

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 1011.

*Roman Catholic Archdiocese (Port Moresby).*

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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CHAPTER NO. 1011.

*Roman Catholic Archdiocese (Port Moresby) Act.*

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ARRANGEMENT OF SECTIONS.

1. Interpretation—
  - "the Archbishop"
  - "Archdiocesan property"
  - "the Archdiocese"
  - "the Board"
  - "the corporation"
  - "the Trustees".
2. Trustees.
3. Vacation of office.
4. Incorporation.
5. Meetings of the Board.
6. Holding of Archdiocesan property.
7. Powers of corporation.
8. Rents, etc.
9. Seal of the corporation.
10. Conditions of grant, etc.
11. Dealings with Board.



INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 1011.

*Roman Catholic Archdiocese (Port Moresby) Act.*

Being an Act to incorporate the Roman Catholic Archdiocese (Port Moresby) and for related purposes.

**1. Interpretation.**

In this Act, unless the contrary intention appears—

“the Archbishop” means the person for the time being holding the office of Archbishop of the Archdiocese and his successors in office, or a person for the time being acting in that office;

“Archdiocesan 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 Archdiocese and vested in any person as trustee, and all property acquired by the corporation by virtue of the powers contained in this Act;

“the Archdiocese” means the Roman Catholic Archdiocese (Port Moresby);

“the Board” means the Board constituted under Section 2;

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

“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 Archdiocese comprising—

- (a) the Archbishop; and
- (b) four other persons appointed by the Archbishop.

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

**3. Vacation of office.**

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

- (a) resigns by writing under his hand addressed to the Archbishop; 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 Archdiocese; or
- (f) fails to attend three consecutive meetings without leave of the Board; or
- (g) is retired by resolution of the Board; or

- (b) is removed from office by instrument under the hand of the Archbishop; or
- (i) in the opinion of the Archbishop, ceases to be a member of the Roman Catholic Church.

**4. Incorporation.**

(1) The Board is a corporation by the name of the "Catholic Archdiocese of Port Moresby Board of Trustees".

(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, 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 Archbishop determines.

(2) At a meeting of the Board—

- (a) the Archbishop and two other trustees are a quorum; and
- (b) the Archbishop 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 Archbishop 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 Archdiocesan property.**

The corporation shall hold all Archdiocesan 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 Archdiocesan houses, schools, convents, presbyteries, rest-houses and other buildings and for other purposes in connexion with or for the benefit or maintenance of the Archdiocese.

**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 Archdiocesan 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

- (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 Archdiocesan property or any part of it, and to execute all proper assurances for that purpose; and
- (g) to demise and lease the Archdiocesan 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 any 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, purchaser, 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 is 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 Archbishop and by not less than one other trustee.
- (3) A resolution signed by all the trustees is as valid and effectual as a resolution made at a meeting of the Board.

**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 Archdiocesan property; or
- (b) the provisions of any law under which any land forming part of the archdiocesan 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 dealings 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.

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