

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 1038

Roman Catholic Diocese of Goroka.

GENERAL ANNOTATION.

ADMINISTRATION.

The administration of this Chapter was vested in the Prime Minister at the date of its preparation for inclusion.

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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INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 1038.

Roman Catholic Diocese of Goroka Act.

Being an Act to incorporate the Catholic Diocese of Goroka, and for related purposes.

1. Interpretation.

In this Act, unless the contrary intention appears—

“the Bishop” means the person for the time being holding the office of Catholic Bishop of Goroka and his successors in office or a person acting for the time being in that office;

“the Board” means the corporation constituted by this Act;

“Diocesan property” includes all churches, dwellings and other buildings, all freehold and leasehold lands and premises, and all personal property in Papua New Guinea belonging to or used in connexion with the Diocese and now or at any time hereafter vested in any person as trustee and all property acquired by the Board under this Act;

“the Diocese” means the Catholic Diocese of Goroka;

“the trustees” means the persons for the time being holding office as trustees under this Act and their successors in office.

2. Trustees.

(1) There shall be a Board of Trustees of the Diocese comprising—

(a) the Bishop; and

(b) four other persons appointed by the Bishop.

(2) Where a vacancy occurs in an office of trustee, the Bishop may, by written notice to the Board, appoint a person to fill the vacancy.

3. Vacation of office.

A trustee other than the Bishop shall be deemed to have vacated his office if he—

(a) resigns by writing under his hand addressed to the Bishop; or

(b) dies; or

(c) becomes permanently incapable of performing his duties; or

(d) is adjudged insolvent, applies to take the benefit of a law for the relief of insolvent debtors, compounds with his creditors or makes an assignment of his salary for their benefit; or

(e) ceases to be ordinarily resident in the Diocese; or

(f) fails to attend three consecutive meetings without leave of the Board; or

(g) is retired by resolution of the Board; or

(h) in the opinion of the Bishop, ceases to be a member of the Roman Catholic Church.

4. Incorporation.

(1) The Board is a corporation by the name of the "Catholic Diocese of Goroka Board of Trustees".

(2) The Board—

- (a) has perpetual succession; and
- (b) shall have a seal of office; and
- (c) has power to acquire, hold, manage and control, and may grant, transfer, mortgage, demise, sell, dispose of, create or reserve easements in or over or otherwise deal with, property of any tenure; and
- (d) may sue and be sued in its corporate name.

5. Meetings of the Board.

(1) Meetings of the Board shall be held at such times and at such places as the Bishop determines.

(2) At a meeting of the Board—

- (a) a quorum is the Bishop and two other trustees; and
- (b) the Bishop shall preside; and
- (c) all questions arising shall be decided by a majority of the votes of the trustees; and
- (d) the Bishop has a deliberative and, in the event of an equality of votes, also a casting vote.

(3) The Board shall cause minutes of its proceedings to be kept.

(4) Subject to this section, the Board shall regulate its own proceedings.

6. Seal of the Board.

(1) The Board shall provide for the form of its seal.

(2) The seal of the Board may be attached to any document by resolution of the Board and the document shall be signed by the Bishop and not less than one other trustee.

(3) A resolution signed by all the trustees shall be as valid and effectual as a resolution made at a meeting of the Board.

(4) The Bishop shall provide for the safe custody of the seal.

7. Holding of Trust property.

The Board holds all Diocesan property on trust to use and appropriate or permit the use and appropriation of it for the purposes of the erection and maintenance of Diocesan houses, schools, hospitals, rectories, rest-houses and other buildings and for other purposes in connexion with or for the benefit or maintenance of the Diocese or members of the Diocese.

8. Powers of Board.

(1) Subject to Section 4, the Board has power—

- (a) to purchase, take on lease, or acquire by gift, devise, exchange or otherwise, property in the country; and
- (b) to sell the Diocesan property or an interest in the Diocesan property by public auction or private contract for cash or on credit on such terms and subject to such conditions as the Board thinks proper; and

- (c) to exchange the Diocesan property or an interest in the Diocesan property for other property; and
- (d) to transfer, grant, assure or otherwise dispose of the property or an interest in the property when sold or exchanged to the purchaser or to the person taking such exchange, freed and discharged from the trust affecting it; and
- (e) to raise sums of money, when and on such terms as the Board thinks proper, by mortgage of the Diocesan property whether by deposit of deeds or otherwise and with or without power of sale; and
- (f) to demise and lease the Diocesan property for such periods at such rents and on such terms and conditions as the Board thinks proper; and
- (g) to create or reserve easements in or over, or to enter into restrictive covenants affecting, any real or leasehold property forming part of the Diocesan property; and
- (h) to improve, manage and develop the Diocesan property; and
- (i) to appoint officers and to engage persons as employees on such terms and conditions as are determined by the Board; and
- (j) for all or any of the purposes referred to in this section, to sign, seal and execute all such contracts, transfers and other deeds, documents and instruments as may be necessary; and
- (k) to appoint by instrument under the seal of the Board a person or persons to be the attorney or attorneys of the Board, either generally or in respect of specified matters, and to act in any place, and all deeds signed by the attorney or attorneys, as the case may be, on behalf of the Board and under his or their seal or seals are binding on the Board and have the same effect as if they were made under the seal of the Board.

(2) A power exercisable under Subsection (1) in respect of Diocesan property is exercisable in respect of any part or parts of the Diocesan property.

9. Conditions of grant, etc.

This Act shall not affect or be deemed to affect the trusts, conditions or restrictions declared or imposed by the original grant, dedication or gift of any Diocesan property or the provisions of any Act under which lands forming part of the Diocesan property have been granted or leased.

10. Dealings with Board.

(1) On the sale, mortgage, lease or other dealing by the Board of or with any property, a purchaser, mortgagee, lessee or other person dealing with the Board is not bound in any way to inquire into the necessity or propriety of the sale, mortgage, lease or other dealing or the purposes for or the circumstances in which the Board proposes to enter into, make or execute a sale, mortgage, lease or other dealing.

(2) A purchaser, mortgagee, lessee or other person dealing with the Board is not bound in any way to inquire into the regularity of the sale, mortgage, lease or other dealing.

(3) Notwithstanding any irregularity or impropriety in a sale, mortgage, lease or other dealing, a sale, mortgage, lease or other dealing purporting to be made by the Board shall, as regards the purchaser, mortgagee, lessee or other person dealing with the Board, be deemed to be within the powers of the Board and is valid accordingly.

11. Receipts for rent, etc.

A lessee, mortgagee, purchaser, person taking on exchange or other person paying rent or other money to the Board is not bound to see to the application of the rent or other money, and the receipt of the Board is a sufficient discharge.