Recitals –

A. Under his will dated 31 December 2001, John Geoffrey Flowers bequeathed a portion of his estate (‘estate’) to the Victorian College of the Arts (‘College’) to establish a scholarship (‘scholarship’) in memory of his late daughter, Kate Flowers. Kate Flowers was an active lover of music who played both the violin and viola.

B. The executor of the estate, James Flowers, paid an ‘Initial Bequest’ of $109,500 to the College upon specified terms and conditions signed by James Flowers and dated 21 February 2003. Any further bequests, or other contributions made to the fund, were to be subject to the same terms and conditions.

C. At 31 December 2006, the amount of the fund was $161,461.42.

D. Pursuant to the Melbourne University Victorian College of the Arts) Act 2006 (Vic) (‘the 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.

E. Pursuant to section 5 of the Act, on and from 1 January 2007-
   a. the University became the successor in law of the College;
   b. the assets and rights of the College were vested in the University;
   c. the liabilities and obligations of the College became liabilities and obligations of the University; and
   d. the scholarship shall be administered by the University, but otherwise in accordance with the terms and conditions to which it was subject immediately before that date.

F. Pursuant to section 6 of the Act, the fund may be applied on or after 1 January 2007 as if created in favour of the University for a purpose of the University that corresponds with, or is similar to, those purposes of the College for which the fund was created.

G. The faculty of the Victorian College of the Arts and the faculty of Music were amalgamated with effect from 6 April 2009 to form one faculty called the faculty of the VCA and Music. Separate schools have been established within the faculty of the VCA and Music for each discipline offered by the faculty, one being the school of Music.

H. The school of Music within the faculty of the VCA and Music offers the higher education award courses and degrees previously offered by the former faculty of Music within its school of Music and by the faculty of the Victorian College of the Arts (as then known) within its discipline of Music.

I. At 4 August 2009, no further bequests or contributions have been made to the fund.

It is provided as follows-

1. The sum of $161,461.42, and any accumulations and additions to the sum, forms a fund called ‘The Kate Flowers Memorial Scholarship’ (‘fund’) and the fund is to be paid into an investment pool and remain there until Council directs otherwise.
2. The capital and income of the fund is to be applied to provide the scholarship to a student in the school of Music within the faculty of the VCA and Music (‘faculty’).

3. The dean of the faculty on the recommendation of a selection committee is authorised to award the scholarship each year on behalf of the University.

4. The selection committee is to comprise-
   (1) two persons appointed by the head of the school of Music, or equivalent department or school; and
   (2) two persons appointed by the executor of the estate from time to time.

5. Decisions of the selection committee will be made by a simple majority, after consulting the appropriate members of staff in the school of Music as to the merits of the respective candidates. In the event of a deadlock, the executor of the estate or his representative will have the casting vote.

6. Candidates for the scholarship must-
   (1) be full-time students of violin, viola or cello;
   (2) have completed at least one year of full-time study at the faculty or an equivalent institution in Australia or overseas; and
   (3) have applied for the scholarship in the manner prescribed by the faculty from time to time.

7. The scholarship is to be awarded to a student who has a love of music and performing; a genuine talent or potential in relation to playing their instrument; and an ambition to make music their career. The awardee will-
   (1) not necessarily be the most talented candidate;
   (2) preferably not be a recipient of any other major scholarships available in Music; and
   (3) preferably be in need of financial assistance to enable them to continue their studies.

8. The awardee of the scholarship in any year will be known as the ‘Kate Flowers Scholar’.

9. The value of the scholarship is to be determined by the dean of the faculty on the recommendation of the head of the school of Music from time to time, provided it is at least $5,000 and it is awarded each year for at least 25 years. The dean of the faculty may apply a portion of the capital if necessary in any year to award at least $5,000.

10. The tenure of the scholarship is one year; awardees are eligible to apply for the scholarship in subsequent years.

11. The amount of the scholarship is to be paid or applied for one of the following purposes-
    (1) fees payable by the student to the faculty for tuition and any incidental amenities;
    (2) acquisition (whether by purchase, lease or hire) and maintenance of the musical instrument required for the purposes of the student’s studies or musical career; or
    (3) costs incurred or to be incurred by the student in order to perform in locations outside Melbourne, in Australia or overseas.
12. Awardees may elect the purpose, of those set out above, for which the scholarship is to be applied. The faculty must pay the amount of the scholarship directly, for the purpose elected by the awardee, or if no election is made, for the purpose elected by the faculty, provided any amount remaining after meeting that purpose is be paid directly to the awardee.

13. Any unexpended income in the fund is to be retained as income and be available in any subsequent year for the scholarship.

14. The faculty may deduct from the income of the fund any reasonable costs payable to external parties in connection with the administration of the fund provided it discloses details thereof to the selection committee.

[Recitals A & D am, Recitals G–I added, ss 1, 2, 3, 4 & 8 am, s 4 newly numbered, ss 4 – 13 renumbered 16/11/09; revoked as a Regulation and certified as a University trust record 26/5/10]