

HALE SCHOOL.

7° Elizabeth II., No. XXXIV.

No. 34 of 1958.

AN ACT to amend or repeal certain Acts relating to Hale School of Perth, and for other purposes.

[Assented to 11th December, 1958.]

BE it enacted, by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Hale School Act Amendment Act, 1958.*

Short title
and citation.

(2) In this Act the Act 40 Victoriae No. 8 (cited on enactment as The High School Act, 1876) as amended or affected by the Acts mentioned in the Schedule hereto, is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Hale School Act, 1876-1958.

2. This Act shall come into force on the expiration of one month after it is assented to by the Governor. Commencement.

3. The Acts mentioned in the first column of the Schedule to this Act are repealed to the extent specified in the second column thereof. Repeal. Schedule.

4. The principal Act is amended by adding after section one a new section as follows— New section added.

1A. In this Act, subject to the context— Interpretation.

“Archbishop” means the person for the time being consecrated as His Grace the Archbishop of Perth according to rites of the Church of England, and in his absence from the Church of England 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, 1895, 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 eleven of Act No. 34 of 1918.

5. Section two of the principal Act is amended by substituting for the passage commencing with the word, “Governors” in line one and ending with s. 2 amended.

the word, "have" in line four, the passage, "Governors of the School under the name of 'The Governors of Hale School' shall be a body corporate with perpetual succession and".

New sections
added.

6. The principal Act is amended by adding new sections as follow—

Constitution.

6. (1) The Board shall consist of nine members of whom one shall be the Archbishop, four shall be appointed by the Trustees and four shall be appointed by the Association.

(2) Subject to subsection (3) of this section, of the first group of four members appointed by the Trustees, and also of the first group of four members appointed by the Association, one member shall retire at the expiration of the first year, one at the expiration of the second year, one at the expiration of the third year and one at the expiration of the fourth year of office. The order of retirement of the members of each group shall be determined by the members of that group and in default of such determination by the body which appointed them. Each vacancy in the office of a member caused by effluxion of time shall be filled by the body which appointed the member and the member so appointed to fill the vacancy shall hold office for a period of four years.

(3) The Trustees, in the case of a member appointed by the Trustees, and the Association, in the case of a member appointed by the Association, may at any time terminate the appointment of or remove any member appointed by it. Each member appointed by the Trustees or the Association under subsection (1) or subsection (2) of this section shall hold office as a member until his term of office expires or his appointment is terminated or he is removed under this subsection or he dies or, by writing under his hand addressed to the chairman of the Board, he resigns.

(4) A casual vacancy in the office of a member shall be filled by the body which appointed the member and each member appointed to fill a casual vacancy shall hold office until the expiration of the term of the member whose place he fills.

(5) The continuing members may act notwithstanding any vacancy on the Board.

7. The Archbishop shall be the Visitor, with Visitor.
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 a Church of England School.

8. The Board may, freed from any trusts Dealings in
property.
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 thereto and to section two of this Act, the Board shall hold the property upon trust for the purposes of the School.

9. The entire management and control of Management.
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, 1895, upon an association incorporated under that Act.

10. (1) At a meeting of the Board five Proceedings
of Board.
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.

Borrowing.

11. 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.

Rating and taxation exemption.

12. Vacant land held by the Board and land held by the Board and used exclusively or mainly for the purposes of the School shall be exempt from rating under the provisions of the Road Districts Act, 1919 and the Metropolitan Water Supply, Sewerage and Drainage Act, 1909 and from assessment for taxation under the provisions of the Land Tax Assessment Act, 1907.

Agreement relating to Reserve A3421.

13. The agreement made the thirty-first day of October, one thousand nine hundred and fifty-eight 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 one 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".

SCHEDULE.

Column One. <i>Acts.</i>	Column Two. <i>Extent of Repeal.</i>
40 <i>Victoriæ</i> No. 8 (1876)	Sections three, four and five.
47 <i>Victoriæ</i> No. 11 (1883)	The whole.
55 <i>Victoriæ</i> No. 29 (1892)	The whole.
61 <i>Victoriæ</i> No. 12 (1897)	The whole.
No. 44 of 1912	The whole.
No. 6 of 1920	The whole.
No. 5 of 1924	The whole.
No. 16 of 1929	The whole.
No. 2 of 1930	The whole.
