

UTR 6.73 – THE GEORGINA SWEET SCHOLARSHIPS

Background

- A. By her Will dated 17 July 1941, Dr Georgina Sweet ('donor'), then Associate Professor of Zoology at the University, bequeathed three sums each of £7,500 to establish The Georgina Sweet Fellowship in Economic Zoology, The Elizabeth Mary Sweet Fellowship in Medicine and The George Sweet Fellowship in Economic Geology ('Fellowship' or together, 'Fellowships'). Each of the Fellowships was subject to the same set of conditions, prescribed by the donor in her Will, as follows-

...
Clause C(a)...I DESIRE AND EMPOWER such Committee to co-operate in the framing of such rules and conditions governing the awarding and/or holding of the said Fellowship including therein (inter alia) provisions designed to ensure:-

- ...
(iii) that the whole income for each current year shall be made available for the successful candidate so that as far as practicable a sum of not less than Two hundred and fifty pounds a year shall be paid to each holder of the Fellowship for his or her personal use together with (if available) such sum not exceeding Fifty pounds per annum for expenses...
(iv) that the Fellowship may be awarded for two or three years in succession to the same person if the said Committee shall so determine... ..
(v) that the Committee shall be empowered to modify and vary such rules and conditions as above indicated from time to time if considered necessary to carry out my desires as indicated herein in the most appropriate manner...
(vi) that such Committee may in case of inadequacy of qualifications of all the candidates for any year refrain from awarding such Fellowship and may hold the amount accruing for such year for allocation in any succeeding year to a second candidate or under very special circumstances as an additional amount or amounts to any subsequent holder of such Fellowship ...

AND I DECLARE that the word "Committee" where ever appearing ...shall be deemed to refer to ... the Vice Chancellor, the Deans of the Faculties of Science, Veterinary Science and Agricultural Science, and the Professor of Zoology or such of them as shall be willing and able to act from time to time herein. ...

Clause G AND FURTHER I DECLARE that ... all instructions given by me in connection with the manner of administration of any Fellowship or Scholarship ... under this my Will shall be treated as strong recommendations and expressions of desire only and not inviolable instructions.'

- B. Dr Georgina Sweet (1875-1946) was a zoologist, academic and philanthropist. She had a long association with the University, where she

completed her bachelor, master and doctorate degrees in Science. She began her academic career at the University in 1898, and in 1916, became Australia's first female acting professor, and in 1920, the University's first female associate professor. Widely published, the donor became known as Australia's foremost parasitologist. She was awarded an OBE in 1935, and upon her death in 1946, her estate had made provision for bequests to the University, her church and various charitable bodies.

- C. On 12 October 2005, the Supreme Court of Victoria made an Order to sanction a cy-près scheme to vary the terms of the trust as follows- 'That:
- (i) except in the recitals, the words "Economic Zoology: wherever appearing are replaced by the word "Zoology" and the words "Economic Geology" wherever appearing are replaced by the word "Geology";
 - (ii) the word "Scholarship" be substituted for the word "Fellowship";
 - (iii) the Scholarships be open for award to students enrolled or intending to enrol in a higher degree by research in the relevant field;
 - (iv) the term of each scholarship (sic) be the prescribed period of candidature for the degree for which the student is enrolled; and
 - (v) the Scholarships be awarded in a manner consistent with general University practice, namely by the Council on the recommendation of the relevant Dean who in the case of the Fellowships in Zoology, Medicine and Geology must first consult the Head of the Department of Zoology, the Head of the School of Medicine or the Head of the School of Earth Sciences respectively provided that if in the future the name of any of these divisions be changed, the name of the division responsible for the relevant field of study be substituted.'
- D. The University accepted the bequest upon trusts specified by the donor and the bequest therefore became the capital subject to those trusts ('capital sum').
- E. This University trust record is the means by which the University records - (1) the trusts upon which the University as trustee holds the trust property, including the capital sum, as these have been specified by the donor or as otherwise sanctioned by the Supreme Court of Victoria; 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 funds called 'The

Georgina Sweet Scholarship Fund', 'The Elizabeth Mary Sweet Scholarship Fund' and 'The George Sweet Scholarship Fund' (collectively 'funds').

Investment of the fund

2. The funds are to be paid into one or more investment common funds and remain there until Council directs otherwise.

Trust terms

3. As trustee of the funds, the University is obliged by the trusts specified by the donor or as otherwise sanctioned by the Supreme Court of Victoria- (1) to establish a perpetual trust for each of the funds; (2) to apply the income of the respective funds to provide The Georgina Sweet Scholarship in Zoology, The Elizabeth Mary Sweet Scholarship in Medicine and The George Sweet Scholarship in Geology (collectively 'Scholarships') for students enrolled, or intending to enrol in, a higher degree by research; and (3) to award the Scholarships for the prescribed period of candidature for the relevant degree for which the student is enrolled.
4. The University may refrain from awarding the Scholarship in any given year if there are no suitable candidates, and it may hold the accrued amount for allocation in any succeeding year to a successful candidate, or, under special circumstances, apply any accrued amount as an additional amount or amounts to any subsequent Scholarship holder.
5. The University is empowered to modify and vary such rules and conditions as indicated above from time to time if considered necessary to carry out the donor's wishes.

Administrative arrangements

6. Until its further determination, and in order to implement the trust terms, the University has determined that-
 - (1) The Georgina Sweet Scholarship in Zoology is to be awarded by the Dean of the faculty of Science after consultation with the head of the academic unit within the Faculty of Science responsible for the discipline of zoology;
 - (2) The Elizabeth Mary Sweet Scholarship in Medicine is to be awarded by the Dean of the Faculty of Medicine, Dentistry and Health Sciences after consultation with the head of the Melbourne Medical School;
 - (3) The George Sweet Scholarship in Geology is to be awarded by the Dean of the Faculty of Science after consultation with the head of the School of Earth Sciences;

- (4) the Dean of the Faculty of Science and the Dean of the Faculty of Medicine, Dentistry and Health Sciences (collectively 'deans') in relation to each respective Scholarship, may determine-
 - (a) the value of the Scholarship,
 - (b) the eligibility criteria and conditions which attach to the Scholarship (if any), and
 - (c) the number of Scholarships that can be held concurrently.
7. As provided in section 43 of the Act, Council has delegated its power to make awards to the Dean of the relevant faculties, in this case the Faculty of Medicine Dentistry and Health Sciences, and the Faculty of Science, but this does not extend to Council's powers and responsibilities as set out in section 2.
8. The Deans are authorised to award the respective Scholarships on behalf of the University on the recommendation of the heads of the relevant departments.

[UTR revoked and remade 14/03/2012; s 6(1) am. 25/10/2016]