



Western Australia

# **Perth Anglican Church of Australia Collegiate School Act 1885**

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As at 08 May 2015

Version 03-a0-02

Published on [www.legislation.wa.gov.au](http://www.legislation.wa.gov.au)



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## **Perth Anglican Church of Australia Collegiate School Act 1885**

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## **Perth Anglican Church of Australia Collegiate School Act 1885**

**An Act to dissolve the Corporation of ‘The Governors of the Perth Church of England Collegiate School’, and for other purposes <sup>2</sup>.**

### **Preamble <sup>2</sup>**

Whereas by an Ordinance of the Legislative Council, made and passed in the 29th year of the reign of Her present Majesty, No. 12, of 1863 <sup>3</sup>, the Lord Bishop of Perth, the Very Reverend the Dean of Perth, and the Venerable the Archdeacon of Perth, for the time being, and the other Governors for the time being of the Perth Church of England Collegiate School elected or thereafter to be elected in pursuance of the Statutes and Regulations thereof as adopted by the council of Governors, and specified and set forth in the Schedule to the said recited Ordinance annexed, were constituted and declared to be one Body Corporate by the name of ‘The Governors of the Perth Church of England Collegiate School’; And whereas the said Corporate Body has not been able to carry out the objects for which it was incorporated <sup>4</sup>, and it is expedient to dissolve the same; And whereas the surviving Governors of the said Collegiate School and the majority of the principal donors of the funds contributed for the purpose of purchasing the School site, buildings, and premises, are desirous that the same should be vested in ‘The Standing Committee of the Synod of the West Australian Branch of the Church of England’ <sup>5</sup>, to be held and applied by such Committee to such educational purposes as such Committee shall consider to be most nearly in accordance with the objects for which the said School was originally established; And whereas the said School site comprises the parcels of land known and marked on the Government plans of the city of Perth as allotments H 7 and H 1, containing together one and eight-tenths acres or thereabouts;

**s. 1**

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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. Body corporate dissolved**

From and after the passing of this Act the said Body Corporate established by the said recited Ordinance by and under the name of ‘The Governors of the Perth Church of England Collegiate School’ shall be, and the same is hereby dissolved<sup>2</sup>.

**2. Body corporate’s land etc. vested in Perth Diocesan Trustees on trust**

The said Perth allotments H 7 and H 1, together with the buildings thereon and all rights, easements, and appurtenances thereto belonging, and all other the lands, tenements, and hereditaments (if any) now belonging to or vested in ‘The Governors of the Perth Church of England Collegiate School’, shall be and are hereby henceforth vested in and shall be held and applied by ‘The Standing Committee of the Synod of the West Australian Branch of the Church of England’<sup>5</sup> for such educational purposes as such Committee shall consider to be most nearly in accordance with the objects<sup>4</sup> for which the said School was originally established<sup>2</sup>.

**3. Rules and regulations may be made**

It shall be lawful for the said Standing Committee<sup>5</sup> to make such rules and regulations for the management of any School or College that the said Committee may hereafter establish as to the said Standing Committee shall seem meet, and from time to time to amend, annul, or repeal such rules and regulations, and to make new rules and regulations in lieu thereof.

**4. Lands etc. may be mortgaged**

And whereas the Right Reverend Henry Hutton Parry, Bishop of Perth, the chairman of the said Governors, has with the sanction of the said Governors expended certain moneys in

building upon, repairing, and improving the said lands, tenements, and hereditaments, and it is deemed expedient to authorise the said Standing Committee<sup>5</sup> to raise, by mortgage of the said lands, tenements, and hereditaments hereby vested in the said Committee, sufficient funds for the repayment to the said Bishop of the moneys so expended by him as aforesaid, with the interest due thereon: Be it further enacted that it shall be lawful for the said Standing Committee to mortgage the said lands, tenements, and hereditaments, or any part thereof, in fee simple or for any term of years, for any sum of money not exceeding the sum of £1 400<sup>6</sup>, in such manner as the said Committee shall think fit, and to assure the said lands, tenements, and hereditaments, or any part thereof, to the mortgagee or mortgagees thereof, his, her, or their heirs and assigns, either with or without a power of sale and leasing respectively, in case of default being made in the payment of the principal or interest moneys by such mortgage secured at the time or times therein appointed for the payment thereof respectively, and with such other powers and provisions as shall be deemed expedient; and to give receipts for the money so to be advanced; and the said lands, tenements, and hereditaments shall be held and enjoyed by the mortgagee or mortgagees thereof, his, her, or their heirs and assigns, freed and absolutely discharged from the trusts to which the same may for the time being be subject.

[5. *Deleted: 60 Vict. private Act s. 6.*]

**6. Lands may be leased**

The said Standing Committee<sup>5</sup> may from time to time demise the same lands, tenements, and hereditaments, or any part thereof, to any person or persons, for any term of years not exceeding 7 years, at such rent or rents and under such covenants and conditions as the said Committee may think fit.

[7. *Deleted: 60 Vict. private Act s. 6.*]

**8. Crown and other rights reserved**

Provided that nothing herein contained shall be deemed to affect any right, title, or interest of Her Majesty, her heirs or successors, or of any body politic or corporate, or of any other person, save and except such as are mentioned herein, and those claiming by, from, through, and under them.

[9. *Omitted under the Reprints Act 1984 s. 7(4)(f).*]

**10. Short title**

This Act may be cited as the *Perth Anglican Church of Australia Collegiate School Act 1885*<sup>1</sup>.

[Section 10 inserted: No. 81 of 1966 s. 2; amended: No. 121 of 1976 s. 7.]



### Notes

- <sup>1</sup> This reprint is a compilation as at 8 May 2015 of the *Perth Anglican Church of Australia Collegiate School Act 1885* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

#### Compilation table

Short title	Number and year	Assent	Commencement
Untitled <sup>7</sup>	1885 (49 Vict. No. 19)	24 Sep 1885	24 Sep 1885
<i>Church of England School Lands Act 1896</i> s. 6 <sup>8</sup>	1896 60 Vict. Private Act	27 Oct 1896	27 Oct 1896
<i>Statute Law Revision (Short Titles) Act 1966</i> s. 2	81 of 1966	12 Dec 1966	12 Dec 1966
<i>Anglican Church of Australia Act 1976</i> s. 7	121 of 1976	1 Dec 1976	24 Aug 1981 (see s. 2(2) and <i>Gazette</i> 30 Jan 1981 p. 441)
<b>Reprint of the <i>Perth Anglican Church of Australia Collegiate School Act 1885</i> as at 20 Aug 1987</b> (includes amendments listed above)			
<b>Reprint of the <i>Perth Anglican Church of Australia Collegiate School Act 1885</i> as at 3 May 2002</b> (includes amendments listed above)			
<b>Reprint 3: The <i>Perth Anglican Church of Australia Collegiate School Act 1885</i> as at 8 May 2015</b> (includes amendments listed above)			

- <sup>2</sup> Under the *Anglican Church of Australia Act 1976* s. 7, a reference in a law of the State to “Church of England” or “Church of England in Western Australia” is to be construed as a reference to the “Anglican Church of Australia”, and that construction shall, unless the context otherwise requires, be and be deemed to be a direct amendment to that law. References in this provision have not been changed due to their context.

- <sup>3</sup> Act No. 29 Vict. No. 12 (1865) was repealed by this Act s. 9. The reference to “1863” seems to be an error.

- <sup>4</sup> The objects are set out in the preamble to Act No. 29 Vict. No. 12 (1865) which relevantly reads:

object of teaching the Holy Scriptures in the Original Tongues, the Principles of the Christian Religion, Classics, and Mathematics, together with any Language, Art, Branch of Science, or of Literature that shall from time to

time be deemed by the Authorities of the said School to constitute a sound and liberal education;

- <sup>5</sup> The body “The Standing Committee of the Synod of the West Australian Branch of the Church of England” was incorporated by 38 Vict. No. 18 (1874). The 1874 Act was repealed by 52 Vict. No. 8 (1888) (now known as the *Anglican Church of Australia (Diocesan Trustees) Act 1888*). The 1888 Act replaced the Standing Committee referred to above with a new body “The Diocesan Trustees of the Church of England in Western Australia”. The name of that new body was changed to “The Perth Diocesan Trustees” by the *Church of England Diocesan Trustees and Lands Act 1918* s. 11 (now known as the *Anglican Church of Australia Diocesan Trustees and Lands Act 1918*). Section 5 of the 1888 Act reads as follows:

**5. Standing Committee replaced by Trustees**

The words “Standing Committee”, in 49th Victoria, No. 19, shall be read as and taken to mean The Perth Diocesan Trustees, and all rights, powers, privileges, and discretions thereby conferred, and all duties thereby imposed upon the said Standing Committee shall be enjoyed, exercised, and performed by the said Diocesan Trustees.

- <sup>6</sup> The reference to the old currency is of historical interest only and so has not been amended under the *Decimal Currency Act 1965*.
- <sup>7</sup> Now known as the *Perth Anglican Church of Australia Collegiate School Act 1885*. The short title *Perth Church of England Collegiate School Act 1885* was inserted by the *Statute Law Revision (Short Titles) Act 1966* s. 2 and subsequently changed by the *Anglican Church of Australia Act 1976* s. 7 (see note under s. 10).
- <sup>8</sup> Now known as the *Anglican Church of Australia School Lands Act 1896*.