UTR6.323 - JAMES AND VALERIE MCNIFF SCHOLARSHIP

Recitals-

A. On 7 June 2013, Francine Valerie McNiff (‘donor’) gave the sum of $361,257.42 to the University (‘donation’). By memorandum of gift 17 May 2013 the donor stated in part-

‘2.2 The stated purpose of the Gift [“the Stated Purpose”] is to establish and fund in perpetuity a scholarship to be known as the “James and Valerie McNiff Scholarship” [“The Scholarship”].

2.3 The Scholarship is to be awarded:

2.3.1 To an Australian citizen or permanent resident who is

2.3.1.1 a candidate for a research higher degree in the area of Medical Jurisprudence; and

2.3.1.2 In need of financial assistance

2.3.2 Upon the recommendation of the Dean of Law which shall be based on the applicant’s academic ability and financial need as assessed by the Dean and at least one senior faculty member; and

2.3.3 In a sum wholly within the discretion of the Trustee and paid in amounts at the commencement of each year of full candidature for a period not exceeding three [3] years.

2.6 Any unexpended income in any year may be, within the discretion of the University:

2.6.1 Accumulated as income for the award of a scholarship to be made in any subsequent year; or

2.6.2 Added to the capital sum represented [sic].’

B. 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.

C. The donation memorialises the donor’s parents, the late James William McNiff and Edna Valerie Mainwaring McNiff.

D. The University accepted the donation upon the trusts specified by the donor, and the donation therefore became the capital subject to those trusts (‘capital sum’).

E. 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 ‘James and Valerie McNiff Scholarship’ (‘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;

   (2) to apply the income from the fund to the establishment and funding of a scholarship to be known as the ‘James and Valerie McNiff Scholarship’;

   (3) to award the scholarship to an Australian citizen or permanent resident who is a candidate for a research higher degree in the area of Medical Jurisprudence and in financial need;

   (4) to award the scholarship on the recommendation of the dean of Melbourne Law School (‘dean’) based on the applicant’s academic ability and financial need as assessed by the dean and at least one senior faculty member;

   (5) to provide that the University is to determine the value of each scholarship;

   (6) to pay the scholarship by instalments at the commencement of each year of full candidature for a period not exceeding three years; and

   (7) to provide that any unexpended income may be either accumulated for the award of a scholarship in any subsequent year or added 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 dean and senior faculty members may act on the advice of any committee established within Melbourne Law School to make determinations of awardees of scholarships generally or research degree scholarships in particular;

   (2) the dean is to decide each year for the purposes of section 3(7) whether any unexpended income is to be either accumulated for the award of a scholarship in any subsequent year or added to the capital of the fund.

5. The dean is authorised to award each scholarship on behalf of the University.

[New UTR certified 28/10/13]