

## UTR 6.27 – THE FULTON PRIZE

### Recitals-

- A. By her Will dated 27 June 1907, the late Mary Bremner Fulton ('donor'), who died on 21 July 1909, bequeathed her residuary estate to the University ('bequest') as follows.

'... all the rest residue and remainder of my real and personal estate and effects and in pursuance of the powers contained in my Marriage Settlement and of all other powers me enabling in this behalf I do appoint and direct my said trustees to pay the sum of One thousand pounds to the University of Melbourne for the purpose of founding a Medical Scholarship in that University to be named the "Fulton Scholarship" such sum of One thousand pounds to be paid out of the corpus of my estate in Scotland settled by my Marriage Settlement ...'

- B. The fund is named in memory of the late husband of the donor, John Fulton MD, who was formerly principal medical officer to the Victorian militia. The donor had no known association with the University.
- C. In or about 1909 the University received the sum of £969 8s 9d in satisfaction of the bequest from the estate of the donor.
- D. The original scholarships were given to students of Obstetrics and Gynaecology. In 1999 the medical degree course was totally restructured and there were no longer subjects called 'Obstetrics' or 'Gynaecology'. Further, the income of the fund was insufficient to award a scholarship. 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 21 November 2006, the Attorney-General sanctioned the following cy près scheme pursuant to section 4 of the Act to vary the trust known as 'The Fulton Scholarship in Obstetrics and Gynaecology', to provide a prize –
- 1) (a) named The Fulton Prize;  
  
(b) awarded annually;  
  
(c) to the top student in a subject 'Women's and Children's Health (Women's Health Stream)';  
  
(d) having the value of the net annual income; and
  - 2) If the subject 'Women's and Children's Health (Women's Health Stream)' ceases to be taught the prize be awarded for the subject closest to the original at that time.'

- F. Since 2011, the Melbourne Medical School has offered the new graduate entry medical degree, the Doctor of Medicine, which replaced the previous undergraduate medical degrees, the Bachelor of Medicine and the Bachelor of Surgery (MBBS). The subject 'Women's and Children's Health (Women's Health Stream)' was last taught as part of the MBBS in 2013. The prize is to be awarded to the top student in the women's health component of the subject Principles of Clinical Practice 3 (PCP3), as this is the closest subject to the original subjects named in the cy près application, 'Obstetrics' and 'Gynaecology' and is the replacement for Women's and Children's Health (Women's Health Stream).
- 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 and modified by the 2006 sanction 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 Fulton 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 modified by the 2006 sanction –
  - (1) to award annually 'The Fulton Prize' to the top student in the subject 'Women's and Children's Health (Women's Health Stream)';
  - (2) to provide that the value of the prize is the net annual income of the fund;  
and

- (3) to provide that if the subject 'Women's and Children's Health (Women's Health Stream)' ceases to be taught the prize is to be awarded for the subject closest to the original at that time.

#### **Administrative arrangements**

4. Until its further determination, and in order to implement the trust terms, the University has determined that-
  - (1) the prize be awarded to the top student in the Women's Health; and
  - (2) the prize will be awarded by the Dean of the Faculty of Medicine, Dentistry and Health Sciences ('Dean') on the recommendation of the head of Melbourne Medical School.
5. The dean is authorised to award each prize on behalf of the University.

[Revoked and remade 1/09/08; revoked as a Regulation and certified as a University trust record 26/5/10; Recitals A, B, C & E am; Recital F rep and Recital G add; ss 1 repl; ss 2, 3 and 4; ss 5 add - 1/07/2013; s 4 am 26/03/2020]