

## **UTR6.299 - THE ARTHUR LIONEL AND HILDA ALICE SWIFT SCHOLARSHIP FUND**

### Recitals-

- A. By his Will dated 2 February 1994, the late William Alan Schuster , who died on 12 October 2009, bequeathed one quarter of his residuary estate to the University as follows -

#### '6.3.1

as to another one such equal one-fourth part or share UPON TRUST for the UNIVERSITY OF MELBOURNE the corpus to be retained in perpetuity by the governing body of the University as a Trust Fund to be known as THE ARTHUR LIONEL AND HILDA ALICE SWIFT SCHOLARSHIP FUND ("the Scholarship Fund") ... to be held on the following terms and conditions:

- (i) the Scholarship Fund will be applied by the governing body of the University for the purpose of establishing and maintaining within that University a Scholarship or Scholarships to be known as THE ARTHUR LIONEL AND HILDA ALICE SWIFT SCHOLARSHIP or Scholarships
  - (ii) each Scholarship will be for the purpose of under-graduate study or graduate research in Medicine
  - (iii) the Scholarship or Scholarships to be awarded will be open for competition among under-graduates or graduates in Medicine
  - (iv) the Scholarship or Scholarships will be awarded by the Council upon the report of a committee consisting of the Dean of Graduate Studies and the Dean of the Faculty of Medicine ("the Committee")
  - (v) the Scholarship or Scholarships will be tenable for one year at the University of Melbourne or other institution or establishment approved by the Committee and the tenure of the Scholarship or Scholarships will at all times be dependent on the work of the scholar or scholars being considered satisfactory by the appropriate professor
  - (vi) Applications for the Scholarship or Scholarships will be invited by notices published by the faculty ... and must be lodged with the Registrar of the University of Melbourne on or before the thirty first day of January in each year in which the Scholarship or Scholarships is or are available
  - (vii) the Scholarship or Scholarships may be held concurrently with any other research appointment within the faculty ... provided that the Committee is satisfied that the duties of such other appointment do not conflict with the objects of the Scholarship or Scholarships
  - (viii) if in any year the Committee is of the opinion that no applicant is or no applicants are worthy of the award the Scholarship or Scholarships will not be awarded and the income available for that award may be used by the Committee to provide for a further award in a future year or to augment the emoluments of a future award provided that the Committee may in its discretion direct that all or any such unexpended amounts will be added to the endowment of the Scholarship Fund.'
- B. By her Will dated 23 December 2003, the late Norma Hilda Schuster, who died on 20 September 2009, bequeathed one quarter of her residuary estate to the University on identical terms.

- C. William Schuster and Norma Schuster ('donors') were husband and wife. Mrs Schuster was employed from 1946 to 1973 as a bacteriologist and biochemist in the Veterinary Research Institute, which was a predecessor to the faculty of Veterinary Science.
- D. The faculty of Medicine Dentistry and Health Sciences came into existence as the faculty of Medicine, established in 1876. In 1989 the faculty of Medicine and Dentistry was created with the merging of the faculties of Medicine and Dentistry and in 1991 the name of the faculty was changed to the faculty of Medicine Dentistry and Health Sciences ('MDHS') when the discipline of Physiotherapy was first taught.
- E. In April 2011, the University received \$424,502.85 in partial satisfaction of William Schuster's bequest, and \$80,898.95 in partial satisfaction of Norma Schuster's bequest.
- F. The University accepted the bequests upon the trusts specified by the donors, and the bequests therefore became the capital subject to those trusts ('capital sum').
- G. This University trust record is the means by which the University records -
  - (1) the trusts specified by the donors 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 Arthur Lionel and Hilda Alice Swift Scholarship 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 establish and maintain one or more scholarships, each of which is to be known as The Arthur Lionel and Hilda Alice Swift Scholarship;
  - (3) to award each scholarship for the purpose of study in Medicine whether at the undergraduate or graduate level for the basic medical qualification, or for the purpose of graduate research in Medicine;
  - (4) to provide that each scholarship is to be awarded by Council upon the report of a committee consisting of the dean of the faculty of Medicine Dentistry and Health Sciences ('dean') and the associate dean of the faculty of Medicine Dentistry and Health Sciences

(‘MDHS’) (‘committee’) (or such other member of staff who may from time to time have the responsibilities of the Dean of Graduate Studies as described in each of the Wills);

- (5) to provide that the duration of each scholarship is one year provided that the work of the recipient is considered satisfactory by the appropriate professor;
- (6) to provide that each scholarship is tenable at the University or other institution or establishment approved by the committee;
- (7) to provide that applications will be invited by notices published by the faculty of MDHS and applications must be lodged with the academic registrar;
- (8) to provide that applications must be lodged on or before 31 January each year;
- (9) to provide that a scholarship may be held concurrently with any other research appointment within the faculty of MDHS provided the committee is satisfied there is no conflict with the objects of the scholarship; and
- (10) to provide that no award will be made if the committee decides that no applicant is worthy, in which case the committee may decide to retain any unspent income as income for the award in a subsequent year of one or more scholarships, or to add it to the capital of the fund.

#### **Administrative arrangements**

4. Until its further determination, and in order to implement the trust terms, the University has determined that-
  - (1) each scholarship is to be awarded-
    - (a) for study in Medicine for the basic medical qualification, to a student enrolled or enrolling in the graduate-level doctor of Medicine degree, given that no such basic medical qualification is available at the undergraduate level at the University; or
    - (b) for graduate research in Medicine.
  - (2) the committee is to determine-
    - (a) the value of each scholarship; and
    - (b) the number of scholarships, if any, awarded each year;
  - (3) the academic registrar may direct that applications are to be made through the faculty of MDHS; and
  - (4) a scholarship holder may re-apply at or around the end of each scholarship year for a further one-year scholarship from the date of expiry, in which case the committee must consider any such further application on its merits, taking into account all other applications.
5. The dean, on the recommendation of the committee, is authorised to award each scholarship 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 section 2."

[New UTR certified 17/5/2011]