UTR 6.251 – The George Fairfax Memorial Award

Recitals –

A. In 1996, the Victorian College of the Arts (‘College’) commenced an appeal to raise funds for the establishment of ‘The George Fairfax Memorial Award’ (‘award’) to honour the life of George Fairfax and his contribution to theatre arts in Victoria. The award was to be made every second year to an exceptionally talented graduate from the College’s School of Drama (which included the disciplines of drama and production) to provide them with the funds needed to realise their vision. The award was expressed to reflect the spirit and vision of George Fairfax who worked tirelessly to ensure Australia would have a thriving theatrical future.

B. From 1996 to 1999, approximately $200,000 was raised by the George Fairfax Memorial Committee on behalf of the College with significant support from the widow of George Fairfax, Vicki Fairfax, and his daughter, Kaarin. The money raised was used to establish a fund to be held on trust and invested by the College with the income from the fund to support the award. Major donors to the fund included CRA Limited (now Rio Tinto Limited), Dame Elisabeth Murdoch, Pratt Industries and the family of the late George Fairfax.

C. The terms and conditions governing the award were developed by the College in consultation with Vicki and Kaarin Fairfax. These included the requirement that candidates be Australian citizens or have resided in Australia for the specified four-year period.

D. At 31 December 2006, the amount of the fund was $274,935.05.

E. Pursuant to the Melbourne University (Victorian College of the Arts) Act 2006 (Vic) (‘Act’), from 1 January 2007 the College ceased to exist and became a faculty of the University.

F. Pursuant to section 5 of the Act, on and from 1 January 2007 –

(a) the University became the successor in law of the College;

(b) the assets and rights of the College were vested in the University;

(c) the liabilities and obligations of the College became liabilities and obligations of the University; and

(d) the award shall be administered by the University, but otherwise in accordance with the terms and conditions to which it was subject immediately before that date.

G. Pursuant to section 6 of the Act, the fund may be applied on or after 1 January 2007 as if 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 created.
H. In 2009 the Faculty of the Victorian College of the Arts amalgamated with the Faculty of Music which resulted in the formation of the renamed Faculty of VCA and Melbourne Conservatorium of Music. From 1 January 2019, it is known as the Faculty of Fine Arts and Music (‘Faculty’). The Faculty comprises two discrete parts known as VCA and the Melbourne Conservatorium of Music. Separate schools have been established within VCA for each discipline it offers, one being the school of Performing Arts which includes the disciplines of theatre (previously called ‘drama’) and production.

I. The University accepted the sum of $274,935.05 upon the trusts specified by the donors to the appeal, and that sum therefore became the capital subject to those trusts (‘capital sum’).

J. 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-

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 George Fairfax Memorial Award’ (‘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 terms of the trust established by the appeal-

(1) to provide the award to a graduate in the discipline of theatre (previously called ‘drama’) or production at the Faculty or its predecessor, the College, with exceptional talent in any of the theatre arts. The purpose of the award is to provide recipients with the opportunity to enhance their professional careers in the theatre industry at a critical time in their careers;

(2) to provide that any applicant for the award must –
(a) have graduated, or be eligible to graduate, in any undergraduate or postgraduate course in theatre (previously called ‘drama’) or production at the Faculty or the College within 10 years prior to 1 January of the year of the award, and

(b) be an Australian citizen or have resided in Australia for four years immediately preceding 1 January of the year of the award;

(3) to make the award every second year.

Administrative Arrangements

4. Until its further determination, and in order to implement the trust terms, the University has determined that-

(1) applicants for the award will preferably have three years industry experience;

(2) the Dean of the Faculty (‘Dean’) on the recommendation of a selection committee established under section 4(3) is authorised to make the award every second year on behalf of the University;

(3) the selection committee comprises the head of the school of Performing Arts (‘head of school’), the head of postgraduate studies in theatre, the head of postgraduate studies in production and one other member appointed by the head of school. The size and composition of the selection committee may be changed from time to time at the discretion of the head of school provided that the majority of members are representatives of the University;

(4) the value of the award is to be determined by the Dean, on the recommendation of the selection committee, provided the value is no more than the sum of the net annual income and any other unexpended income in the fund (‘available income’);

(5) the award is to be offered every second year. However, if recommended by the selection committee, the dean may in any such year –

(a) decline to make the award, or

(b) make one or more minor awards as well as or in place of the award to eligible candidates in accordance with this University trust record provided that the total value of any awards does not exceed the available income;

(6) if in any year the Dean determines to award less than the available income, any unexpended income in the fund is to be reserved and thereafter used to supplement payments of the award in any subsequent year as determined by the Dean.
[Recital H added, ss 1, 2, 3, 5, 6 & 7 am, s 5 newly numbered, ss 5 – 7 renumbered 16/11/09; revoked as a Regulation and certified as a University trust record 26/5/10; revoked and remade – 27/10/14; Recital H am 26/03/2020]