

**UTR7.290 - FRANCINE V MCNIFF CHAIR IN HUMAN RIGHTS LAW**

## Recitals-

- A. By memorandum of gift Francine Valerie McNiff ('donor') announced an intention to donate a total sum of \$2 million to the University ('donation') for the purpose of establishing and funding a chair in human rights law to be known as the 'Francine V McNiff Chair in Human Rights Law' ('donation').
- B. According to the memorandum, the donation would be made in six instalments over a period not exceeding four years, from 27 February 2013 to 27 August 2017. On 30 May 2013, the University received the sum of \$450,000 ('first instalment') from the donor.
- C. The memorandum of gift provided in part as follows-
- '2.4(a) Establish a perpetual trust for the Stated Purpose;
- ...
- (c) Invest and preserve the capital sum of the Gift and apply only the income arising from the Gift for the Stated Purpose;
- (d) Supplement the income generated by the investment of the Gift with such further funds as may be required to ensure the Chair exists in perpetuity;
- ...
- 2.5 Should the University decline to approve the establishment of the Chair it undertakes to repay to the Donor all capital and income received.
- 2.6 Any unexpended income in any year may be, within the discretion of the University:
- (a) retained as income to be made available in any subsequent year to be applied to the Stated Purpose; or
- (b) added to the capital sum represented by the Gift and to be invested and preserved'.
- D. The donor became the first female judicial officer to be appointed to a Victorian court when she was appointed to the Children's Court in 1983. A criminal law barrister, she has written various books and lectured, and was considered to be an authority on the Children's Court.
- E. The University accepted the first instalment as part of the donation upon the trusts specified by the donor, and the first instalment therefore became the initial 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 all future instalments of the donation when received; 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 (including the balance of the donation when received), all income arising from the capital sum, and any accumulations and additions thereto together form a fund called the 'Francine V McNiff Chair in Human Rights Law' ('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 for the purpose of establishing and funding a chair in human rights law to be called the 'Francine V McNiff Chair in Human Rights Law' ('Chair');
  - (2) to supplement the income from the fund with such further funds as may be required to ensure the Chair exists in perpetuity; and
  - (3) to apply any unexpended income in a given year to the funding of the chair in a subsequent year, or to add such income to the capital of the fund.

**Administrative arrangements**

4. Until its further determination, and in order to implement the trust terms, the University has determined that-
  - (1) the holder of the Chair is appointed for such period and on such conditions as the dean of Melbourne Law School ('dean') from time to time determines; and
  - (2) the dean may make any decision concerning the treatment of unspent income in accordance with section 3(3).