

UTR 7.250 – THE AGNES ROBERTSON SCHOLARSHIPS FUND

Recitals –

- A. By her will dated 17 July 1996 ('Will'), the late Agnes Tait Robertson ('deceased') directed that her residuary estate be held:

'...upon trust to pay and distribute by way of gift, the net income and capital to those charitable institutions, colleges, bodies, trusts, organisations, corporations or schools, including but not limited to existing or proposed homes for aged people, nursing homes, and hostel accommodation as my Trustees shall determine and in the proportions between them which my Trustees in their discretion shall determine.'
- B. The deceased died on 25 February 1998 and probate of her Will was granted to Martin John O'Dell Armstrong ('founder') on 25 May 1998 by the Supreme Court of Victoria.
- C. In accordance with the terms of the Will, by agreement dated 6 August 1999 ('1999 agreement') between the founder and the Victorian College of the Arts ('College'), the founder gave \$250,000 to the College for the purpose of establishing scholarships for students attending the College upon terms and conditions set out in the 1999 agreement.
- D. In accordance with the terms of the Will, by agreement dated 16 June 2006 ('2006 agreement') between the founder and the College, the founder gave a further \$250,000 to the College for the purpose of establishing further scholarships for students attending the College upon terms and conditions set out in the 2006 agreement.
- E. The College held these donations in a fund known as The Agnes Robertson Scholarships Fund ('fund') and applied the income to award the scholarships subject to the 1999 agreement and the 2006 agreement.
- F. At 31 December 2006, the amount of the fund was \$703,176.01.
- G. Pursuant to the Melbourne University (Victorian College of the Arts) Act 2006 (Vic) ('Act'), from 1 January 2007 the College ceased to exist and became a faculty of the University called the faculty of the Victorian College of the Arts.
- H. Pursuant to the Act, on and from 1 January 2007 the University became the successor in law of the College. Since that date, the scholarships have been administered by the University in accordance with the terms and conditions to which they were subject immediately before that date.
- I. By agreement dated 14 September 2007 ('2007 agreement'), between the founder and the University, the parties confirmed the application of the 1999 agreement and the 2006 agreement. The terms and conditions governing the scholarships were amended to provide for the University taking over the administration of the

scholarships from 1 January 2007, and the parties agreed to make consequential amendments to assist with the administration of the fund in future. Apart from those consequential amendments, the pre-existing terms and conditions governing the scholarships remain the same.

- J. From April 2009 the Faculty of VCA and Faculty of Music were amalgamated. From 1 January 2019, the Faculty is now called the Faculty of Fine Arts and Music ('faculty').
- K. The faculty comprises two discrete parts known as the Victorian College of the Arts ('VCA'), and Melbourne Conservatorium of Music ('MCM'). The VCA teaches a number of visual and performing arts disciplines, including music, and MCM teaches classical music.
- L. Separate schools have been established within VCA for each discipline it offers, being the school of Contemporary Music, school of Art, school of Performing Arts, school of Film and Television and the Centre for Ideas.

It is provided as follows -

1. The sum of \$703,176.01, and any accumulations and additions to the sum, forms a fund called 'The Agnes Robertson Scholarships Fund' ('fund') and the fund must be paid into one or more investment common funds and remain there until Council directs otherwise.
2. Subject to section 9, the income of the fund is to be applied to award five scholarships ('scholarships', or 'scholarship' in reference to any one of them) to be awarded to students attending the Faculty of Fine Arts and Music ('faculty') to be known as -
 - (1) The Agnes Robertson Scholarship for Painting ('Painting Scholarship');
 - (2) The Agnes Robertson Scholarship for Piano ('Piano Scholarship');
 - (3) The Agnes Robertson Foundation Program Scholarship ('Foundation Scholarship'); and
 - (4) for the remaining two scholarships, The Agnes Robertson Undergraduate Entry Scholarship for Dance and The Agnes Robertson Undergraduate Entry Scholarship for Production ('Undergraduate Scholarships').
3. The purpose of the Painting Scholarship is to provide a student undertaking a bachelor of Fine Arts course at the faculty, with a major in the discipline of Painting, with some financial support for the normal duration of the course, plus an honours year if applicable. Only one Painting Scholarship will be tenable at any one time.
4. The purpose of the Piano Scholarship is to provide students undertaking either a bachelor of Music course at MCM within the faculty, or a bachelor of Fine Arts (Contemporary Music) within the school of Contemporary Music at VCA within the faculty, with a major in the discipline of Piano, with some financial support for the normal duration of the course, plus an honours year if applicable. Only one Piano Scholarship will be tenable at any one time. The Piano Scholarship is to alternate

between MCM and VCA, unless, in the absence of a suitable candidate from the nominated division of the faculty, the dean of the faculty ('dean') decides otherwise.

5. The purpose of the Foundation Scholarship is to assist talented students in their Foundation Year in any discipline at the faculty to overcome barriers to university education by alleviating some of the costs associated with a higher education course of study. It is to be offered each year.
6. The purpose of the Undergraduate Scholarships is to assist a talented first-year student in the discipline of Dance at the faculty, and a talented first-year student in the discipline of Production at the faculty, to overcome barriers to university education by alleviating some of the costs associated with a higher education course of study. The scholarships are to be offered each year.
7. A common purpose of all the scholarships is to provide sufficient funds for awardees to meet any up-front Higher Education Contribution Scheme fees or similar contribution to tuition fees ('tuition fees') and to provide in addition an amount to assist awardees to meet the cost of materials, travelling and other expenses associated with their respective courses. The scholarships are not intended to meet the full cost to awardees of completing their degrees at the faculty. That part of each scholarship amount required to meet the tuition fees will be paid directly to the faculty.
8. The scholarships are open only to applicants who have completed the final two years of their secondary school education in an Australian State or Territory and –
 - (1) in the case of the Painting Scholarship and the Piano Scholarship, who are Australian citizens or have resided in Australia for the previous four years; or
 - (2) in the case of the Foundation Scholarship and Undergraduate Scholarships, who have Australian citizenship or otherwise are permanent residents of Australia.
9. The value of each scholarship ('designated value') is to be determined by the dean on the recommendation of a selection committee. It is intended that only the income of the fund is to be applied to the scholarships. However, where in the absolute discretion of Council, it is deemed that the income of the fund is insufficient to meet the needs of any awardee, Council has the right at any time and from time to time to apply such part of the capital of the fund as it shall deem fit to meet the spirit and intention of the scholarships.
10. Each scholarship is to be awarded by the dean on the recommendation of a selection committee. For the Foundation Scholarship, the selection committee is to comprise a head of discipline and two other academic staff at the faculty appointed by the general manager of the faculty. For the other scholarships, the selection committee in each case is to comprise the relevant head of discipline at the faculty ('head of discipline') and two further members appointed by the head of discipline.

11. The selection committee in each case is to make its recommendation by reference to the following criteria –
- (1) artistic merit, as demonstrated by a portfolio of most recent work or performance;
 - (2) academic merit, as demonstrated by previous academic achievement;
 - (3) career aspirations; and
 - (4) likely success in completing the proposed course of study.
12. If so recommended by the selection committee in the case of any scholarship, the dean may in any such case –
- (1) decline to award the scholarship; or
 - (2) in the case of the Painting Scholarship, Piano Scholarship or Undergraduate Scholarship, apply an amount up to the designated value to make one or more minor awards, as well as or in place of the scholarship, to eligible candidates in accordance with this University trust record.
13. If the dean awards less than the designated value for any scholarship in any year, the amount remaining is to be retained and made available to be applied to supplement the value of the same scholarship in any subsequent year.
14. At least until 31 December 2012, the dean is to submit to the founder regular reports of the performance by the University in managing the fund and provide to the founder general information as to the scholarship awardees and their progress or performance.
15. This University trust record and any other terms and conditions applying to any scholarship, as provided in the 2007 agreement, may be amended in order to ensure that the University continues to meet the specified purpose of each scholarship as set out in sections 3 to 7.

[Made 22/10/07; amended 10/5/10; revoked as a Regulation and certified as a University trust record 26/5/10, Recital E, H, J, K, L, N am, Recital M replace, ss 1, 2, 4, 8, 9, 10, 12, 13 and 15 am, 30/4/12; Recitals G, H, I, J, K, L, s 2, amended 02/12/2019]