UTR6.332 - THE DIANE LEMAIRE SCHOLARSHIP

Recitals-

A. By her Will dated 18 August 2010, the late Diane Adrienne Lemaire (‘donor’) bequeathed one fifth part of her residuary estate to the University (‘bequest’) as follows-

‘… to The University of Melbourne for the benefit of the Faculty of Engineering it being my wish but without imposing any trust or legal obligation that it be used by the Faculty for research in the field of fluid dynamics’.

B. On 20 December 2013, the University received $300,000 in part satisfaction of the bequest. It is expected that the University will receive a final distribution of up to $100,000 (approximately) once the administration of the estate has been completed.

C. The donor was the first woman to complete a degree offered by the then Faculty of Engineering. The donor completed a bachelor of Engineering Science degree in 1942, and graduated with such in December 1942, but was actively encouraged by the dean of the Faculty of Engineering to continue her studies by completing a fourth year of study in 1943. The donor then graduated with a bachelor of Mechanical Engineering degree in March 1944. She died on 27 October 2012, aged 89.

D. The University accepted the bequest upon the trusts specified by the Will (‘Will trusts’).

E. In accordance with the Will trusts, the University decided to apply the bequest as follows (‘additional trusts’)-

‘to establish a perpetual trust for The Diane Lemaire Scholarship, which will be open for award annually from the income of the fund, for an outstanding student or students undertaking a graduate degree in the Melbourne School of Engineering at the University. If in any year there is any unspent income, the unspent income may be added to the capital of the trust or accumulated as income for the award in a subsequent year of one or more scholarships.’

F. The bequest therefore became the capital subject to the Will trusts and the additional trusts (‘capital sum’).

G. This University trust record is the means by which the University records-

(1) the Will trusts and the additional trusts upon which the University as trustee holds the capital sum; and

(2) the administrative arrangements for the implementation 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 Diane Lemaire 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 Will trusts and the additional trusts (collectively ‘trust terms’)-
(1) to establish a perpetual trust;

(2) to award one or more scholarships, open for award annually, from the income of the fund (‘scholarship’);

(3) to call each scholarship ‘The Diane Lemaire Scholarship’;

(4) to award each scholarship to an outstanding student undertaking a graduate degree within Melbourne School of Engineering (‘faculty’);

(5) to provide that if in any year there is any unspent income, the unspent income may be added to the capital of the fund or accumulated as income for the award in a subsequent year of one or more scholarships.

Administrative arrangements

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

(1) the scholarship will be open to applications from female students undertaking a doctor of Philosophy (PhD) degree;

(2) the dean of the faculty is to award each scholarship on the recommendation of the faculty’s associate dean (research) or nominee, who is to determine-

(a) the value of each scholarship, and

(b) the number of scholarships to be awarded each year;

(3) in selecting scholarship recipients, whether the focus of an applicant’s research is fluid dynamics is to be a relevant, but not determinative, factor; and

(4) the dean, upon the recommendation of the associate dean (research) (or, if applicable, the nominee), is to decide each year for the purposes of section 3(5) whether any unspent income is to be added to the capital of the fund or is to be accumulated as income.

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

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