

# AUSTRALIAN LUTHERAN MISSION PROPERTY ORDINANCE 1950.<sup>(1)</sup>

No. 43 of 1950.

## An Ordinance to provide for the Temporal Affairs of the Mission known as The Australian Lutheran Mission, and for other purposes.

**B**E it ordained by the Governor-General in and over the Commonwealth of Australia, with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *Papua and New Guinea Act 1949*, as follows :—

1. This Ordinance may be cited as the *Australian Lutheran Mission Property Ordinance 1950.*<sup>(1)</sup> Short title.
2. This Ordinance shall come into operation on a date to be fixed by the Administrator by notice<sup>(1)</sup> in the *Gazette.* Commencement.
3. In this Ordinance, unless the contrary intention appears— Definitions.
  - “ Australian Lutheran Mission ” means the Mission established by the Synod in the Territory of New Guinea ;
  - “ the Synod ” means The Evangelical Lutheran Synod in Australia Incorporated, which Synod is an association incorporated under the provisions of an Act of the State of South Australia the short title of which is *Associations Incorporation Act, 1929-1935* ;
  - “ the Trust ” means “ The Australian Lutheran Mission (New Guinea) Property Trust ” ;
  - “ trustees ” means the persons for the time being constituting the Trust.

4.—(1.) The Synod may appoint not less than five persons to be trustees of the property of the Australian Lutheran Mission. Incorporation.

(2.) The trustees appointed under the last preceding sub-section shall be a body corporate by the name of “ The Australian Lutheran Mission (New Guinea) Property Trust ” with perpetual succession and a common seal, with power to acquire, hold, manage, control, and subject to this Ordinance, grant, transfer, mortgage, charge,

(1) Particulars of this Ordinance are as follows :—

Date on which made by Gov.-Gen. in Council.	Date on which notified in <i>Cwth. Gaz.</i>	Date on which took effect.
14.12.1950	21.12.1950	28.12.1950 ( <i>Papua and N.G. Govt. Gaz. of 23.12.1950</i> )

PART A : CHURCH PROPERTY—

demise, sell, dispose of, exchange, create or reserve easements over, or otherwise deal with, any real or personal property, and capable of suing and being sued in its corporate name and doing and suffering all such acts and things as bodies corporate may by law do or suffer.

(3.) All courts, judges, and persons acting judicially shall take judicial notice of the seal of the Trust affixed to any document or notice and shall deem that it was duly affixed.

Removal and  
appointment of  
trustee, &c.

5.—(1.) The Synod may, by writing, remove any of the trustees from the office of trustee.

(2.) Where a trustee, either original or substituted, dies or is removed from office under the last preceding sub-section, or declares in writing that he is desirous of being removed from office, or his office has for any other reason become vacant, the Synod may appoint another person to be a trustee in place of that trustee.

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

(4.) At any meeting of the Trust, three trustees shall form a quorum.

Execution of  
deed, &c.

6. Any deed or instrument executed or signed, and any other act, matter, or thing done, by any three trustees and in pursuance of a resolution of the Trust and under its common seal, shall be as effectual as if it has been executed, signed, or done by all the trustees.

Trust property,  
how held.

7. All property vested in the Trust shall, so far as it is not subject to any express trust, be held upon trust and dealt with for the purpose of carrying on or benefiting or advancing or extending or making more effectual the work and objects of Lutheran Missions established by or supported by the Synod wheresoever carried on, and no person dealing with the Trust shall be bound to inquire into the propriety or necessity of any such dealing.

Power to  
mortgage.

8. The Trust may, for the purposes of securing such sums of money as it deems requisite or necessary for the purposes of the Trust, mortgage or charge any real or personal property vested in the Trust.

Power to sell.

9. The Trust may sell by public auction or private contract as the trustees deem expedient, at such price as can be reasonably obtained for it, any real or personal property vested in the Trust and, when sold, transfer or convey it, and thereupon it shall vest in the purchasers their heirs, executors, administrators, or assigns according to the estate and interest of the Trust therein absolutely freed and discharged from the trusts affecting it.

10. The receipt in writing of the Trust or of any person thereto authorized by it in writing to receive such moneys for the mortgage moneys raised on any property mortgaged by the Trust, or for the purchase money of any property sold by the Trust, or for any other moneys payable to the Trust, shall exonerate the mortgagee and the purchaser and all other persons for the time being paying such moneys to the Trust, or to the person authorized to receive the moneys, from seeing to the application of the moneys, and from all liability as to the misapplication or non-application thereof, and from inquiring into the propriety or necessity of any mortgage or sale, lease, or other dealing whatsoever.

Receipt for mortgage and purchase moneys, &c.

11.—(1.) A notification in the *Gazette*, purporting to be signed by the President of the Synod of the appointment of a secretary of the Trust or other officer shall be *prima facie* evidence and in favour of the Administrator and the Registrar of Titles and every person who deals for value with the Trust, conclusive evidence, of his or their due appointment.

Evidence of appointment of Secretary and Trustees.

(2.) A certificate signed by the secretary for the time being of the Trust as to who are the persons for the time being constituting the Trust, and a certificate of such secretary certifying to any resolution of the Trust shall be *prima facie* evidence, and, in favour of the Administrator and the Registrar of Titles and every person who deals for value with the Trust, conclusive evidence, as to who are the trustees for the time being, and of any such resolution, as the case may be, and judicial notice shall be taken of the signature of the secretary for the time being on every such certificate.