UTR6.249 – THE JOHN AND MARY KERLEY STUDIO RESEARCH TRAVELLING SCHOLARSHIP

Recitals –

A. Under her will dated 14 May 1992, Lucy Mary Kerley MBE, scientist, retired university lecturer, academic and historian, who died in 1997, made a bequest to the Victorian College of the Arts (‘College’) as follows:

“As to the remaining one equal third part or share for the SCHOOL OF ART AT THE VICTORIAN COLLEGE OF THE ARTS, St. Kilda Road, Melbourne and IT IS MY FERVENT WISH THAT such funds be utilised for the provision of scholarships to be awarded in memory of my late parents JOHN FRANCES KERLEY AND MARY JANE KERLEY.”

B. Honouring her wishes, the College used the bequest to establish a fund (‘fund’) to support the provision of scholarships in the school of Art in the name of John and Mary Kerley.

C. At 31 December 2006, the amount of the fund was $125,587.07 (‘capital sum’).

D. Pursuant to the Melbourne University (Victorian College of the Arts) Act 2006 (Vic), as 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 they were 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. In 2009 the faculty of the Victorian College of the Arts amalgamated with the faculty of Music which resulted in the formation of the faculty now called the faculty of Victorian College of the Arts and Melbourne Conservatorium of Music (known as the faculty of VCA and MCM) (‘faculty’). The faculty comprises two discrete parts known as Victorian College of the Arts (‘VCA’), and Melbourne Conservatorium of Music (‘MCM’). Separate schools have been established within VCA for each visual and performing arts discipline it offers, one being the school of Art.

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 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-

1. The sum of $125,587.07, and any accumulations and additions to the sum, forms a fund called ‘John and Mary Kerley Studio Research Travelling Scholarship’ (‘fund’) and the fund is to be paid into one or more investment common funds and remain there until Council directs otherwise.

2. The dean of the faculty (‘dean’) on the recommendation of the head of the school of Art (‘head of school’) is authorised to award the scholarship to a student enrolled in the school of Art at the faculty on behalf of the University. The scholarship is to assist with the cost of the student undertaking international study pursuant to a student exchange scheme or study trip.

3. The value of the scholarship is to be determined by the dean on the recommendation of the head of school, provided it is no more than the sum of the net annual income and any other unexpended income in the fund (‘available income’).

4. If recommended by the head of school, the dean may in any year –
   (1) decline to award the scholarship; or
   (2) award more than one scholarship, in all other respects in accordance with this University trust record, provided that the total amount awarded does not exceed the available income.

5. The name of the fund and the terms of this University trust record may be varied from time to time on the recommendation of the dean after conferring with the head of school, provided the capital and income of the fund is applied at all times to award scholarships, in memory of John and Mary Kerley, for present and past students in the school of Art at the faculty or its predecessor, the school of Art at the College.

[Recitals B & D am, Recital G added, ss 1, 2, 4, 5 & 6 am, s 3 deleted, ss 4 – 6 renumbered 16/11/09; revoked as a Regulation and certified as a University trust record 26/5/10; Recitals B, C, D and G am; Recital E add; ss 1 and 2 am, 11/512.]