

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 155.

*National Cultural Centre Trust.*

GENERAL ANNOTATION.

ADMINISTRATION.

The administration of this Chapter was vested in the Minister for Education, Science and Culture at the date of its preparation for inclusion, with the exception of Section 18 which was vested in the Minister for Finance.

The present administration may be ascertained by reference to the most recent Determination of Titles and Responsibilities of Ministers made under Section 148(1) of the Constitution.

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<sup>1</sup>Subsidiary legislation has not been up-dated.



INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 155.

*National Cultural Centre Trust Act.*

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*National Cultural Centre Trust*

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(Financial Administration) Act.

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 155.

*National Cultural Centre Trust Act.*

Being an Act to incorporate a Trust to control and manage a National Cultural Centre and for other purposes.

PART I.—PRELIMINARY.

1. Objects.

The objects of this Act are the encouragement, development and display of the traditional cultures of the country (including dancing, singing, painting, architecture, the manufacture of artefacts and all the other arts and crafts of the country) in their living state as part of the cultural inheritance of the people of Papua New Guinea.

2. Interpretation.

In this Act, unless the contrary intention appears—

“bank” means the Papua New Guinea Development Bank or a bank authorized under the *Banks and Financial Institutions Act*;

“the Chairman” means the Chairman of Trustees;

“the Deputy Chairman” means the Deputy Chairman of Trustees;

“member” means a member of the Trust;

“the National Cultural Centre” means the cultural centre erected and maintained on part of Portion 466, Milinch of Granville in connexion with the South Pacific Games held in Port Moresby in August 1969, and any other land acquired for use in conjunction with that land, including all buildings and facilities on the land;

“the Trust” means the National Cultural Centre Trust established by Section 4.

3. Application to certain Acts.

Nothing in this Act affects the operation of the *Public Museums and Art Galleries Act* or the *National Cultural Property (Preservation) Act*.

PART II.—THE NATIONAL CULTURAL CENTRES TRUST.

*Division 1.—Establishment, etc.*

4. Establishment of the Trust.

(1) A National Cultural Centre Trust is hereby established.

(2) The Trust—

(a) is a corporation, with perpetual succession; and

(b) shall have a seal; and

(c) subject to this Act, may acquire, hold and dispose of property; and

(d) may sue and be sued in its corporate name.

(3) All courts, Judges and persons acting judicially shall take judicial notice of the seal of the Trust affixed to a document, and shall presume that it was duly affixed.

**5. Constitution of the Trust.**

(1) The Trust shall consist of a Chairman of Trustees, a Deputy Chairman of Trustees and such other members as the Minister thinks proper.

(2) The members shall be appointed by the Minister by notice in the National Gazette.

(3) Subject to this Act, a member—

(a) may be removed from office by the Minister, on the ground of incapacity or proved misbehaviour; and

(b) may, by written notice to the Minister, resign from office.

*(Amended by No. 25 of 1976, Schedule 21.)*

(4) Where a member resigns or is removed from office, the Minister shall immediately notify the Trust.

**6. Vacation of office.**

A member of the Trust shall be deemed to have vacated his office—

(a) if he becomes bankrupt, applies to take the benefit of a law for the relief of bankrupt or insolvent debtors or compounds with his creditors or makes an assignment of his property for their benefit; or

(b) if he is absent, except on leave granted by the Trust, from three consecutive meetings of the Trust; or

(c) if he is of unsound mind as that expression is used in the *Public Health Act*.

**7. Committees.**

The Trust may set up Committees, whether or not comprised of or including members of the Trust, for the regulation and management of any part of the property of the Trust, and may define the respective jurisdictions, powers, functions, duties, responsibilities and procedures of the Committees.

**8. Delegation.**

The Trust may, by instrument under its seal, delegate to a Committee or to a person all or any of its powers and functions under this Act (except this power of delegation).

*Division 2.—Meetings, etc.*

**9. Calling of meetings.**

(1) Subject to Subsection (2), the Trust shall meet at such times and places as the Chairman, or, during a vacancy in the office of Chairman or when the Chairman is absent from the country or is unable by reason of illness or incapacity or otherwise to perform his duties, the Deputy Chairman, thinks necessary for the efficient conduct of its affairs.

(2) The Chairman or, during a vacancy in the office of Chairman or when the Chairman is absent from the country or is unable by reason of illness or incapacity or otherwise to perform his duties, the Deputy Chairman, shall, within seven days after the receipt of a written request by not less than one-third of the members, call a meeting of the Trust.

**10. Procedure at meetings.**

(1) At a meeting of the Trust—

(a) half the members, of whom one is the Chairman or the Deputy Chairman, are a quorum; and

- (b) the Chairman, or in his absence the Deputy Chairman, shall preside; and
  - (c) all questions before the meeting shall be decided by a majority of votes of the members present; and
  - (d) the member presiding has a deliberative, and, in the event of an equality of votes on a question, also a casting vote.
- (2) The Trust shall keep a record of its proceedings.
- (3) Subject to this Act, the proceedings at a meeting of the Trust are as determined by it.

**11. Disclosure of interest.**

(1) A member who is a party to, or is directly or indirectly interested in, a contract made or proposed to be made by or on behalf of the Trust or any other person in connexion with the National Cultural Centre, otherwise than as a member, and in common with the other members, of an incorporated company consisting of not less than 25 persons, shall disclose that he is such a party, or the nature of the interest, as the case may be, at the first meeting of the Trust at which he is present after the relevant facts have come to his knowledge.

(2) A disclosure under Subsection (1) shall be recorded in the minutes of the Trust and, after the disclosure, the member—

- (a) shall not take part in any deliberation or decision of the Trust in relation to the contract; and
- (b) shall be disregarded for the purpose of constituting a quorum of the Trust for any such deliberation or decision.

**PART III.—POWERS, FUNCTIONS, ETC.**

**12. Functions of the Trust.**

(1) The functions of the Trust are to encourage and maintain public appreciation, knowledge and enjoyment of, respect for and interest in the traditional cultures of the country, and for that purpose—

- (a) to acquire, construct, develop, operate, manage or regulate the National Cultural Centre; and
- (b) to acquire land and other fixed and moveable assets; and
- (c) to arrange for displays of the traditional cultures, arts and crafts of the country, whether by the Trust or by the Trustees of the Papua New Guinea Public Museum and Art Gallery or by others; and
- (d) to operate or allow, whether by way of lease or licence or in any other way, the operation of a tourist centre, tourist agency or other commercial activity connected with the achievement of the objects of this Act, at or associated with the National Cultural Centre; and
- (e) to acquire national cultural property and other evidence or examples of the traditional cultures, arts and crafts of the country; and
- (f) for the purposes referred to in Paragraph (a), (b), (c), (d) or (e), to co-operate with or assist any other person or body; and
- (g) generally, to achieve, or assist in the achievement of, the objects of this Act; and

(b) any other functions ancillary to any of the provisions of this subsection.

(2) The Trust shall co-operate with the Trustees of the Papua New Guinea Public Museum and Art Gallery in matters of common interest and shall, as far as is reasonable and practicable, make its facilities available for displays by the Museum.

(3) The Trust shall co-operate with Local Government Councils in promoting displays of the traditional cultures of various Council areas, and in particular in the display of examples of traditional architecture and buildings.

(4) As far as is reasonably practicable, the Trust shall endeavour to operate as a financially self-supporting body.

**13. Powers of the Trust.**

(1) Subject to this Act, the Trust has such powers as are necessary or convenient for, or incidental to, the performance of its functions.

(2) Without limiting the generality of Subsection (1), the Trust may, in the performance of its functions—

- (a) hold land or an interest in land; and
- (b) co-operate with other persons and organizations in relation to the functions of the Trust; and
- (c) solicit gifts, subscriptions and donations; and
- (d) encourage the establishment and maintenance of, and if necessary establish or maintain, troupes of traditional dancers, singers and other artists.

**14. Policy directions.**

The Trust shall give effect to any directions given to it by the Minister on any matter of policy relating to the exercise or performance of its functions, duties or powers.

**PART IV.—PROPERTY, ETC.**

**15. Trust property.**

(1) For the purposes of the Trust, the Trust may acquire property by transfer, purchase, gift, devise, demise or bequest or otherwise.

(2) Subject to this section and to any law relating to dealings in land and to any conditions attaching to the acquisition of the property under Subsection (1), the Trust may—

- (a) control and manage any property acquired under Subsection (1); and
- (b) grant leases, licences and other rights over or to the property so acquired or any part of it; and
- (c) sell any of the property so acquired and apply or invest the proceeds of the sale for the purposes of this Act.

(3) Section 69 of the *Land Act* does not apply to or in relation to a licence, lease or tenancy agreement granted or entered into, or agreed to be granted or entered into, by the Trust for a period not exceeding one week.

**16. Land reserved under Land Act.**

Notwithstanding any other law, the Trust may be appointed under Part V. of the *Land Act* as trustee for any land reserved from lease or further lease.



PART V.—OFFICERS OF THE TRUST.

17. Employment of persons by the Trust.

(1) Subject to this section and to any general directions of the Minister, the Trust may employ a manager and such persons as it thinks necessary to assist the Trust in the exercise of its powers and the performance of its functions under this Act.

(2) Subject to any directions of the Minister<sup>1</sup> and to any other law, the terms and conditions of employment (including remuneration) of persons employed under this section are as the Trust determines.

PART VI.—FINANCE.

18. Application of Public Bodies (Financial Administration) Act.

The *Public Bodies (Financial Administration) Act* applies to and in relation to the Trust subject to the exceptions and modifications specified in the Schedule.

19. Assistance by Local Government Councils.

With the consent of the Commissioner for Local Government a Local Government Council may make grants and loans to the Trust.

20. Establishment of investment funds.

For the purpose of the exercise of its powers and functions under this Act, the Trust may—

- (a) establish one or more investment funds for the collective investment of any trust funds acquired by the Trust; and
- (b) without liability for breach of trust, bring into or withdraw from any such investment fund the whole or part of those trust funds.

21. Reports, etc.

As soon as practicable after the expiration of each financial year, the Trust shall prepare in a form approved by the Minister and forward to him a report and properly audited financial statements in respect of its activities during that financial year.

PART VII.—BY-LAWS.

22. By-laws.

(1) The Trust may make by-laws, not inconsistent with this Act, for carrying out the objects of the Trust, and in particular for charging fees in connexion with any matter or thing on or connected with the National Cultural Centre and for prescribing penalties of fines not exceeding K50.00 for offences against the by-laws.

(2) The by-laws may provide for empowering a Committee or any person to make rules or orders (not inconsistent with this Act or the by-laws) for regulating, or providing for the regulation of, any specified matter (being a matter with respect to which by-laws may be made by the Trust), and any such rule or order has the same force and effect as a by-law.

<sup>1</sup> As at the effective date, the reference was to the Prime Minister.

**23. Approval of by-laws.**

By-laws made under Section 22 are of no force or effect until—

- (a) approved by the Head of State, acting on advice; and
- (b) published in the National Gazette.

## PART VIII.—MISCELLANEOUS.

**24. Purposes of the Trust to be public purpose.**

The purposes of the Trust are a public purpose within the meaning of any other law.

**25. Regulations.**

The Head of State, acting on advice, may make regulations, not inconsistent with this Act, prescribing all matters that by this Act are required or permitted to be prescribed, or that are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

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SCHEDULE.

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## Sec. 18.

EXCEPTIONS AND MODIFICATIONS TO THE PUBLIC BODIES (FINANCIAL  
ADMINISTRATION) ACT.

| <i>Provision.</i> | <i>Modification, etc.</i>   |
|-------------------|---|
| 3(1)              | Applies to appropriations for the purposes of the National Cultural Centre, as well as for the purposes of the Trust. |
| 3(2)              | Applies as if references to the Departmental Head were references to the Minister for Finance.                        |
| 6                 | Subsection (1) (a), (b) and (d) do not apply.   |
| 7                 | Does not apply.   |
| 11                | Does not apply.   |
| 12                | Does not apply.   |
| 13                | Does not apply.   |
| 14                | Does not apply.   |
| 15                | Does not apply.   |

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 155.

*National Cultural Centre Trust.*

APPENDIX.

SOURCE OF THE NATIONAL CULTURAL CENTRE TRUST ACT.

Part A.—Previous Legislation.

*National Cultural Centre Trust Act 1969* (No. 80 of 1969)

as amended by—

*Statute Law Revision (Transfer of Powers) Act 1976* (No. 25 of 1976).

Part B.—Cross References.

| Section, etc.,<br>in Revised<br>Edition. | Previous<br>Reference <sup>1</sup> . | Section, etc.,<br>in Revised<br>Edition. | Previous<br>Reference <sup>1</sup> . |
|--|--------------------------------------|--|--------------------------------------|
| 1  | 5                                    | 14                                       | 15                                   |
| 2  | 3                                    | 15                                       | 13                                   |
| 3  | 4                                    | 16                                       | 26                                   |
| 4  | 6, 7                                 | 17                                       | 21                                   |
| 5  | 8                                    | 18                                       | 22,23,24,25                          |
| 6  | 12                                   | 19                                       | 27                                   |
| 7  | 18                                   | 20                                       | 14                                   |
| 8  | 20                                   | 21                                       | 29                                   |
| 9  | 9                                    | 22                                       | 19(1),(2)                            |
| 10                                       | 10                                   | 23                                       | 19(3)                                |
| 11                                       | 11                                   | 24                                       | 28                                   |
| 12                                       | 16                                   | 25                                       | 30                                   |
| 13                                       | 17                                   | Schedule                                 | 22,23,24,25                          |

<sup>1</sup>Unless otherwise indicated, references are to the Act set out in Part A.

