Amendment of University trust record 6.171 certified by the General Counsel on the advice of the Faculty of Fine Arts and Music - To govern the Dorcas McClean Scholarship.

The record as currently in force needs to be amended due to the change of the Faculty’s name from the ‘Faculty of Victorian College of the Arts and Melbourne Conservatorium of Music’ to ‘Faculty of Fine Arts and Music’, which was effective from 1 January 2019.

It is proposed that the record be amended to reflect the new name of the Faculty.

The amendment of the record is intended to facilitate the administration by the University of the trust established by the bequest in a manner that is consistent with the trust terms.

The proposed amendment of the record does not require the sanction of the Attorney-General for Victoria or the Supreme Court of Victoria as the amendment of the operative provisions of the record-

- relates to the administrative arrangements for the implementation and ongoing performance of the trust terms, as determined by the University from time to time; and
- is within the trust terms.

The faculty has-
- confirmed that it has provided all details required to prepare this proposed amendment of the record; and
- approved the contents of this document and the amendment of the record.

Proposed Amendment

UTR 6.171 – Dorcas McClean Scholarship

Amend UTR 7.171 as shown below.
Recitals –

A. Dorcas Jessie Taylor of Barkly Street Mornington in the State of Victoria Widow (‘Donor’) who died on 27 June 1981 by her will dated 20 February 1981 bequeathed to the University the whole of her residuary estate ‘for the advancement of the musical education of young violinists primarily by the creation of a travelling scholarship so long as this remains practicable’.

B. By letter dated 20 February 1981, addressed to the Council of the University, the Donor expressed the wish, but without seeking to impose any condition or trust upon the University, that as far as practicable the income from the bequest should be used to create scholarships to be known as the ‘Dorcas McClean Scholarships’ to enable students of the violin to study abroad. She also proposed in the letter the conditions which should apply to the award and requested that the Council invest the fund in a manner which would so far as possible overcome the effects of inflation.

C. The University received the sum of $166,814 in satisfaction of the bequest.

D. At the time of the bequest, music was taught by the University within the then School of Music within the Faculty of Music.

E. 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 known as the Faculty of Fine Arts and Music (‘Faculty’).

F. The School of Music within the Faculty offers the higher education award courses and degrees previously offered by the former Faculty of Music within its School of Music and by the Faculty of the Victorian College of the Arts in its discipline of music.

G. 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’).

H. 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 and ongoing performance of those trusts, as determined by the University from time to time.

It is provided as follows –

1. The capital sum, all income arising from the capital sum, and any accumulations or additions to the sum forms a fund called the ‘Dorcas McClean Scholarship Fund’ (‘Fund’) and the Fund must be paid into one or more common investment funds and remain there until Council directs otherwise.

2. The Dean of the Faculty of Fine Arts and Music (‘Faculty’), on the recommendation of the Dorcas McClean Scholarship Committee established under section 4 (‘Committee’), is authorised to award each scholarship and each prize and otherwise make decisions on behalf of the University as specified in the University trust record.

3. The net annual income of the fund is to be used to provide-

   (1) one or more travelling scholarships, each to be called the Dorcas McClean Scholarship (‘Scholarship’), upon the following conditions-

   (a) the value of the Scholarship, which is to be determined by the Dean from time to time on the recommendation of the Committee, after payment of the amounts referred to in section 5(4), must be expended upon travel-related fares, tuition and living expenses of the successful candidate(s);

   (b) the Scholarship must be awarded in the first instance for one year only but the Dean may on the recommendation of the Committee extend the tenure by one year, but no scholar is to hold the Scholarship for more than two years;

   (c) the Scholarship is open for award annually or at such other times as are determined by the Dean amongst candidates who are not more than 25 years of age and who have been resident in Australia for not less than two years prior to the application by the candidate for the Scholarship and who are-

       (i) graduates or undergraduates of the University, or

       (ii) eligible for admission to a course of study at an institution approved by the Academic Board on the recommendation of the head of the School of Music in the Faculty; or
under the supervision of a teacher approved by the Academic Board on the recommendation of the head of the School of Music;

(2) one or more prizes, each to be called the Dorcas McClean Prize (‘Prize’), upon the following conditions-

(a) the Prize is open for award to a candidate who is not awarded a Scholarship in that year;

(b) the value of the Prize is to be determined by the Dean from time to time on the recommendation of the Committee;

(c) the Prize is open for award from time to time by the Dean on the recommendation of the committee.

4. The Committee is to be-

(1) appointed by the Dean from time to time, with the Committee's membership being recommended by the head of the School of Music; and

(2) chaired by the Dean.

5. The Committee is responsible to the Dean for the conduct of the competition and must-

(1) establish rules from time to time to regulate the conduct of the competition for the Scholarship and for the Prize;

(2) be responsible for the conduct of the competition which is to be held at the University;

(3) appoint a panel of judges for each competition who are stringed instrument performers, with preference given to visiting international violinists who are present in Melbourne at the time of the competition and who are available to participate; and

(4) recommend to the Dean the amounts to be expended from the fund in the conduct of the competition, including any fees which may be payable to the judges of the competition for their services.

6. In recommending a candidate for the Scholarship, the committee must take into consideration the ability of the candidate to demonstrate the highest standard of all-round musicianship and excellence as a performing violinist.
7. If in any year, whether or not a Scholarship has been awarded in that year, there is unexpended income in the fund, the Dean on the recommendation of the Committee must carry that unexpended income forward to be used as income in any subsequent year.

8. The scholar must-

   (1) undertake studies either in an institution approved by the Academic Board on the recommendation of the Committee or under the supervision of a teacher approved by the Academic Board on the recommendation of the Committee;

   (2) furnish to the committee no later than one month prior to the completion of each year of study during the period of the Scholarship, a report on his or her work during that year, signed by the person in charge of the course, which includes a statement by the person in charge of the course that the progress of the scholar is satisfactory; and

   (3) diligently pursue his or her studies during the period of tenure of the Scholarship.

9. If at any time the Committee is of the opinion that the scholar is not complying with any of the provisions in this section, the Committee may recommend to the Dean that the Scholarship be terminated, and the Dean may if he or she thinks fit, terminate the Scholarship.

[Recital C am, Recitals D & E added, ss 1, 2, 3, 4, 5, 7 & 8 am 16/11/09; revoked as a Regulation and certified as a University trust record 26/5/10; Recital D, E am; ss 1, 2, 3 am; 3(1), 3(1(c); 3(1(c)(ii) and (iii) am; 3(2)(a) and (b) am; and 3(c) am; 4(1) am; 5(a) am; 6 am; 3/5/2011; Recital E am; insert new Recital F; Recital G am; ss 3(a) am; ss 4 and 5 am; ss 8(1)(b) am and ss 8(3) 7/6/11; Recitals H and I add; ss 1 and 7 am – 1/07/2013; Recital E and F am; ss 2, 3(1), 3(1(a), 3(1(c)(ii)-(iii) and 4(1) am – 6/1/2020]