

Chapter 1042.

***Papua New Guinea Red Cross Society Incorporation Act 1976.***

Certified on: / /20 .



INDEPENDENT STATE OF PAPUA NEW GUINEA.



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ARRANGEMENT OF SECTIONS.

1. Interpretation.
  - “the Australian Red Cross Society”
  - “the commencement date”
  - “the Council”
  - “the Division”
  - “the Geneva Conventions”
  - “the Rules”
  - “the Society”
  - “Society property”
2. Objects of the Society.
3. Incorporation.
4. Functions of the Society.
5. The Council.
6. Society to comply with Rules, etc.
7. General powers of the Society.
8. Additional powers of the Society.
9. Holding of Society property.
10. Execution of instruments under seal.
11. Dealings with the Society.
12. Rents, etc.
13. Use of emblems.
14. Copy of Rules to be lodged.
15. First Rules.
16. First Council.
17. Transfer of rights, etc.



INDEPENDENT STATE OF PAPUA NEW GUINEA.



AN ACT

entitled

***Papua New Guinea Red Cross Society Incorporation Act 1976,***

Being an Act to incorporate the Papua New Guinea Red Cross Society, and for related purposes.

**1. INTERPRETATION.**

In this Act, unless the contrary intention appears—

**“the Australian Red Cross Society”** means the body of that name incorporated by Royal Charter dated 28 June 1941;

**“the commencement date”** means 7 April 1976, being the date on which the *Papua New Guinea Red Cross Society Incorporation Act 1976* came into force;

**“the Council”** means the Council established under Section 5;

**“the Division”** means that part of the Australian Red Cross Society which, immediately before the commencement date, was known as the Papua New Guinea Division of the Australian Red Cross Society;

**“the Geneva Conventions”** means—

- (a) the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, adopted at Geneva on 12 August 1949; and
- (b) the Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, adopted at Geneva on 12 August 1949; and
- (c) the Geneva Convention relative to the Treatment of Prisoners of War, adopted at Geneva on 12 August 1949; and
- (d) the Geneva Convention relating to the Protection of Civilian Persons in Time of War, adopted at Geneva on 12 August 1949;

“**the Rules**” means the Rules of the Society for the time being in force;

“**the Society**” means the Papua New Guinea Red Cross Society incorporated by this Act;

“**Society property**” includes all buildings, all freehold and leasehold land and premises and all personal property in Papua New Guinea belonging to the Society or in which the Society has any interest or title and now or at any time hereafter vested in any person as trustee and all property acquired by the Society under this Act.

## **2. OBJECTS OF THE SOCIETY.**

For the purposes of this Act, the objects of the Society are—

- (a) the furnishing of aid to the sick and wounded irrespective of nationality; and
- (b) the rendering of assistance in the case of any public disaster or need; and
- (c) the improvement of health, the prevention of disease and the mitigation of suffering.

## **3. INCORPORATION.**

(1) The Papua New Guinea Red Cross Society is hereby established.

(2) The Society—

- (a) is a corporation with perpetual succession; and
- (b) shall have a seal; and
- (c) may acquire, hold and dispose of property; and
- (d) may sue and be sued in its corporate name.

## **4. FUNCTIONS OF THE SOCIETY.**

(1) The primary function of the Society is to carry out the objects specified in Section 2.

(2) The Society has such other functions, not inconsistent with this Act, as are provided for by the Rules.

## **5. THE COUNCIL.**

(1) The Rules shall provide for a council for the Society and for the membership of the Council.

(2) The Council may exercise and perform, on behalf of the Society, all the powers and functions of the Society.

(3) The Council shall provide for the safe custody of the seal of the Society.

**6. SOCIETY TO COMPLY WITH RULES, ETC.**

Subject to this Act, the Society shall comply with—

- (a) the Rules and with any by-laws made under the Rules; and
- (b) the Geneva Conventions.

**7. GENERAL POWERS OF THE SOCIETY.**

The Society has power to do all things necessary or convenient to be done for providing and maintaining an efficient organization for the objects of the Society.

**8. ADDITIONAL POWERS OF THE SOCIETY.**

The Society has power—

- (a) to purchase, take on lease, acquire by gift, devise, exchange or otherwise, any property in the country; and
- (b) to sell the Society property or any part or parts of it, either 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 Society thinks proper; and
- (c) to exchange the property or any part or parts of it for other property; and
- (d) to transfer and assure the property when sold or exchanged to the purchaser or purchasers or to the person taking such exchange, freed and discharged from the trusts affecting it; and
- (e) for all or any of the purposes referred to in Paragraph (a), (b), (c) or (d), to sign, seal and execute all such contracts, transfers and other deeds, documents and instruments as may be necessary; and
- (f) to raise sums of money when and on such terms as the Society thinks proper, by deposit of the deeds or by mortgage, with or without power of sale, of the Society property or any part or parts 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 Society thinks proper; and
- (h) to appoint by instrument under the seal of the Society a person or persons as the attorney or attorneys of the Society, either generally or in respect of specified matters, and to act in any place and all deeds signed by the attorney or attorneys, as the case may be, on behalf of the Society and under his or their seal or seals are binding on the Society and have the same effect as if they were under the seal of the Society; and
- (i) to receive gifts and endowments of land, money or any property, whether subject or not to any special trusts or conditions; and

- (j) to invest money in such lands or securities as it thinks proper; and
- (k) to employ staff and to pay wages and grant gratuities and pensions; and
- (l) to insure Society property against such risks and to insure against claims for damages or compensation by employees; and
- (m) to organize and manage superannuation and provident funds.

**9. HOLDING OF SOCIETY PROPERTY.**

The Society shall hold all Society property on trust to use and appropriate, or permit the use and appropriation of it for the purposes of the erection and maintenance of Society buildings and for other purposes in connection with or for the benefit or maintenance of the Society or the members of the Society.

**10. EXECUTION OF INSTRUMENTS UNDER SEAL.**

(1) An instrument is duly executed by the Society if the seal of the Society is affixed to the instrument in the presence of and attested to—

- (a) by two members of the Council; and
- (b) by one other person authorized for that purpose by the Council.

(2) Where a seal purporting to be the seal of the Society has been affixed to an instrument and attested by persons purporting to be the persons referred to in Subsection (1), the instrument shall, in favour of a purchaser, mortgagee, lessee or other person dealing with the Society be deemed to have been executed in accordance with the requirements of that subsection.

**11. DEALINGS WITH THE SOCIETY.**

(1) On the sale, mortgage, lease or other dealing by the Society of or with any property, a purchaser, mortgagee, lessee or other person dealing with the Society 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 Society 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 Society is not bound in any way to inquire into the regularity of the sale, mortgage, lease or other dealing.

(3) Notwithstanding an irregularity or other impropriety in a sale, mortgage, lease or other dealing, a sale, mortgage, lease or other dealing purporting to be made by the Society shall, as regards the purchaser, mortgagee, lessee or other person dealing with the Society, be deemed to be within the powers of the Society and is valid accordingly.



**12. RENTS, ETC.**

A mortgagee, lessee or other person paying rent or other money to the Society is not bound to see to the application of the rent or other money and the receipt of the Society is a sufficient discharge.

**13. USE OF EMBLEMS.**

The Society is authorized to use the emblems described in Section 13(2) of the *Geneva Conventions Act 1975*.

**14. COPY OF RULES TO BE LODGED.**

(1) As soon as practicable after the commencement of this Act, a copy of the Rules certified under the seal of the Society shall be lodged in the office of the Registrar-General.

(2) A copy of any amendment to or replacement of the Rules shall as soon as practicable be certified and lodged in the office of the Registrar-General.

(3) The production of a copy certified as correct by the Registrar-General of any instrument lodged under this section shall be received as conclusive evidence of the contents of the instrument by all courts and persons having by law or consent of parties authority to hear, receive and examine evidence.

**15. FIRST RULES.**

(1) Until the Rules have been adopted by the Society—

- (a) the *Regulations of the Papua and New Guinea Division* adopted in 1951; and
- (b) the *Regulations for the Management of Branches of the Papua and New Guinea Division of the Australian Red Cross Society* adopted on 10 February 1954,

shall be deemed, subject to Subsection (2), to be the Rules.

(2) For the purposes of Subsection (1), a reference in the Regulations specified in that subsection—

- (a) to the Divisional Council or to the National Executive shall be read as a reference to the Council; and
- (b) to the Royal Charter shall be read as a reference to this Act; and
- (c) to the Division shall be read as a reference to the Society.

**16. FIRST COUNCIL.**

Each person who, immediately before the commencement date, held office as an elected member of the Council of the Division, shall, on that date, be deemed to have been elected to the Council for the unexpired portion of his term of office as a member of the Council of the Division.

**17. TRANSFER OF RIGHTS, ETC.**

Notwithstanding anything in this Act, a right of any kind which, immediately before the commencement date, was enforceable by or against the Australian Red Cross Society (in respect of any act, matter or thing done or to be done by the Division) is, on that date and by virtue of this Act, enforceable by or against, as the case may be, the Papua New Guinea Red Cross Society.

Office of Legislative Counsel, PNG