

## UTR 6.115 – THE ROBERT GARTLY HEALY PRIZE

### Recitals-

- A. By her Will dated 28 August 1952, the late Mary Leslie Essie Healy ('donor') of Clayfield, Queensland, bequeathed the sum of £5,000 to the University with the instruction that the sum be invested, and the income used in perpetuity to establish and maintain scholarships to be called 'The Robert Gartly Healy Scholarships' on terms including the following-

'...

- e. The scholarships shall be three in number and each shall be of the yearly value of one third of the income derived from such Fund during the twelve calendar months preceding the date of the end of the relative final examination hereinafter mentioned. The three scholarships shall be awarded each year in respect of the final examination held by the said University in that year for the M.B. degree: one such scholarship shall be awarded to the most successful student in respect of the subject of medicine a second such scholarship shall be awarded to the most successful student in respect of the subject of surgery and a third such scholarship shall be awarded to the most successful student in respect of the subject of midwifery.
- f. Subject to the general powers and provisions hereinbefore contained the scholarships shall be awarded in such manner and the scholars shall be subject to such terms and conditions in respect thereof as the said University may from time to time direct.'
- B. The donation memorialises the donor's brother, the late Robert Gartly Healy, who graduated MBBS (Melb.) in 1914, and was a registered medical practitioner in Victoria until his death on 24 July 1947.
- C. Upon the donor's death on 29 June 1961, the University received the sum of £5,000.
- D. The University found that the income from the bequest was insufficient to award three scholarships of appropriate value. Furthermore, due to the total restructuring of the medical degree course in 1999, there were no longer subjects called 'Medicine', 'Surgery', 'Midwifery' or 'Obstetrics'. As a result, a *cy près* application was made to the Attorney-General for Victoria ('Attorney-General') pursuant to section 4 of the Charities Act 1978 (Vic.) ('Act').

E. On 31 October 2006, the Attorney-General sanctioned the following cy prè's scheme pursuant to section 4 of the Act to vary the trust known as the 'Robert Gartly Healy Scholarships', to provide-

'(1) The income of the trust be applied as follows:

- (i) three prizes named the Robert Gartly Healy prize;
- (ii) to be awarded annually;
- (iii) to the top student of each of the subjects:
  - a) 'Integrated Clinical Practice (Medicine)',
  - b) 'Integrated Clinical Studies (Surgery)',
  - c) 'Principles of Clinical Practice 3' (Women's Health Course) (obstetrics)
- (iv) each having the value of 1/3 of the net annual income; and

(2) If any of the subjects:

- 'Integrated Clinical Practice (Medicine)',
- 'Integrated Clinical Studies (Surgery)',
- 'Principles of Clinical Practice 3' (Women's Health Course) (obstetrics)

ceases to be taught the prize be awarded for the subject closest to the original subject at that time.'

F. 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').

G. 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 Robert Gartly Healy Prize' ('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 and as set out in the scheme sanctioned by the Attorney-General on 31 October 2006-
  - (1) to establish a perpetual trust;
  - (2) to award three prizes annually, named 'The Robert Gartly Healy Prize', to the top student in each of the subjects:
    - a) 'Integrated Clinical Practice (Medicine)',
    - b) 'Integrated Clinical Studies (Surgery)',
    - c) 'Principles of Clinical Practice 3' (Women's Health Course)(Obstetrics);
  - (3) to provide for each prize having a value of one-third of the net annual income; and
  - (4) to provide that if any of the above subjects ceases to be taught, then the prize for that subject is to be awarded for the subject closest to the original subject at that time.'

## **Administrative arrangements**

4. Until its further determination, and in order to implement the trust terms, the University has determined in accordance with section 3(4) above that:
  - (1) the subject 'Integrated Clinical Studies (Surgery)' has been replaced with the 'Surgery and Anaesthetics' term within the subject 'Principles of Clinical Practice 2'; and
  - (2) the subject 'Women's and Children's Health (Women's Health Stream)(Obstetrics)' has been replaced with the obstetric component of the Women's Health course 'Principles of Clinical Practice 3'.
5. The Dean of the Faculty of Medicine Dentistry and Health Sciences on the recommendation of the head of Melbourne Medical School is authorised to award each prize on behalf of the University.

[UTR revoked and remade 14/03/2012; ss4 am – 12/03/14; Recital E, ss 3, 4 am 01/04/2020]