

UTR7.106 - HEARING LOSS RESEARCH FUND

Recitals -

- A. An appeal in the form of a telethon, and known as the 'Nerve Deafness Appeal', was launched on behalf of the University by the management of the Melbourne television station ATV Channel O (called Channel 10 from 1980) in November 1974. The appeal was held each year until 1989.
- B. The purpose of the appeal was set out in a letter dated 21 November 1973 from the Deputy Vice-Chancellor to the station manager of Austarama Television Pty Ltd as follows:
- 'This is to confirm my telephone conversation with you on 21st November concerning the Nerve Deafness Appeal. The University would be pleased for Channel O to mount an Appeal for money receivable by the University on the following conditions:-
- i. The purposes of the Appeal will be to provide funds to support a programme of deafness research under the direction of Professor G. Clark. Should this programme cease for any reason before the fund is extinguished, the residue will be used for University purposes at the discretion of the University Council. It is understood, however, that the fund would be devoted to deafness research within the University if suitable projects are in progress.
 - ii The money received may be invested at the discretion of the University without being restricted by the investment rules relating to trustees, and
 - iii Income and capital of the fund may be used by the University for the purposes stated above without restriction.'
- C. The sum of \$171,591 was received by the University from the appeal. A further \$2.6m was contributed to the fund from cochlear implant royalties from 1987 to 2001.
- D. Professor Graeme Clark left the University in 2004 and is no longer directing research into nerve deafness, or sensorineural hearing loss as known in the field, in the University.
- E. At the time of the appeal and subsequently, the department of Otolaryngology was responsible for the discipline of Audiology. The disciplines of both Otolaryngology and Audiology contribute to the sensorineural hearing loss research program. In January 2012, Audiology was transferred to the new department of Audiology and Speech Pathology. Research into sensorineural hearing loss is conducted within both the department of Audiology and Speech Pathology and the department of Otolaryngology, within the faculty of Medicine, Dentistry and Health Sciences ('faculty').
- F. The University accepted the donations upon the trusts specified in the appeal terms, and the donations and further contributions therefore became the capital subject to those trusts ('capital sum').
- G. This University trust record is the means by which the University records -

- (1) the trusts specified in the appeal letter 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 'Hearing Loss Research 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 on which the donations were accepted-
 - (1) to support a program of deafness research, known in the field as sensorineural hearing loss, initially under the direction of Professor Graeme Clark;
 - (2) to provide that if the program of deafness research under the direction of Professor Graeme Clark was discontinued before the fund was extinguished, to support any other continuing program of deafness research within the University;
 - (3) to provide that both the income and capital of the fund can be used to support a program of deafness research; and
 - (4) to provide that if there is no program of deafness research being conducted within the University, the income and capital of the fund will be applied for University purposes at the discretion of Council.

Administrative arrangements

4. Until its further determination, and in order to implement the trust terms, the University has determined that the net income of the fund will be applied from time to time for programs of deafness research, as determined by the dean of the faculty, on the recommendation of the head of Melbourne School of Health Sciences and the head of Melbourne Medical School, in consultation with the head of the department of Audiology and Speech Pathology and the head of the department of Otolaryngology.

[Revoked as a Regulation and certified as a University trust record 26/5/10; Revoked and remade 15 October 2013]