

No. 39 of 2003.

Catholic Diocese of Aitape Act 2003.

Certified on: 23 JAN 2006



INDEPENDENT STATE OF PAPUA NEW GUINEA.

No. 39 of 2003.

Catholic Diocese of Aitape Act 2003.

ARRANGEMENT OF SECTIONS.

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INDEPENDENT STATE OF PAPUA NEW GUINEA.

No. 39 of 2003.

AN ACT

entitled

Catholic Diocese of Aitape Act 2003,

Being an Act to incorporate the Catholic Diocese of Aitape 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 Aitape 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 Board constituted by this Act;

“Diocesan” property” includes –

- (a) all churches, dwellings and other buildings; and
- (b) all freehold and leasehold land 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 under the powers contained in this Act;

“the Diocese” means the Catholic Diocese of Aitape;

“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 of Aitape is hereby established.

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- (2) The Board shall consist –
- (a) the Bishop; and
 - (b) the Vicar General; and
 - (c) the Vicar for Finance; and
 - (d) the Chancellor; and
 - (e) one other person appointed by the Bishop.

(3) Where a vacancy occurs in an office of a 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, in writing, under his hand addressed to the Bishop; 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 Sandaun 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 Aitape 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, at intervals of not greater than six months from the last meeting, or in exceptional circumstances and with the approval of the majority of the Trustees, at some other date as near thereto as practicable;

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- (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 the Vicar General, or in their absence, the Vicar for Finance 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 or in his absence the presiding Trustee 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.

6. 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 the 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 of 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 incorporated body or association and units 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 transferable 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.

7. VESTING OF DIOCESAN PROPERTY.

- (1) All the estate, right, title and interest, both legal and equitable, in and to –
 - (a) any property situated in Sandaun Province that, immediately before the commencement of this Act, was vested in the Catholic diocese of Aitape constituted under the *Roman Catholic Mission of the Order of Friars Minor Act 1954*; and

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

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 Aitape 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, benefiting, 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 to Titles shall, without formal transfer and without fee, on application in that behalf by the Corporation, enter or register the Corporation in the Register 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.

8. 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 any other purposes whatsoever in connection with or for the benefit or maintenance of the Director or members of the Diocese.

9. RECEIPTS FOR RENT, 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.

10. SEAL OF THE CORPORATION.

(1) The Corporation shall provide for the form of its seal.

(2) The seal of the Corporation may be affixed 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 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.

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

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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 as regards the purchaser, mortgagee, lessee or other person dealing with the Board shall be deemed to be within the powers of the Board, valid and enforceable against the Corporation.

(4) Any property sold by the Corporation is freed from any trust upon which the Corporation held it.

I hereby certify that the above is a fair print of the *Catholic Diocese of Aitape Act 2003* which has been made by the National Parliament.



Acting Clerk of the National Parliament.

23 JAN 2006

I hereby certify that the *Catholic Diocese of Aitape Act 2003* was made by the National Parliament on 2 October 2003.



Speaker of the National Parliament.

23 JAN 2006