

UTR 7.316 – THE MELBOURNE THEATRE COMPANY GENERAL ENDOWMENT FUND

Background

- A. Melbourne Theatre Company (**MTC**) is a department of the University of Melbourne (**the University**) operating as a semi-autonomous body with a board, subject to direction of the Council of the University. (**Council**)
- B. MTC has decided to establish a trust with a broad focus, with the University as trustee to be called The Melbourne Theatre Company General Endowment Fund (**Fund**). The Fund will receive donations, bequests and other funds for the advancement of the MTC's stated objectives, as set out in Council Regulations either in general or in relation to any specific objective of MTC within the parameters of Council Regulations as identified in the terms of any memorandum of gift, bequest, appeal form, or other applicable instrument and agreed by MTC. (**Purpose**).
- C. The Fund will be established from two primary sources:
 - (1) MTC funds equalling \$300,000; and
 - (2) An initial gift from The Little Foundation of \$1,000,000 to be paid in two instalments of \$500,000.00 each with the 2nd instalment due on or before 30 June 2017.

(Capital sum)

- D. The Fund is able to receive additional donations or bequests for the Purpose. Without limiting the sources from which funds can be received, MTC has determined that, in addition to the Capital sum, the Fund will be referable to four primary sources being:
 - (1) all bequests received by MTC which are not specified to be for a specific purpose;
 - (2) specific gifts or bequests which can be administered within the parameters of the Fund or are specifically directed to the Fund;
 - (3) monies raised through donations to MTC which allow funds to be directed to the Fund.
 - (4) monies held or received by MTC not attributable to any other specific purpose.
- E. In establishing the Fund, the terms need to provide sufficient scope for determination of the relevant programs or initiatives within MTC, with scope also for the creation of sub-funds under this trust record or the creation of separate trust funds otherwise referable under other trust records to these terms and which may also require or permit:
 - (1) expenditure of capital for a particular purpose within such programs or initiatives; and
 - (2) application of income for a particular purpose within such programs and initiatives.

F. This University trust record is the means by which the University records:

- (1) trust obligations pursuant to which the University holds the Capital sum, including all income arising from the Capital sum and any accumulations and additions thereto including the sub-trusts;
- (2) the administrative arrangements for the implementation of those trust obligations as determined by the University from time to time.

The trust terms and administrative arrangements governing the Trust are as follows:

Trust terms

1. The Capital sum, all income arising from the Capital sum and any accumulations and additions thereto form the Trust.
2. The capital sum, all income arising from the Capital sum and any accumulations and additions thereto are to be used for the Purpose.
3. The funds of the Trust are to be paid into one or more investment common funds and remain there until Council directs otherwise.
4. Subject to any applicable Trust terms, MTC may determine whether specific trusts are to be created as sub-funds and recorded as such in a schedule to this trust record or as separate trust funds which may otherwise be referable under the applicable trust records to the terms of this trust record, and also listed for that purpose in the schedule to this trust record (**Schedule**).
5. The purpose of any sub-fund under the Trust must come within the general purposes of the Trust as described in the Purpose above, and accurately reflect the trust terms applicable to that particular gift or bequest, with the applicable capital and income from that sub-fund being applied exclusively for the prescribed purpose.
6. The terms of any sub-fund created under the Trust record may also require or permit:
 - a. Expenditure of Capital for a particular purpose within a relevant program or initiative in the MTC; or
 - b. Application of income for a particular purpose within such programs or initiatives.

Administrative arrangements

In order to implement the Trust terms, the University has determined as follows:

- 1 the Capital sum and any further donations received by the University are to be transferred to the University's long-term investment common fund at the end of the quarter following receipt by the University and remain there until Council otherwise directs;
- 2 the capital and income of the Trust are to be applied by Council, or their delegate, on the advice of the MTC Board of Management and in accordance with the trust terms, including the terms of any specific donations; and
- 3 that any unexpended income from the Trust in any year may, as recommended each year by the MTC Board of Management be added to the capital of the Trust or accumulated as income for expenditure in a subsequent year, provided that a proportionate amount is credited to any sub-fund referable to such unexpended income.