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WESTERN AUSTRALIA

HALE SCHOOL ACT 1876

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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:—

Short title

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

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

Interpretation

- 1A. 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 authorized 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 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.]

Governors to be a body corporate

2. 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. 7²; No. 34 of 1958 s. 5.]

[3, 4, 5. Sections 3, 4 and 5 repealed by No. 34 of 1958 s. 3.]

Constitution

6. (1) The Board shall consist of 9 members of whom one shall be the Archbishop, 4 shall be appointed by the Trustees and 4 shall be appointed by the Association.

(2) Subject to subsection (3) of the first group of 4 members appointed by the Trustees, and also of the first group of 4 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 4 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) 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.

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

Visitor

7. 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.]

Dealings in property

8. 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 thereto 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.]

Management

9. 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 1895*, upon an association incorporated under that Act.

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

Proceedings of Board

10. (1) At a meeting of the Board 5 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.]

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.

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

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*³ 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.]

Agreement relating to reserve A3421

13. 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 authorized 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 20 August 1987 of the *Hale School Act 1876* and includes all amendments effected by the other Acts referred to in the following Table.

Table of Acts

Act	Number and year	Assent	Commencement	Miscellaneous
<i>The High School Act 1876</i>	40 Vict. No. 8 (1876)	12 September 1876	12 September 1876	Short title subsequently amended (see note to section 1)
	42 Vict. No. 28 (1878)	24 July 1878	24 July 1878	The amending Act was repealed by 55 Vict. No. 29 (1892)
<i>The Governors of High School Appointment Act</i>	55 Vict. No. 29 (1892)	18 March 1892	18 March 1892	The amending Act was repealed by No. 34 of 1958.
	61 Vict. No. 12 (1897)	23 December 1897	23 December 1897	The amending Act was repealed by No. 34 of 1958.
<i>High School Act Amendment Act 1912</i>	44 of 1912	24 December 1912	24 December 1912	The amending Act was repealed by No. 34 of 1958.
<i>High School Act Amendment Act 1930</i>	2 of 1930	23 October 1930	23 October 1930	The amending Act was repealed by No. 34 of 1958
<i>Hale School Act Amendment Act 1958</i>	34 of 1958	11 December 1958	11 January 1959 (see section 2)	
<i>Anglican Church of Australia Act 1976</i>	121 of 1976	1 December 1976	Sections 1 and 2: 1 December 1976 (see section 2 (1)). Balance: 24 August 1981 (see <i>Gazette</i> 30 January 1981 p.441)	

N.B. The *Hale School Act 1876* is affected by the *Anglican Church of Australia Constitution Act 1960*.

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

³. Now see the *Local Government Act 1960*.

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*.

