UTR6.267 – THE ELIZABETH CLAIRE WELLISCH BEQUEST

Recitals-

A. The late Elizabeth Claire Wellisch formerly of 4 Finns Road, Bairnsdale in Victoria, widow (‘testatrix’), who died on 7 August 2007, by her will dated 25 February 2004 (‘will’) provided-

‘…I GIVE DEVISE AND BEQUEATH all the rest and residue of my estate both real and personal whatsoever and wheresoever situate to be divided into two equal parts… and the other part to the UNIVERSITY OF MELBOURNE CONSERVATORY OF MUSIC for the specific use by them to assist a financially needy student in his or her studies at the Conservatory of Music absolutely…’

B. No ‘Conservatory of Music’ has ever existed at the University. The Conservatorium of Music (‘Conservatorium’) was established at the University on 19 July 1894 with a mandate to provide practical instruction in music and prescribe a course of study for the diploma of Musical Associate. In 1926 the Faculty of Music was established, and thereafter teachers were appointed in the Conservatorium by Council after consultation with the Faculty. On 8 April 1975 Statute 2.15 – The University Conservatorium of Music – was repealed and a new statute substituted. The new statute recited that ‘The purposes for which the conservatorium was established are now carried out by the faculty of Music.’ Section 1 provided that ‘Practical instruction in Music in the University shall be undertaken under the authority of the faculty of Music.’

C. By email dated 5 June 2008 the Faculty of Music requested that only the income of the fund be used each year.

D. On or about 22 May 2008 the University received the sum of $161,608.22 in satisfaction of the bequest from the estate of the testatrix.

E. The Faculty of the Victorian College of the Arts and the Faculty of Music were amalgamated with effect from 6 April 2009. From 1 January 2019, that faculty is known as the Faculty of Fine Arts and Music (‘Faculty’). Separate schools have been established within the Faculty for each discipline offered by the faculty, one being the school of Music.

It is provided as follows-

1. The sum of $161,608.22, and any accumulations and additions to the sum, forms a fund called ‘The Elizabeth Claire Wellisch Bequest’ (‘fund’) and the fund must be paid into an investment pool and remain there until Council directs otherwise.

2. The Dean of the Faculty on the recommendation of the Head of the School of Music is authorised to apply the net annual income of the fund to assist students who are in financial need in their studies in the School of Music.
3. Unspent income in any year may be added to the capital of the fund, or be retained as income to be applied in any subsequent year for the purpose of the fund.

[Recitals A – c am, recitals E & F added, ss 1 & 2 am 16/11/09; revoked as a Regulation and certified as a University trust record 26/5/10; recitals E & F am, s 2 am xx/xx/20]