

## UTR6.297 - THE JUNE HOWQUA PRIZE

### Recitals-

- A. By her Will dated 17 December 2003, the late June Louise Howqua ('donor') bequeathed \$100,000 to the University ('bequest') as follows-
- '3. .... to establish a fund known as 'The June Howqua Prize Fund', the net income from which is to be used to assist and encourage the most promising student in the final year of undergraduate study in the Faculty [sic] of Medicine. I DIRECT that the prize shall be awarded by the Council of the University on the recommendation of a committee to be known as 'The June Howqua Prize Committee' which shall include the following persons:-
    - 3.1 the Dean of the Faculty of Medicine or his or her nominee.
    - 3.2 the Deputy Vice Chancellor of the University of Melbourne.
    - 3.3 up to three other persons who may be appointed from time to time by the Council of the University of Melbourne, such persons to include any of my trustees who are willing or able to accept such appointment.
  5. .... the ... committee ... shall take into account the potential and promise of the candidate as well as his or her academic achievements and financial circumstances as known to the committee. When the ... committee does not recommend any candidate worthy of an award of a prize for a particular year, then a prize shall not be awarded in that year.
  6. ... [the] committee [is to] consider retaining a portion of the net income of the ... Fund ... and adding it to the capital of the Fund in order to maintain the real value of the Fund. In making such decision I DIRECT the ... committee to seek the advice of the officer .... who is charged with the financial responsibility of the ... Fund. If at any time and for any reason the Council ... forms the view that it is impossible or impracticable to carry out or continue the purposes of the Fund ... the Council ... may apply the income of such Fund and if .. Council considers it necessary the capital thereof for such other purposes as in the opinion of the ... Council would accord with my intentions'.
- B. Pursuant to the power given to Council in clause 6 of the Will and having regard to the changes introduced by the Melbourne Model with the primary qualification in Medicine only being offered to commencing students on a graduate basis from 2011, Council has determined that the income of the fund is to be applied to award the relevant prize to a student enrolled in the final year of the Bachelor of Medicine and Bachelor of Surgery degree (MBBS)/bachelor of Medical Science (BMedSci) degree until 2013, and to a student enrolled in the final year of the doctor of Medicine degree from 2014.
- C. As the University may have more than one deputy vice-chancellor from time to time, Council has also determined that the Vice-Chancellor is authorised to nominate one of such deputy vice-chancellors to membership of the committee, being one who preferably has an academic connection with the faculty of Medicine Dentistry and Health Sciences or

is otherwise responsible for trust related matters under the portfolio of that deputy vice-chancellor.

- D. The donor, who died on 8 June 2009 graduated from the University in 1947 with a Doctor of Medicine, having completed the Bachelor of Medicine and Bachelor of Surgery (with Honours) in 1944. Dr Howqua went on to work for the Queen Victoria Hospital, the only hospital at the time that was run by women, exclusively for women. Dr Howqua continued to be involved with the University following the completion of her studies, namely as one of the organisers of the class of 1944 reunions, held in 1989 and 1999. In 2000, the University of Melbourne Medical Society (UMMS) made Dr Howqua an honorary member.
- E. The University accepted the bequest upon the trusts specified by the donor, and the bequest therefore became the capital subject to those trusts ('capital sum').
- F. 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 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 June Howqua Prize Fund' ('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 ('trust terms')-
  - (1) to establish a perpetual trust;
  - (2) to call the fund 'The June Howqua Prize Fund';
  - (3) to award a prize from the income of the fund;
  - (4) to establish a selection committee to be known as 'The June Howqua Prize Committee' ('committee'), comprising the following persons-
    - (a) the dean of the faculty of MDHS or his or her nominee;
    - (b) a Deputy Vice Chancellor of the University; and

- (c) up to three other persons who may be appointed from time to time by Council, such persons to include any of the trustees of the Will of the donor who are willing or able to accept such appointment;
- (5) to award each prize on the recommendation of the committee, such committee to take into account the potential and promise of the candidate as well as his or her academic achievements and financial circumstances;
- (6) to provide that a prize will not be awarded in a particular year if the committee does not consider any candidate worthy of a prize;
- (7) to provide that the committee is to consider retaining a portion of the net income of the fund and adding it to the capital after seeking the advice of the chief financial officer; and
- (8) to provide that if at any time and for any reason Council forms the view that it is impossible or impracticable to carry out or continue the purposes of the fund, Council may apply the income and if necessary the capital for such other purposes as in the opinion of Council would accord with the donor's intentions.

#### **Administrative arrangements**

- 4. Until its further determination, and in order to implement the trust terms, the University has determined-
  - (1) to call the prize 'The June Howqua Prize'; and
  - (2) to award the prize to a student enrolled in the final year of the Bachelor of Medicine and Bachelor of Surgery degree (MBBS)/bachelor of Medical Science (BMedSci) until 2013; and
  - (3) to award the prize to a student enrolled in the final year of the doctor of Medicine degree from 2014.
- 5. Council on the recommendation of the committee is to award the prize on behalf of the University.
- 6. As provided in section 43 of the Act, Council has delegated its power to make awards to the dean of the relevant faculty, in this case MDHS, but this does not extend to Council's powers and responsibilities as set out in sections 2 and 3(8).