

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 1022.

Roman Catholic (Mission of the Holy Ghost).

GENERAL ANNOTATION.

ADMINISTRATION.

Since this Act is really of the nature of a private Act, and since, for example, no need was seen in the fairly comprehensive allocation of responsibilities for the administration of legislation published in National Gazette No. G15 of 13 February 1976 to allocate responsibility for this and similar Acts, there seems to be no point in attempting to discuss the administration of this Chapter. Under Section 148(2) of the Constitution, political responsibility would seem to be vested in the Prime Minister.

TABLE OF CONTENTS.

	<i>Page.</i>
<i>Roman Catholic (Mission of the Holy Ghost) Act</i>	3
Regulations	—
Subsidiary legislation	—



INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 1022.

Roman Catholic (Mission of the Holy Ghost) Act.

ARRANGEMENT OF SECTIONS.

1. Interpretation—
 - "the Board of Trustees"
 - "the corporation"
 - "the Head of the Mission"
 - "Mission"
 - "the Trust"
 - "the Trustees".
2. Incorporation.
3. Removal of Trustees, appointment of new Trustees, etc.
4. Quorum at meetings.
5. Execution of deeds, etc.
6. Holding of Mission property.
7. Powers of corporation.
8. Mortgage and purchase moneys, etc.
9. Evidence of appointment of secretary, Trustees, etc.
10. Construction of wills, etc.
11. Vesting of certain devised, bequeathed, etc., property.



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INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 1022.

Roman Catholic (Mission of the Holy Ghost) Act.

Being an Act to provide for the temporal affairs of the Mission known as The Catholic Mission of the Holy Ghost, and for related purposes.

1. Interpretation.

In this Act, unless the contrary intention appears—

"the Board of Trustees" means the successors to the Board of Trustees of the German Mission property of the Catholic Mission of the Holy Ghost Limited appointed under the pre-Independence *German Missions Ordinance* 1926 of the former Territory of New Guinea, whether appointed under that Ordinance or under the pre-Independence *Roman Catholic (Mission of the Holy Ghost) Property Ordinance* 1937 of the former Territory of New Guinea;

"the corporation" means the corporation constituted by this Act;

"the Head of the Mission" means the person for the time being administering, in accordance with canon law, the ecclesiastical affairs of the Mission and his successors in office, and includes the person for the time being acting in that office;

"Mission" means The Catholic Mission of the Holy Ghost in Central New Guinea, the headquarters of which in the country are at Alexishafen;

"the Trust" means The Mission of the Holy Ghost (New Guinea) Property Trust established by this Act;

"the Trustees" means the persons for the time being holding office as members of the Trust and their successors in office.

2. Incorporation.

(1) The Board of Trustees is a corporation by the name of "The Mission of the Holy Ghost (New Guinea) Property Trust".

(2) The corporation—

(a) has perpetual succession; and

(b) shall have a seal; and

(c) has power to acquire, hold, manage and control, and may grant, transfer, mortgage, charge, demise, sell, dispose of, exchange, create or reserve easements over, or otherwise deal with, any property; and

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

(e) may do or suffer all acts and things that a corporation may by law do or suffer.

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

3. Removal of Trustees, appointment of new Trustees, etc.

(1) The Head of the Mission may, by instrument, remove any of the Trustees from office.

(2) Where a Trustee—

- (a) dies; or
- (b) is removed from office under Subsection (1); or
- (c) declares in writing that he wishes to be removed from office,

or where the office of a Trustee becomes vacant for any other reason, the Head of the Mission may appoint another person to be a Trustee in his place.

(3) So long as there are not less than three Trustees, the continuing Trustees may act notwithstanding any vacancy in the number of Trustees, but each vacancy shall be filled as soon as possible after it occurs.

4. Quorum at meetings.

At a meeting of the Trust, three Trustees are a quorum.

5. Execution of deeds, etc.

A deed or other instrument executed or signed, and any other act, matter or thing done, by three Trustees in pursuance of a resolution of the Board of Trustees and under the seal of the corporation is as effectual as if it had been executed, signed or done by all the Trustees.

6. Holding of Mission property.

So far as any property vested in the corporation is not subject to an express trust, the corporation shall hold such property on trust and deal with it for the purpose of carrying on, benefiting, advancing, extending or making more effectual the objects and work of Roman Catholic Missions wherever they are carried on, and no person dealing with the Trustees is bound to inquire into the propriety or necessity of any such dealing.

7. Powers of corporation.

(1) The corporation has power—

- (a) for the purposes of securing such sums of money as it thinks requisite or necessary for the purposes of the corporation—to mortgage or charge any property vested in it; and
- (b) to sell, by public auction or private contract as it thinks expedient, at such price as can be reasonably obtained for it, any property vested in the corporation, and transfer or convey it when sold.

(2) When any property is transferred or conveyed under Subsection (1)(b), it vests in the purchasers and their heirs, executors, administrators and assigns according to the estate and interest of the corporation in it absolutely, freed and discharged from the trusts affecting it.

8. Mortgage and purchase moneys, etc.

The written receipt of—

- (a) a majority of the Trustees; or
- (b) a person authorized by the Trustees in writing to receive such moneys,

for—

- (c) mortgage moneys raised on any property mortgaged by the corporation; or
- (d) the purchase moneys for any property sold by the corporation; or

(e) any other moneys payable to the Trustees or the corporation, exonerates the mortgagee or the purchaser, and all other persons, paying the moneys to the Trustees or to the person authorized to receive the moneys, from—

(f) seeing to the application of the moneys; and

(g) all liability as to the misapplication or non-application of the moneys; and

(h) inquiring into the propriety or necessity of any mortgage, sale, lease or other dealing.

9. Evidence of appointment of secretary, Trustees, etc.

(1) A notice in the National Gazette, purporting to be signed by the Head of the Mission, of the appointment of a secretary of the corporation or any other officer is—

(a) prima facie evidence; and

(b) in favour of the State and the Registrar of Titles and every person who deals for value with the corporation, conclusive evidence,

of his due appointment.

(2) A certificate signed by the secretary of the corporation—

(a) as to who are the Trustees; and

(b) certifying to any resolution of the Trustees,

is—

(c) prima facie evidence; and

(d) in favour of the State, the Registrar of Titles and any person who deals for value with the corporation, conclusive evidence,

as to who are the Trustees, or of the resolution, as the case may be.

(3) All courts, Judges and persons acting judicially shall take judicial notice of the signature of the secretary of the corporation on a certificate under Subsection (2).

10. Construction of wills, etc.

(1) A reference in this section to the Mission shall be read as including a reference to any fund, institution, branch or auxiliary of the Mission.

(2) Where by a will, deed or other instrument any property—

(a) is—

(i) devised, bequeathed, given, granted, released, transferred, conveyed or appointed; or

(ii) declared or directed to be held,

on trust to or for the benefit of the Mission; or

(b) is recoverable by or payable to the Mission; or

(c) is receivable by or payable to any officer of the Mission for the benefit of the Mission,

the will, deed or instrument takes effect as if the Mission were named in it.

(3) The acknowledgment or receipt of—

(a) the Trustees, or a majority of them; or

(b) any person authorized in writing by the Trustees, or a majority of them, for the purpose,

for any property referred to in Subsection (2) is a sufficient discharge to any person liable to deliver or transfer the property under the will, deed or instrument.

(4) Subject—

(a) to the trusts of the will, deed or other instrument; and

(b) so far as it is capable of taking effect, to any direction to the contrary contained in the will, deed or instrument,

all property referred to in Subsection 2(a) is under the direction and control of the Trustees, who may call for its transfer, conveyance and delivery to the corporation.

11. Vesting of certain devised, bequeathed, etc., property.

(1) This section does not apply to any property given to specific trustees on trust for the Mission or any fund, institution, branch or auxiliary of the Mission.

(2) Where by—

(a) a will, deed or other instrument; or

(b) a gift or disposition of any property,

any property has been devised, bequeathed or given to or for the benefit of the Mission or to or of any fund, institution, branch or auxiliary of the Mission—

(c) the property vests in the corporation; and

(d) the corporation shall hold it on the trusts (if any) declared in respect of it or, if no such trusts have been declared, subject to Section 6.