UTR 6.266 – The National Gallery of Victoria Art Prizes Fund

Recitals-

A. By letter dated 17 December 1918, John Ramsay of Essendon in Victoria (‘Ramsay’) offered to donate the sum of £200 to the National Gallery of Victoria (‘the Gallery’) for an annual prize, to be called ‘The Hugh Ramsay Prize’ and to be awarded to the most successful student at the annual exhibition of students’ work, for a painting of a portrait in oils. The prize was named in memory of Ramsay’s son, the late Hugh Ramsay, who had been a Melbourne Gallery student and who later specialised in portrait painting.

B. On 19 October 1998, the Attorney-General for Victoria sanctioned the following scheme pursuant to section 4 of the Charities Act 1978 (Vic.) (‘the Act’) to vary the trust known as The Hugh Ramsay Prize-

‘...whereby the corpus and income of The Hugh Ramsay Prize will be paid to the Victorian College of the Arts to be used in conjunction with other monies to provide prizes to students of the College.’

C. By letter dated 14 May 1924 Messrs Aspinall and Sim of Dunedin in New Zealand wrote to the National Gallery of Victoria advising that the late Grace Joel (‘Joel’) had bequeathed £500 to the Gallery to found a scholarship to be called the ‘Grace Joel Scholarship’ and to be awarded every two years for the painting of the nude. The bequest was augmented by £25 from the sale of some of Joel’s works. The first scholarship was awarded in 1930.

D. On 19 October 1998, the Attorney-General for Victoria sanctioned the following scheme pursuant to section 4 of the Act to vary the trust known as the Grace Joel Scholarship for the Painting of the Nude-

‘...whereby the corpus and income of the Grace Joel Scholarship for the Painting of the Nude will be paid to the Victorian College of the Arts to be used in conjunction with other monies to provide prizes to students of the College.’

E. At an unknown date in or about 1942 the late Sarah Levi (‘Levi’), by her will directed her trustee to pay £1,000 to the trustees or other proper officer of the Melbourne National Gallery for the purpose of founding art scholarships for the benefit of deserving art students, one half to be called the Alfred and Rachel Levi Scholarship and the other half the Sarah Levi Scholarship.

F. On 19 October 1998, the Attorney-General for Victoria sanctioned the following scheme pursuant to section 4 of the Act to vary the trust known as the Sarah Levi Scholarship-
‘...whereby the corpus and income of the Sarah Levi Scholarship will be paid to the Victorian College of the Arts to be used in conjunction with other monies to provide prizes to students of the College.’

G. Prior to 1951, and following a letter of unknown date from the late Dora Wilson to the person who later became executor of her estate indicating that a sum of money should be made available to award a prize or scholarship for art, the executor obtained the consent of the residuary beneficiaries of her will to the payment of a sum of £1104-14-6 to the trustees of the National Gallery of Victoria. The trustees agreed to make the income from such sum available every three years for a scholarship to be known as ‘The Dora Wilson Bequest’ to any student of the National Gallery Art School (other than the National Gallery Travelling Scholarship winner) who is desirous of travelling to further his or her art education.

H. On 19 October 1998, the Attorney-General for Victoria sanctioned the following scheme pursuant to section 4 of the Act to vary the trust known as The Dora Wilson Bequest-

‘...whereby the corpus and income of the Dora Wilson Bequest will be paid to the Victorian College of the Arts to be used in conjunction with other monies to provide prizes to students of the College.’

I. The late Ethel Phillips Fox (née Carrick) formerly of Melbourne in Victoria, artist (‘the testatrix’), who died on 17 June 1952, by her will provided-

‘...I BEQUEATH unto my Trustees my oil paintings painted by my late husband E. PHILLIPS FOX namely: “The Harvest Field”, “The Bathing Hour” “Lady in Black” and “Dejeuner” UPON TRUST to sell them and out of the net proceeds of such sale to pay to THE TRUSTEES OF THE NATIONAL GALLERY MELBOURNE VICTORIA free of all duties payable by reason of my death the sum of ONE THOUSAND POUNDS (£1,000) PROVIDED that if the net proceeds of such sale shall be less than the sum of One thousand pounds (£1,000) my Trustees shall pay to the trustees of the National Gallery aforesaid the amount of the said net proceeds to establish a fund for the purpose of providing a scholarship or scholarships to be known as “THE PHILLIPS FOX SCHOLARSHIP” my intention being to furnish financial assistance in the absolute discretion of the Trustees of the National Gallery aforesaid to such art student or students as in the unfettered opinion of such trustees are worthy of such assistance...’

J. The testatrix was born on 7 February 1872 and was a prominent artist who exhibited widely. Her husband, the late Emanuel Phillips Fox (1865-1915) was also a prominent artist and is represented in the National Gallery of Australia, all State and various regional galleries and Le Louvre, Paris.
K. On 19 October 1998, the Attorney-General for Victoria sanctioned the following scheme pursuant to section 4 of the Act to vary the trust known as the Phillips Fox Scholarship:

‘...whereby the corpus and income of the Phillips Fox Scholarship will be paid to the Victorian College of the Arts to be used in conjunction with other monies to provide prizes to students of the College.’

L. On 24 November 1998 upon receiving $17,330.83 from the Gallery, being the total of the five funds, the Victorian College of the Arts (‘the College’) became the trustee of the funds.

M. In May 2001 the five funds, by then totalling $19,399.78, were amalgamated by the College to form the ‘Art School Award Fund’. During 2007 additional donations were paid into that fund by the University.

N. In December 2006 and in anticipation of the integration of the College with the University on 1 January 2007, the University received the Art School Award Fund totalling $28,343.00 from the College.

O. As from 1 January 2007, the College ceased to exist and became a faculty of the University pursuant to the Melbourne University (Victorian College of the Arts) Act 2006 (Vic.) (‘the Act’) called the Faculty of the Victorian College of the Arts.

P. Pursuant to section 5 of the Act, on and from 1 January 2007-

(1) the University became the successor in law of the College;
(2) the assets and rights of the College were vested in the University; and
(3) the liabilities and obligations of the College became liabilities and obligations of the University.

Q. Pursuant to section 6 of the Act, the Art School Fund may be applied on or after 1 January 2007 as if made, or declared to or in favour of the University, or created in favour of the University for a purpose of the University that corresponds with, or is similar to, those purposes of the College for which the fund was made, declared or created.

R. At 28 May 2008, the amount of the Art School Fund, which is to be renamed ‘The National Gallery of Victoria Art Prizes Fund’ to reflect the name requested by the Faculty of the VCA for the prizes, was $38,067.64.

S. In 2009 the Faculty of the Victorian College of the Arts amalgamated with the Faculty of Music which resulted in the formation of the Faculty of the VCA and Music, known from 1 January 2019 as the Faculty of Fine Arts and Music (‘Faculty’). Separate schools have been established within the Faculty for each discipline offered by the Faculty, one being the school of Art which includes the discipline of Painting.
It is provided as follows-

1. The sum of $38,067.64, and any accumulations and additions to the sum, forms a fund called ‘The National Gallery of Victoria Art Prizes Fund’ (‘fund’) and the fund must be paid into an investment pool and remain there until Council directs otherwise.

2. Until the further determination of the University, the net annual income of the fund is to be used to provide one or more prizes, each to be called ‘The National Gallery of Victoria Art Prize’. The Dean of the Faculty (‘Dean’) on the recommendation of the head of the school of Art is authorised to award the prizes annually to students who in each year receive the highest marks in the first year of their studies in painting.

3. Unspent income in any year may be added to the capital of the fund, or be retained as income to be applied in any subsequent year for the purpose of the fund.

[Recital O am, Recital S added, ss 1 & 2 am, s 3 deleted, s 4 renumbered 16/11/09; revoked as a Regulation and certified as a University trust record 26/5/10; Recital S am 26/03/20]