

WLAQ

WOMEN LAWYERS
ASSOCIATION OF QUEENSLAND INC

Deed - Beryl Donkin Memorial Scholarship Fund

Women Lawyers Association of Queensland Inc ABN 79 672 531 991

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Deed - Beryl Donkin Memorial Scholarship Fund

Dated 18/06/2020

Trustee Women Lawyers Association of Queensland Inc. ABN 79 672 531 991

Background

- A. By trust deed dated twenty-seventh day of November 1991 Jennifer Anne McVeigh as Settlor established a trust fund known as The Beryl Donkin Memorial Award.
- B. By Resolution of the Trustees annexed to this Deed, The Beryl Donkin Memorial Award was wound-up, with all surplus funds to be distributed to the Beryl Donkin Memorial Scholarship Fund.
- C. The Women Lawyers Association of Queensland Inc wishes to establish The Beryl Donkin Memorial Scholarship Fund to promote and advance the professional development of women in the law in Queensland and to continue with the object of The Beryl Donkin Memorial Award.

Operative provisions

1 Name

The Fund is to be known as the Beryl Donkin Memorial Scholarship Fund.

2 Definitions and interpretation

2.1 Definitions

In this deed:

Term	Definition
Accounting Period	means the period from the date of this Deed to the following 31 December and then each period of 12 months ending on 31 December in each year, or any other period that the Trustee decides from time to time.
Act	means the <i>Income Tax Assessment Act 1936</i> or the <i>Income Tax Assessment Act 1997</i> as required, and includes any successor legislation to those Acts.
Associate	has the meaning outlined in section 78A of the Act as if the reference to the donor in that section were a reference to the person who under this deed is referred to in relation to the Associate.
Approved Australian course	means a course run by higher education institutions recognised or approved by Australian educational authorities.

Term	Definition
Bursary	means a non repayable, one-off or ongoing payment of money or property towards educational expenses
Commissioner	means the Commissioner of Taxation, a Second Commissioner of Taxation or a Deputy Commissioner of Taxation for the purposes of the Act.
Committee	means a committee established under clause 6.
Donor	means the donor of a gift to the Fund.
Eligible scholarships, bursaries and scholarship prizes	<p>means a scholarship, bursary or scholarship prize that is:</p> <ul style="list-style-type: none"> (a) awarded only to Australian citizens or permanent residents of Australia; (b) open to individuals residing in Queensland who hold an LLB or an equivalent qualification recognised by the Queensland Law Society Incorporated, or is studying in an LLB at a university in Queensland; (c) open to individuals who are members of Trustee, or at the time of application are part of a corporate membership of Trustee but does not include advocate members; (d) for the purpose of promoting the recipient's professional development or education: <ul style="list-style-type: none"> (i) in an approved Australian course; or (ii) at educational institutions overseas by way of study as a component of an approved Australian course.
Fund	<p>means the Beryl Donkin Memorial Scholarship Fund and includes:</p> <ul style="list-style-type: none"> (a) all money, investments and assets paid or transferred to and accepted by the Trustee as additions to the Fund; (b) all accretions to the Fund; (c) all accumulations of income; and (d) the money, investments and property from time to time representing the above or into which they are converted, <p>and includes any part of the Fund.</p>
Gift	means a donation, gift, settlement, benefaction or other voluntary transfer or disposition of money, money's worth, property or benefits and whether <i>inter vivos</i> or by will.
Sole Purpose	means the purpose established under clause 3.1.
Publicly Responsible Person	<p>means a person who:</p> <ul style="list-style-type: none"> (a) has a degree of responsibility to the community as a whole; (b) performs a public function; (c) is a member of a professional body having a code of ethics or rules of conduct;

Term	Definition
	(d) is officially charged with spiritual functions by a religious institution;
	(e) is a director of a company whose shares are listed on the Australian Stock Exchange;
	(f) has received formal recognition from government for services to the community; or
	(g) is approved as a Responsible Person by the Commissioner,
	(h) falls within the description published by the Commissioner or the Australian Taxation Office as a person with a degree of responsibility.
Scholarship	means a non repayable, one-off or ongoing payment of money or property towards educational expenses.
Scholarship prize	means an award of money or property to a person.
Trustee	means Women Lawyers Association of Queensland Incorporated ABN 79 672 531 991 or any replacement trustee from time to time.

3 Purpose

3.1 Sole Purpose

The Sole Purpose is to provide funds for Eligible scholarships, bursaries and scholarship prizes, with a view to considering obtaining endorsement of the Fund under Subdivision 30-BA of the Act.

3.2 Application of income and capital

The Trustee must hold the Fund and the income of the Fund derived in each Accounting Period on trust to pay or apply the income and, if and so far as it thinks fit, all or any part of the capital of the Fund to the advancement of the Sole Purpose.

3.3 Factors trustee may consider

In exercising its discretion under clause 3.2 the Trustee may have regard to:

- (a) any recommendations of an advisory committee, formed for that purpose, with authority to make such recommendations; and
- (b) the provisions and objects, so far as they are consistent with the Sole Purposes, of any other trust (including a trust established by a testamentary instrument) where:
 - (i) the capital of that other trust has been transferred to or otherwise vested in the Trustee to hold on the trusts of this deed; and
 - (ii) the trustee of the other trust has requested the Trustee to recognise the provisions or objects of the other trust in exercising the Trustee's discretions and powers under this deed.

3.4 Trustee may accumulate income

In exercising its discretions under clause 3.2, the Trustee may, in any Accounting Period, choose to accumulate and retain so much of income as it see fit.

4 Non-profit nature of the Fund

4.1 Non-profit

- (a) The income and property of the Fund must only be applied for the Sole Purpose.
- (b) No income or property of the Fund may be paid or transferred, directly or indirectly, to:
 - (i) the Trustee (or member, director, employee, agent, Committee member, or officer of the Trustee); or
 - (ii) an Associate of the Trustee or Committee member,except for payments:
 - (iii) in return for services rendered by or goods supplied by a person to the Fund in the ordinary and usual course of business; or
 - (iv) which are in furtherance of the Sole Purpose.
- (c) Any surplus property remaining after winding-up of the Fund must not be distributed other than in accordance with clause 8.

5 Trustee's powers

5.1 Investment

The Trustee must invest money of the Fund only in a way in which trustees are permitted to invest under the laws of Australia or of any State or Territory of Australia.

5.2 Powers of trustee according to law

The Trustee has all of the powers and discretions vested in trustees by law in relation to the Fund.

5.3 Establishing and maintaining the Fund

The Trustee must establish and maintain a separate bank account for the Fund:

- (a) to which Gifts are to be made;
- (b) to which any money received by the Fund because of those Gifts (including the income from the investment of all or part of the Gift Fund) is to be credited; and
- (c) that does not receive any other money or property.

5.4 Invitation to public to donate

The public must be invited to make gifts to the Fund for the Sole Purpose.

5.5 Trustee to keep accounts

The Trustee must keep or cause to be kept proper accounts in respect of all receipts and payments on account of the Fund and of all dealings connected with the Fund.

5.6 Financial statements

As soon as practicable after the end of each Accounting Period the Trustee must prepare or cause to be prepared a financial statement showing the financial position of the Fund at the end of that Accounting Period.

5.7 Audit

If required by law to be audited, the financial statements of the Fund must be audited by a person registered, or taken to be registered as an auditor under Part 9.2 of the *Corporations Act 2001*.

5.8 Receipts

Receipts issued for gifts must state:

- (a) the name of the Fund;
- (b) the Australian Business Number applicable to the Fund; and
- (c) the fact that the receipt is for a gift.

6 Beryl Donkin Management Committee and other committees

6.1 Beryl Donkin Management Committee

The Trustee must establish a Beryl Donkin Management Committee comprising of at least five individuals, four of whom must be fully financial members of the Trustee, the majority of whom are Publicly Responsible Persons and may appoint and remove, or make provision for the appointment and removal of, members of the committee.

6.2 Composition of Beryl Donkin Management Committee

Unless otherwise determined by the Trustee, the President, the two Vice-Presidents, Secretary and Treasurer from time to time of the Trustee will be on the Beryl Donkin Management Committee.

6.3 Function of Beryl Donkin Management Committee

- (a) The Beryl Donkin Management Committee will manage the day to day operation of the fund and, subject to the Trustee's decision, advise the Trustee on how payments or applications of income and capital should be made under clause 3.
- (b) The Beryl Donkin Management Committee must have written guidelines as to the process for nomination and selection of and the criteria for determination of the eligible recipient.

6.4 Patron

The Trustee may appoint a patron of the Fund at the discretion of the Beryl Donkin Management Committee on terms it considers suitable for the Sole Purpose.

6.5 Other Committees

The Trustee may establish other Committees, consisting of a single individual or the number of individuals that the Trustee decides.

6.6 Procedures of Committees

The Trustee may specify:

- (a) the manner in which proceedings of each Committee are to be conducted;
- (b) the matters which the Committee must have regard to in carrying out its functions; and
- (c) any other matters concerning the Committee or its functions that the Trustee decides.

6.7 Delegation of powers

- (a) The Trustee may delegate to:
 - (i) any Publically Responsible Person; or
 - (ii) a Committee comprising a majority of members who are Responsible Persons;
any of the discretionary or other powers given to it under this deed.
- (b) The execution or exercise of any of the trusts or powers of this deed by an attorney or delegate is valid and effectual and binds all persons interested in the Fund.

6.8 Policies and strategies

- (a) The Trustee may:
 - (i) formulate policies;
 - (ii) make rules in connection with a policy; and
 - (iii) revoke or amend a policy or rule and formulate others.
- (b) The Trustee must have at least the following policies or strategies in relation to the Fund:
 - (i) strategy for prudent investment; and
 - (ii) strategy for transparency of accounting and reporting.

6.9 Personal interest of Trustee

The Trustee and any person who is a member of a Committee of the Trustee may exercise or concur in exercising all powers and discretions given by this deed or by law (including making any investment) even though the Trustee or that person:

- (a) has or may have a direct or personal interest in the method or result of exercising the power or discretion; or
- (b) may benefit either directly or indirectly from the exercise of any power or discretion.

7 Amending this deed

The Trustee may by Deed revoke, add to or vary any provisions of this Deed provided that any revocation, addition or variation of this Deed must not, should it hold endorsement of the fund under Subdivision 30-BA of the Act and without the consent of the Commissioner, have the effect that:

- (a) the Sole Purpose would be altered in any way;
- (b) the Trustee would be authorised to invest money of the Trust Fund other than in a manner in which the Trustee is permitted to invest under the laws of Australia or of any State or Territory of Australia; or
- (c) the Trust would fail for any reason.

8 Winding up

If, on the winding up of the Fund, or upon the revocation of the endorsement of the fund under Subdivision 30-BA of the Act (should that endorsement have been obtained) any surplus property remains after the satisfaction of all its debts and liabilities, the Trustee must give and transfer the property to or for one or more funds, authorities or institutions which have similar objects and to which income tax deductible gifts can be made.

9 Governing law

This deed is governed by the laws of Queensland.

Execution

Executed as a deed in Queensland.

Executed by Women Lawyers Association
of Queensland Inc ABN 79 672 531 991 by:


Management Committee Member

JAMIE SHINE, PRESIDENT
Full name of Management Committee
Member


Management Committee Member

ANN-MAREE DAVID, Vice President
Full name of Management Committee
Member

18/06/2020