

UTR 6.7 - WYSELASKIE SCHOLARSHIPS

Recitals

- A. By his Will dated 14 December 1880, the late John Dickson Wyselaskie of Wickliffe, Victoria ('donor') bequeathed the sum of twelve thousand pounds ('bequest') to the University, such sum to be divided equally into six portions in order to establish a scholarship in each of the following subjects: Mathematics, Natural Science, English Constitutional History, Political Economy, Modern Languages, and Classical and Comparative Philology and Logic, with each scholarship being called the 'Wyselaskie Scholarship' in the subject to which it relates.
- B. The donor, who died on 4 May 1883, was a pastoralist and philanthropist born at Sanquhar, Shire of Dumfries, Scotland in 1818. He came to Australia in 1837 and owned a large estate at Wickliffe in south-west Victoria, on which he built the Narrapumelap Homestead. He was a member of the Geelong and Portland Bay Immigration Society, and was active in the establishment of a school in Wickliffe. From 1878 until his death, he lived at Wickliffe House, St Kilda. Following the donor's death, the University received a sum of £8,400 in satisfaction of the bequest.
- C. On 24 March 2003, the Supreme Court sanctioned a scheme pursuant to section 2 of the *Charities Act 1978* (Vic) to replace the subjects 'English Constitutional History' with 'Modern British History', and 'Classical and Comparative Philology and Logic' with 'Logic', as these two subjects had ceased to be taught by the University.
- D. On 4 December 2014, the Supreme Court sanctioned a further scheme pursuant to section 2 of the *Charities Act 1978* (Vic) as the subject 'Modern British History' had ceased to be taught by the University. This scheme varied the scheme which was sanctioned in 2003, and provided in part as follows-

'...
 1. ...The capital sum and accumulated income for each of the respective scholarships known as the 'Wyselaskie Scholarships' is to be pooled together and divided equally into six portions, with each portion to comprise the new capital sum of each of the six scholarships.
 2. A scholarship is awarded annually by the Council on the recommendation of the dean of the relevant faculty in each of the following subject areas-
 - (a) Mathematics
 - (b) Natural Science
 - (c) History
 - (d) Political Economy
 - (e) Modern Languages

- (f) Logic, provided that if in any year it is not possible to award this scholarship it may be awarded in some other field of philosophy

and each scholarship is known as the Wyselaskie scholarship in the subject area to which it relates

3. The value of each scholarship is the net annual income of its endowment fund.
 4. Each scholarship is awarded to the best student in the relevant subject area in a year of the course determined by the relevant faculty.'
- E. Following the Supreme Court sanction on 4 December 2014, the capital sum and accumulated income for each of the six scholarships have been pooled together and divided equally into six portions. Therefore as at 30 April 2015, each scholarship had the new capital sum of \$189,637.38.
- F. The University accepted the bequest upon the trusts specified by the donor and as subsequently varied by the Supreme Court on 4 December 2014, and the bequest 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 by the donor 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 'Wyselaskie Scholarships' ('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 award an annual scholarship in each of the following subject areas-

- (a) Mathematics
- (b) Natural Science
- (c) History
- (d) Political Economy
- (e) Modern Languages
- (f) Logic, provided that if in any year it is not possible to award this scholarship it may be awarded in some other field of philosophy;

(2) to call each scholarship the 'Wyselaskie Scholarship' in the subject area to which it relates;

(3) to award each scholarship to the best student in the relevant subject area in a year of the course determined by the relevant faculty; and

(4) that the value of each scholarship is the net annual income of its endowment fund.

Administrative arrangements

4. Until its further determination, and in order to implement the trust terms, the University has determined-

(1) that the faculty of Arts, the faculty of Business and Economics, and the faculty of Science (collectively 'faculties') will be responsible for the administration of the trust terms as they relate to their respective faculties; and

(2) that the faculties will be responsible for determining the relevant subject and year of the course in which the scholarship will be awarded.

5. As provided in section 43 of the Act, Council has delegated its power to make awards to the dean of the relevant faculty, in this case the faculties of Arts, Business and Economics, and Science but this does not extend to Council's powers and responsibilities as set out in sections 2.

6. The dean of each of the faculties is authorised to award each prize on behalf of the University.