What is a Cy Prés Application?

Cy Prés is a French expression meaning “as near as possible” (or “as near as may be”).

A Cy Prés Application is a request to vary the use or expenditure of money left to the University under a Will or through a donation. A request is made to either the Attorney General or the Supreme Court to change a problematic aspect of the terms of a donation or bequest. The change must still keep as near as possible to the original intentions.

When might a Cy Prés Application be needed?

A Cy Prés Application is needed when it is *impractical or impossible* for the University to comply with the terms of a bequest or donation. This might be because it was given to a part of the University that no longer exists or has been renamed, or for a program which the University no longer teaches, or for something which requires the University to comply with an onerous process (such as running a competition for a prize, costing more for the University to administer each year than its actual value). The University is required to comply with the Trustees Act and it does not have the authority or power to vary terms by itself simply to suit internal purposes or processes.

How does it work?

When the need for a Cy Prés Application has been identified by the Legal and Risk Branch and approved by the Vice Chancellor and President, the Legal and Risk Branch prepares an Application. It may need your assistance. The Application will include the history of the gift, the details of the funds held, and an explanation of the University’s inability to comply with the terms of the gift. The Application will also set out a proposal for how the University would like to vary the terms of the gift, keeping them “as near as possible” to the original intention.

In South Australia, if the funds held are $300k or less, then the Application is made to the Attorney General, but for funds of more than $300k, the Application must be made to the Supreme Court. If the funds must be transferred to a different institution. *For example, if the University received a bequest*