

UTR6.99 — THE DIEUL-KURZWEIL SCHOLARSHIP

Recitals-

- A. In 1957 Photimport Proprietary Limited of Collingwood, Victoria ('donor') by its director Mr G Erenyi donated the sum of £1,000 to the University ('donation'). The letter from the donor and any records of communications with the donor cannot be located.
- B. The minutes of the meeting of Council held on 2 September 1957 ('minutes') record the donation, as follows-
- 'Receipt of the following gifts was reported ... £1,000 from Mr G Erenyi to establish a scholarship to be known as the "Dieul-Kurzweil Scholarship" which will be awarded to a post-graduate student in Physics preparing for the Master of Science degree.'
- C. The minutes are the only record located at the University of the terms specified by the donor with respect to the donation. The University has no information regarding the name of the scholarship specified by the donor.
- 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. In 1957 the master of Science degree in the school of Physics could only be undertaken by research.
- F. In 1961 the scholarship was awarded for the first time.
- G. By 2005 few students enrolled in the master of Science degree; by that time the marked trend had been for students to enrol directly in the doctor of Philosophy degree after completing the honours year of the bachelor of Science degree.
- H. Accordingly, in 2005 the University made a *cy prè*s application to the Attorney-General for Victoria ('Attorney-General') pursuant to section 4 of the *Charities Act 1978 (Vic)* ('Act').
- I. On 31 October 2006, the Attorney-General sanctioned the following scheme pursuant to section 4 of the Act to vary the trust known as the Dieul-Kurzweil Scholarship-
- 'the scholarship be awarded to candidates for either the degrees of Master of Science or Doctor of Philosophy in the school of Physics.'
- J. In 2008 the research higher degree previously named master of Science was renamed master of Philosophy. From 2009 a new postgraduate coursework degree master of Science has been offered, meaning that there are two research higher degrees in the faculty of Science ('faculty'): the master of Philosophy degree and the doctor of Philosophy degree.

- K. As the degree now named master of Science is no longer undertaken by research and as the degree previously named master of Science has been renamed master of Philosophy, the University made a cy près application to the Attorney-General in 2008 pursuant to section 4 of the Act.
- L. On 19 December 2008 the Attorney-General sanctioned the following scheme pursuant to section 4 of the Act to vary the trust known as the Dieul-Kurzweil Scholarship ('2008 Sanction')-
- 'the scholarship is to be awarded to candidates for a research higher degree in the school of Physics.'
- M. The Attorney-General gave the 2008 Sanction on the basis that the minutes recorded the trusts specified by the donor with respect to the capital sum.
- N. This University trust record is the means by which the University records-
- (1) the trusts specified by the donor as recorded in the minutes, as those trusts were varied by the 2008 Sanction, being the trusts 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 Dieul-Kurzweil 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 as recorded in the minutes, as those trusts were varied by the 2008 Sanction ('trust terms')-
 - (1) to establish a perpetual trust;
 - (2) to preserve the capital of the fund, meaning that the capital of the fund is not to be spent;

- (3) to apply the net annual income of the fund to award a scholarship ('scholarship');
- (4) to call the scholarship 'The Dieul-Kurzweil Scholarship'; and
- (5) to award the scholarship to a candidate for a research higher degree in the school of Physics ('school').

Administrative arrangements

4. Until its further determination, and in order to implement the trust terms, the University has determined that
 - (1) the scholarship is to be open for award annually;
 - (2) the dean of the faculty ('dean') is to award the scholarship on the recommendation of the head of the school of Physics;
 - (3) the scholarship is to be awarded to the student who receives the John Tyndall Scholarship (governed by University trust record 6.109), being the student enrolled in the first year of a research higher degree in the school of Physics, who, after The Dixson Scholarship in Experimental Physics (governed by University trust record 6.13) and The Professor Kernot Research Scholarship in Physics (governed by University trust record 6.8) have been awarded, receives the next highest marks in a pathway to a research higher degree, being the honours year of a bachelor of Science with honours, or a research training program in the master of Science.
5. The dean is authorised to award the scholarship on behalf of the University.

[Revoked and remade 16/3/09; revoked as a Regulation and certified as a University trust record 26/5/10; Am. Heading; Recital E del; Recitals F, G, H, I, J, K, L, M, N and O renumbered; Recital N am; ss 1, 2, 3, 4 and 5 am 11/06/13]