



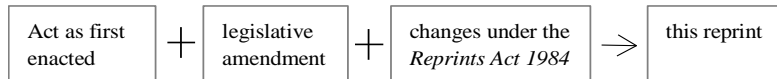
Western Australia

Hale School Act 1876

Reprinted as at 17 June 2002

Guide for using this reprint

What the reprint includes



Endnotes, Compilation table, and Table of provisions that have not come into operation

1. Details about the original Act and legislation that has amended its text are shown in the Compilation table in endnote 1, at the back of the reprint. The table also shows any previous reprint.
2. Validation, transitional, savings, or other provisions identified in the Compilation table may be important. The table may refer to another endnote setting out the text of these provisions in full.
3. A table of provisions that have not come into operation, to be found in endnote 1a if it is needed, lists any provisions of the Act being reprinted that have not come into operation and any amendments that have not come into operation. The full text is set out in another endnote that is referred to in the table.

Notes amongst text (italicised and within square brackets)

1. If the reprint includes a section that was inserted, or has been amended, since the Act being reprinted was passed, editorial notes at the foot of the section give some history of how the section came to be as it is. If the section replaced an earlier section, no history of the earlier section is given (the full history of the Act is in the Compilation table).

Notes of this kind may also be at the foot of Schedules or headings.

2. The other kind of editorial note shows something has been —
 - removed (because it was repealed or deleted from the law); or
 - omitted under the *Reprints Act 1984* s. 7(4) (because, although still technically part of the text, it no longer has any effect).

The text of anything removed or omitted can be found in an earlier reprint (if there is one) or one of the written laws identified in the Compilation table.

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Reprinted under the
Reprints Act 1984 as
at 17 June 2002

Western Australia

Hale School Act 1876

An Act to make provision for the higher education of boys.

Preamble

Whereas it is expedient to make provision for the establishment of a High School for the purpose of giving to Boys an education similar to that given in the Grammar and advanced schools in the other Australasian Colonies; Be it therefore enacted by His Excellency the Governor of Western Australia and its Dependencies, by and with the advice and consent of the Legislative Council thereof, as follows: —

1. Short title

This Act may be cited as the *Hale School Act 1876*¹.

[Section 1 amended by No. 34 of 1958 s. 1(3).]

1A. Interpretation

In this Act, subject to the context —

“**Archbishop**” means the person for the time being consecrated as His Grace the Archbishop of Perth according to rites of the Anglican Church of Australia, and in his absence from the Anglican Church of Australia Diocese of Perth and during any vacancy in his office includes the person for the time being duly authorised to act as the Administrator of the Diocese;

“Association” means the association incorporated under the *Associations Incorporation Act 1987*², under the name “Old Haleians’ Association (Inc.)” and includes its successors for the time being;

“Board” means the corporation known as “The Governors of Hale School” constituted by this Act;

“School” means the school known as Hale School at Perth;

“Trustees” means the corporation known as The Perth Diocesan Trustees referred to in section 11 of Act No. 34 of 1918.

[Section 1A inserted by No. 34 of 1958 s. 4; amended by No. 121 of 1976 s. 7.]

2. The Governors of Hale School, a body corporate

Governors of the School under the name of “The Governors of Hale School” shall be a body corporate with perpetual succession and a common seal, and shall by the same name from time to time and at all times hereafter be capable to receive, purchase, acquire, take, and hold, to them and their successors, in trust for and to and for the purposes of such school, any messuages, lands, tenements, and hereditaments, of what nature or kind soever; and also to receive, purchase, acquire, and possess, upon the same trust, and to and for the same purposes, any goods, chattels, gifts, or benefactions whatsoever; and shall and may by the same name be capable to sue and be sued, both at law and in equity; and shall and may by the same name be capable to grant, demise, alien, or otherwise deal with all or any of the property, real or personal, belonging to the said school; and also to do all other matters and things, and have and enjoy all rights and privileges incidental to or appertaining to a body politic or corporate.

[Section 2 amended by 42 Vict. No. 28 (1878) s. 4; 55 Vict. No. 29 (1892) s. 7³; No. 34 of 1958 s. 5.]

[3, 4. Repealed by No. 34 of 1958 s. 3.]

5. Constitution of the Board

The Board shall consist of 11 members of whom one shall be the Archbishop, 5 shall be appointed by the Trustees and 5 shall be appointed by the Association.

[Section 5 inserted by No. 75 of 1994 s. 3.]

6. Terms of office and vacancies

(1) In this section —

“**appointed**”, in relation to a member, means appointed by the Trustees or the Association;

“**casual vacancy**” means a vacancy that occurs otherwise than when a term of office expires;

“**member**” means a member of the Board;

“**periodical vacancy**” means a vacancy that occurs when a term of office expires.

(2) A member appointed to a periodical vacancy may hold office for a period ending —

(a) 4 years from when the vacancy occurred, if it occurred before 31 December 1994; or

(b) 5 years from when the vacancy occurred, if it occurred on or after 31 December 1994.

(3) Each of the first members appointed to fill the 2 vacancies created by the commencement of the *Hale School Amendment Act 1994* may hold office for the period ending on 31 December 1998.

(4) A member appointed to fill a casual vacancy may hold office for the period ending when the term of the member whose office became vacant would have expired.

(5) An appointed member whose term of office expires is eligible for reappointment.

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- (6) The body which appointed a member may at any time terminate the appointment or remove the member from office.
- (7) The office of an appointed member becomes vacant if —
 - (a) the term of office expires;
 - (b) the appointment is terminated, or the member is removed from office, under subsection (6);
 - (c) the member dies; or
 - (d) the member resigns by written notice addressed to the Chairman of the Board.
- (8) The continuing members may act despite any vacancy on the Board.

[Section 6 inserted by No. 75 of 1994 s. 3.]

7. Visitor

The Archbishop shall be the Visitor, with power to enter the School at any time to examine and instruct the pupils, to inspect the accounts and general management of the School, to prevent the adoption of any rule or regulation and to correct any act or omission which may or may tend to frustrate the intention that the School shall be and forever remain an Anglican Church of Australia School.

[Section 7 inserted by No. 34 of 1958 s. 6; amended by No. 121 of 1976 s. 7.]

8. Dealings in property

The Board may, freed from any trusts imposed by this Act, sell, lease, mortgage or otherwise dispose of or deal with all or any of the real or personal property for the time being vested in or held by the Board under this Act. Subject there to and to section 2 the Board shall hold the property upon trust for the purposes of the School.

[Section 8 inserted by No. 34 of 1958 s. 6.]

9. Management of school

The entire management and control of the School and of the real and personal property for the time being held by the Board is vested in the Board which is empowered subject to and for the purposes of this Act to exercise all or any of the powers conferred by the *Associations Incorporation Act 1987*², upon an association incorporated under that Act.

[Section 9 inserted by No. 34 of 1958 s. 6.]

10. Board's proceedings

- (1) At a meeting of the Board 6 members shall form a quorum.
- (2) The Chairman shall have a deliberative but not a second or casting vote.
- (3) All questions before the Board upon which they are not unanimous shall be decided by the majority of the votes of those present at the meeting and in such case the decision of the majority shall be the decision of the Board.

[Section 10 inserted by No. 34 of 1958 s. 6; amended by No. 75 of 1994 s. 4.]

11. Borrowing

For the purposes of the school the Board may borrow money and give and execute such mortgages or other securities and upon such terms and conditions as the Board decides. Any money so borrowed and the performance of any obligations in regard thereto may be guaranteed by the Trustees upon such terms and conditions as the Trustees decides.

[Section 11 inserted by No. 34 of 1958 s. 6.]

12. Rating and taxation exemption

Vacant land held by the Board and land held by the Board and used exclusively or mainly for the purposes of the School shall

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be exempt from rating under the provisions of the *Local Government Act 1995* and the *Metropolitan Water Supply, Sewerage, and Drainage Act 1909*⁴ and from assessment for taxation under the provisions of the *Land Tax Assessment Act 1907*⁵.

[Section 12 inserted by No. 34 of 1958 s. 6; amended by No. 14 of 1996 s. 4.]

13. Agreement relating to Reserve A3421

The agreement made 31 October 1958 between the Minister for Works and the Board relating to the surrender to Her Majesty of the estate of the Board in all that piece of land being Perth Town Lots H138 and H141 (Reserve A3421) is approved and ratified, and such sums as are necessary for payment of the price mentioned in clause 1 of that agreement shall be paid from moneys to be appropriated by Parliament. Subject to the agreement the Governor is authorised by Order in Council to change the purpose of Reserve A3421 to “the use and requirements of the Government”.

[Section 13 inserted by No. 34 of 1958 s. 6.]



Notes

¹ This reprint is a compilation as at 17 June 2002 of the *Hale School Act 1876* and includes the amendments made by the other written laws referred to in the following table ⁹. The table also contains information about any previous reprint.

Compilation table

Short title	Number and year	Assent	Commencement
<i>The High School Act 1876</i> ⁶	40 Vict. No. 8 (1876)	12 Sep 1876	12 Sep 1876
	42 Vict. No. 28 (1878) ⁷	24 Jul 1878	24 Jul 1878
<i>The Governors of High School Appointment Act</i> ⁸	55 Vict. No. 29 (1892)	18 Mar 1892	18 Mar 1892
	61 Vict. No. 12 (1897) ⁸	23 Dec 1897	23 Dec 1897
<i>High School Act Amendment Act 1912</i> ⁸	44 of 1912	24 Dec 1912	24 Dec 1912
<i>High School Act Amendment Act 1920</i> ⁸	6 of 1920	21 Oct 1920	21 Oct 1920
<i>High School Act Amendment Act 1929</i> ⁸	16 of 1929	15 Nov 1929	29 Nov 1929 (see s. 1(2) and <i>Gazette</i> 29 Nov 1929 p. 2630)
<i>High School Act Amendment Act 1930</i> ⁸	2 of 1930	23 Oct 1930	23 Oct 1930
<i>Hale School Act Amendment Act 1958</i>	34 of 1958	11 Dec 1958	11 Jan 1959 (see s. 2)
<i>Anglican Church of Australia Act 1976</i> s. 7 ⁷	121 of 1976	1 Dec 1976	24 Aug 1981 (see s. 2(2) and <i>Gazette</i> 30 Jan 1981 p. 441)
Reprint of the <i>Hale School Act 1876</i> as at 20 Aug 1987 (includes amendments listed above)			

Hale School Act 1876

Short title	Number and year	Assent	Commencement
<i>Hale School Amendment Act 1994</i>	75 of 1994	13 Dec 1994	10 Jan 1995
<i>Local Government (Consequential Amendments) Act 1996</i> s. 4	14 of 1996	28 Jun 1996	1 Jul 1996 (see s. 2)

² Formerly referred to the *Associations Incorporation Act 1895* which was repealed by the *Associations Incorporation Act 1987*. Reference changed under the *Reprints Act 1984* s. 7(3)(a).

³ The text of s. 2 as amended by 55 Vict. No. 29 (1892) s. 7 has been taken to be as shown in the James Edition of the statutes because it appears to have been the basis of the amendment made by No. 34 of 1958 s. 5.

⁴ As to rating under the *Metropolitan Water Supply, Sewerage, and Drainage Act 1909* see Act No. 24 of 1987.

⁵ Now see the *Land Tax Assessment Act 1976*.

⁶ Formerly *The High School Act 1876* the short title of which was changed to the *Hale School Act 1876* by the *Hale School Act Amendment Act 1958* s. 1(3).

⁷ Repealed by 55 Vict. No. 29 (1892) s. 8.

⁸ Repealed by No. 34 of 1958 s. 3.

⁹ This Act was affected by:

The High School Perth Mortgage Act, 1883 (47 Vict. No. 11);

High School Act 1924 (No. 5 of 1924)

Both Acts were repealed by No. 34 of 1958 s. 3.