revoked as a Regulation and certified as a University trust record 26/5/10; ss 4,5 and 6 am. 14/12/2015]