

No. 28 of 1994.

Catholic Diocese of Kundiawa Act 1994.

Certified on : 20.12.94

INDEPENDENT STATE OF PAPUA NEW GUINEA.

No. of 1994.

Catholic Diocese of Kundiawa Act 1994.

ARRANGEMENT OF SECTIONS.

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INDEPENDENT STATE OF PAPUA NEW GUINEA.

No. of 1994.

AN ACT

entitled

Catholic Diocese of Kundiawa Act 1994,

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

MADE by the National Parliament.

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 Kundiawa and his successors in office, or a person acting for the time being in that office;

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

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

"Diocesan 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 connection with the Diocese and vested in any person as trustee, and all property acquired by the Corporation by virtue of the powers contained in this Act;

"the Diocese" means the Catholic Diocese of Kundiawa;

"the Trustees" means the persons for the time being holding office as Trustees under this Act and their successors in office.

2. TRUSTEES.

(1) A Board of Trustees for the Diocese is hereby established.

(2) The Board shall consist of -

(a) the Bishop; and

(b) four other persons appointed by the Bishop.

(3) Where a vacancy occurs in an office of trustee, the Bishop shall, 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

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- (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 Chimbu Province; 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 Kundiawa 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 Bishop determines.

- (2) At a meeting of the Board -
 - (a) the Bishop and two other Trustees are a quorum; and
 - (b) the Bishop or in his absence another Trustee shall preside at the 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 Bishop has a casting, as well as a deliberative vote.

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

(4) The Board may make rules and by-laws, not inconsistent with this Act or any other law, to provide for any matter relating to or affecting the management and administration of the Diocese and Diocesan property and for the regulation and control of the affairs and proceedings of the Board and in particular, to make and amend from time to time any constitution for the purposes of this Act.

6. VESTING OF DIOCESAN PROPERTY.

(1) All the estate, right, title and interest, both legal and equitable, in and to -

- (a) any property situated in the Chimbu Province that, immediately before the commencement of this Act, was vested in the Roman Catholic Diocese of Goroka constituted under the *Catholic Diocese of Goroka Act* (Chapter 1038); and

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- (b) any Diocesan property situated in the Chimbu Province now vested in any person upon trust for or on behalf of the Roman Catholic Diocese of Goroka,

is, on that commencement, by virtue of this Act and without the necessity of any formal Deed of Assurance, divested from the Catholic Diocese of Goroka or that person, as the case may be, and vested in the Corporation and shall be held upon trust and dealt with for the purposes of carrying on, benefitting, advancing, extending or making more effectual the working and objects of the Diocese.

(2) Where any property vested in the Corporation under this section is land under the *Land Registration Act* (Chapter 191), the Registrar of Titles shall, without formal transfer and without fee, on application in that behalf by the Corporation, enter or register the Corporation in the Registrar of Titles kept under that Act and upon the Grant, Certificate of Title, Lease or other instrument evidencing title to the land, as the owner of the land within the meaning of that Act.

7. HOLDING OF DIOCESAN PROPERTY.

The Corporation shall hold all Diocesan 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 Diocesan houses, schools, hospitals, rectories, rest-houses and other buildings and for other purposes in connection with or for the benefit or maintenance of the Diocese or members of the Diocese.

8. POWERS OF CORPORATION.

(1) 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 Diocesan 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) to raise sums of money when and on such terms as the Corporation thinks proper, by deposit of deeds or by mortgage, with or without power of sale, of the Diocesan property or any part of it, and to execute all proper assurances for that purpose; and
- (f) to demise and lease the Diocesan property or any part of it for such periods, at such rents and on such terms and conditions as the Corporation 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 Corporation; 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 are necessary; and

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- (k) 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; and
- (l) to guarantee the performance of any obligation by any person; and
- (m) to lend or advance money to any person and to secure in any way the repayment of monies lent or advanced to or the liabilities incurred by any person and otherwise to assist any person; and
- (n) to enter into partnership or into an arrangement for sharing of income, union of interest, co-operation, joint venture or reciprocal concession, or otherwise, with any person carrying on or engaged in or about to carry on or engage in, any business or transaction that is capable of being conducted so as directly or indirectly to benefit and further the purposes and work of the Diocese; and
- (o) to carry on any business that seems to the Trustees capable of being conveniently carried on by the Diocese and calculated directly or indirectly to benefit and further the purposes and work of the Diocese; and
- (p) to invest and deal with the money of the Diocese not immediately required including, in addition to any powers of investment conferred on Trustees by law, taking or otherwise acquiring and holding shares, stocks, debentures, debenture stock, notes or other securities of any company or of any fixed or flexible trust, and depositing money with any such company, incorporated body or association; and
- (q) to draw, make, accept, endorse, sign, discount, execute and issue cheques, drafts, promissory notes, bills of exchange, bills of lading, warrants, debentures or other negotiable or transferrable instruments.

(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. RECEIPTS FOR 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 receipts of the Corporation is a sufficient discharge.

10. 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 Bishop and one other member of the Board.

(3) In the absence of the Bishop, any three members of the Trustees may sign a document on his behalf.

(4) A resolution signed by all the Trustees is as valid and effectual as a resolution made at a meeting of the Board.

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(5) The seal shall remain in the custody of the Bishop.

11. 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 Diocesan property; or
- (b) the provisions of any law under which any land forming part of the Diocesan property has been granted or leased.

12. DEALINGS WITH THE 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, 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 purporting to be made by the Board, a sale, mortgage, lease or other dealing 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.

I hereby certify that the above is a fair print of the *Catholic Diocese of Kundiawa Act* 1994 which has been made by the National Parliament.

Clerk of the National Parliament.

I hereby certify that the *Catholic Diocese of Kundiawa Act* 1994 was made by the National Parliament on 10 November 1994.

Speaker of the National Parliament.

