

HALE SCHOOL – THE LEGAL FRAMEWORK



1. The Hale School Act, 1876-1958 ('the Act') created *'The Governors of Hale School'* as a statutory corporation, to be the trustee of a public charitable trust, that is to endure in perpetuity, for the purpose of the education of boys.
2. The public charitable trust is not for the benefit of persons but, rather, is for the purpose of establishing and maintaining a private school for boys as a contribution to the public benefit.
3. The Act uses the term 'Board' to describe *'The Governors of Hale School'*; which ties in with the commonly used term 'Board of Governors'.
4. The Act provides that the Board shall consist of 11 members, of whom one shall be the Anglican Archbishop of Perth, 5 shall be appointed by The Perth Diocesan Trustees and 5 shall be appointed by the Old Haleians' Association (Inc). The term of appointment is 5 years with one of the Perth Diocesan Trustees appointees and one of the Old Haleians' Association appointees retiring at the end of each year.
5. The Board holds all the land and other property of the School as the corporate trustee of the public charitable trust.
6. Although the Board is a corporate entity, the Corporations Law does not apply to it, but, rather, the law relating to trusts applies.
7. The Act states that the entire management and control of the school and of the property held by the Board is vested in the Board. (*Footnote 1*)
8. The Board has made By-Laws and Regulations regarding meetings of the Board, appointment of Committees and various aspects of the management and control of the School.
9. The Act provides that the Archbishop is the 'Visitor', with the power to review any aspect of the School's operations (educational and non-educational).

Footnote 1:

The Powers of the Board: A full range of transactions involving the property of the School can be undertaken so long as each is done bona fide for the purpose of conducting the School and is reasonably incidental to the conduct of the School operations. Capital and income surplus to the Schools immediate and long-term requirements may be invested in some form of suitable investment appropriate for the use of trust funds. The Board must exercise the care, diligence and skill that a prudent person would exercise in managing the affairs of other persons when deciding how surplus funds might be invested (see Trustees Act, 1962).