

UTR 6.98 – LIZETTE BENTWITCH SCHOLARSHIP

Recitals –

- A. Lizette Bentwitch, formerly of Majestic Mansions, Fitzroy Street, St Kilda, who died on the 27 November 1954 directed the trustee of her will to hold the residue of her estate upon trust for conversion and to divide the net proceeds into two equal parts and further directed the trustee as follows-

‘To pay one of such equal parts to the treasurer or other proper official of the Hebrew University of Jerusalem and to pay the other of such equal parts to the treasurer or other proper official of the University of Melbourne, Australia, and the said universities to respectively apply the income therefrom in the establishment of a scholarship or scholarships in memory of my beloved parents, Maurice and Elizabeth Bentwitch, to bear the name ‘Lizette Bentwitch’ for students of their respective universities, such scholarships shall be awarded from time to time either for Music or for any other branch of the Humanities as the authorities of the respective university shall determine’.

- B. The University received the sum of £10,151 15s. 2d. in satisfaction of the bequest (‘capital sum’).
- C. At the time of the bequest, music was taught by the University within the then School of Music in the Faculty of Music. From April 2009 the Faculty of the Victorian College of the Arts and the Faculty of Music were amalgamated. From 1 January 2019, the Faculty is now called the Faculty of Fine Arts and Music (‘Faculty’).
- D. 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 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 ‘Lizette Bentwitch 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 ('trust terms')-
 - (1) to establish a perpetual trust;
 - (2) to establish a scholarship or scholarships in the name of 'Lizette Bentwitch' in memory of the donor's parents, Maurice and Elizabeth Bentwitch;
 - (3) to award such scholarships from time to time either for Music or for any other branch of the Humanities as the University shall determine.

Administrative Arrangements

4. Until its further determination, and in order to implement the trust terms, the University has determined-
 - (1) to call each scholarship the 'Lizette Bentwitch Scholarship';
 - (2) that the scholarship is to be open for award every two years;
 - (3) that eligibility to apply for the scholarship will alternate between-
 - (a) Music graduates of the University who have graduated in the previous five years, and
 - (b) graduates who have been awarded a degree with honours by the Faculty of Arts in the University;
 - (4) that the Dean of the Faculty of Fine Arts and Music ('Faculty') on the recommendation of the head of the School of Music within that Faculty is authorised to make the award on behalf of the University when the scholarship is open for award to Music graduates;
 - (5) that the Dean of the Faculty of Arts is authorised to make the award on behalf of the University when the scholarship is open for award to Arts graduates;
 - (6) that the scholarship is to be awarded for study overseas;
 - (7) that the scholarship is tenable for two years. However, if the relevant Dean decides that the scholarship be awarded for one year only, it must be awarded in the first instance for one year and the relevant Dean may for the following year, either:
 - (a) renew the award to the same person for a second year; or

(b) award the scholarship to an eligible graduate of the respective Faculty for one year only,

and if no award is made in the second year, the unexpended income for that year is to be available to provide an additional scholarship to be open for award in any subsequent biennial period among graduates of the same category notwithstanding that the original scholarship may in the same period be open to competition among graduates of the other category;

(8) that the scholarship is to be awarded from the available income of the fund;

(9) that the scholarship may be held concurrently with any other scholarship or similar benefit if the total annual emoluments of all scholarships and similar benefits held by the scholar do not exceed the amount from time to time determined as aforesaid by the relevant dean as the desirable maximum for an overseas scholarship;

(10) that if in the first year of a biennial period in which the scholarship is open to competition there is no worthy candidate, the scholarship is to be open to competition in the second year of the biennial period among graduates of the same category; and

(11) that if in any biennial period when the scholarship is open to competition there is no worthy candidate among graduates of the eligible category, the unexpended income for that period is to be available to provide an additional scholarship to be open to competition in any subsequent biennial period among graduates of the same category notwithstanding that the original scholarship may in the same period be open to competition among graduates of the other category:

[Recital B am, Recital C added, ss 1, 3, 4, 5, 7 & 8 am, s 9 del 16/11/09; revoked as a Regulation and certified as a University trust record 26/5/10; Recital A and B am, Recital C replaced, Recital D added, ss 1, 2, 3, 4, 5, 6, 7 and 8 replace, ss 9 added, 11/5/12; ss 4(3) am, 18/07/12; Recital C, s 4, amended 18 December 2019]