

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 1029.

Roman Catholic Society of Mary of Bougainville Incorporation.

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.

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Roman Catholic Society of Mary of Bougainville Incorporation Act.

ARRANGEMENT OF SECTIONS.

1. Interpretation—
 - "the Board"
 - "the Chairman"
 - "the corporation"
 - "the Society"
 - "Society property"
 - "the Superior"
 - "the trustees".
2. Trustees.
3. Vacation of office.
4. Incorporation.
5. Meetings of the Board.
6. Holding of Society property.
7. Powers of corporation.
8. Rents, etc.
9. Seal of the corporation.
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11. Dealings with Board.







INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 1029.

***Roman Catholic Society of Mary of Bougainville
Incorporation Act.***

Being an Act to incorporate the Roman Catholic Society of Mary of Bougainville, and for related purposes.

1. Interpretation.

In this Act, unless the contrary intention appears—

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

“the Chairman” means the Chairman of the Board;

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

“the Society” means the Roman Catholic Society of Mary of Bougainville;

“Society property” includes—

- (a) all churches, dwellings and other buildings; and
- (b) all freehold and leasehold lands and premises; and
- (c) all personal property,

in the country belonging to or used in connexion with the Society and vested in any person as trustee, and all property acquired by the corporation by virtue of the powers contained in this Act;

“the Superior” means the Regional Superior of the Society;

“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 for the Society comprising—

- (a) the Superior, who shall be Chairman; and
- (b) four members of the Society appointed by the Superior who shall hold office during the pleasure of the Superior.

(2) The Board shall appoint one of their own number to be the Deputy Chairman, who may, subject to the directions of the Chairman—

- (a) exercise all or any of the powers; and
- (b) perform all or any of the functions,

of the Chairman.

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

3. Vacation of office.

An office of trustee shall be deemed to be vacated where a trustee—

- (a) becomes permanently incapable of performing his duties; or
- (b) dies; or
- (c) resigns by writing under his hand addressed to the Superior; or

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- (d) ceases to be ordinarily resident in Bougainville; or
- (e) in the opinion of the Superior ceases to be a member of the Society.

4. Incorporation.

(1) The Board is a corporation by the name of "The Roman Catholic Society of Mary of Bougainville".

(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, demise, sell or dispose of, create or reserve easements in or over or otherwise deal with, property of any kind; and
- (d) may sue and be sued in its corporate name.

5. Meetings of the Board.

(1) The Board shall meet at such times and places as the Chairman determines.

(2) At a meeting of the Board—

- (a) the Chairman and two other trustees are a quorum; and
- (b) the Chairman or Deputy Chairman shall preside at all meetings of the Board; and
- (c) all questions arising at a meeting of the Board shall be decided by a majority of the votes of the trustees; and
- (d) in the event of an equality of votes the Chairman has a casting, as well as a deliberative, 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. Holding of Society property.

The corporation shall hold all Society property on trust to use and appropriate it, or permit the use and appropriation of it, for the purposes of the erection and maintenance of houses, schools, convents, presbyteries, rest-houses and other buildings and for other purposes in connexion with or for the benefit or maintenance of the Society or members of the Society.

7. Powers of corporation.

The corporation has power—

- (a) to purchase, take on lease, acquire by gift, devise, exchange or otherwise, property in the country; and
- (b) to sell the Society property or any part of it, together or in parcels, by public auction or private contract, for cash or on credit, on such terms and subject to such conditions as the corporation thinks proper; and
- (c) to exchange the property or any part of it for other property; and
- (d) to transfer and assure the property when sold or exchanged to the purchaser or to the person taking the exchange, freed and discharged from any trusts affecting it; and

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- (e) for all or any of the purposes referred to in Paragraphs (a), (b), (c) and (d), to sign, seal and execute all such contracts, transfers and other deeds, documents and instruments as are necessary; and
- (f) to raise sums of money when and on such terms as the corporation thinks proper, by deposit of the deeds or by mortgage, with or without power of sale, of the Society property or any part of it, and to execute all proper assurances for that purpose; and
- (g) to demise and lease the Society property or any part of it for such periods, at such rents and on such terms and conditions as the corporation thinks proper; and
- (h) to appoint by instrument under the seal of the corporation a person as the attorney of the corporation generally or in respect of specified matters, and to act in any place, and all deeds signed by the attorney on behalf of the corporation and under his seal are binding on the corporation and have the same effect as if they were under the seal of the corporation.

8. Rents, etc.

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

9. Seal of the corporation.

- (1) The corporation shall provide for the form of its seal.
- (2) The seal of the corporation may be attached to any document by resolution of the Board and the document shall be signed by the Chairman 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 Board shall provide for the safe custody of the seal.

10. Conditions of grant, etc.

This Act does not affect—

- (a) the trusts, conditions or restrictions declared or imposed by the original grant, dedication or gift of any Society property; or
- (b) the provisions of any law under which any land forming part of the Society property has been granted or leased.

11. 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 which, or the circumstances in which, the Board proposes to enter into, make, give 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,

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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.
