

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 1014.

Roman Catholic Congregation of the Missionaries of the Sacred Heart.

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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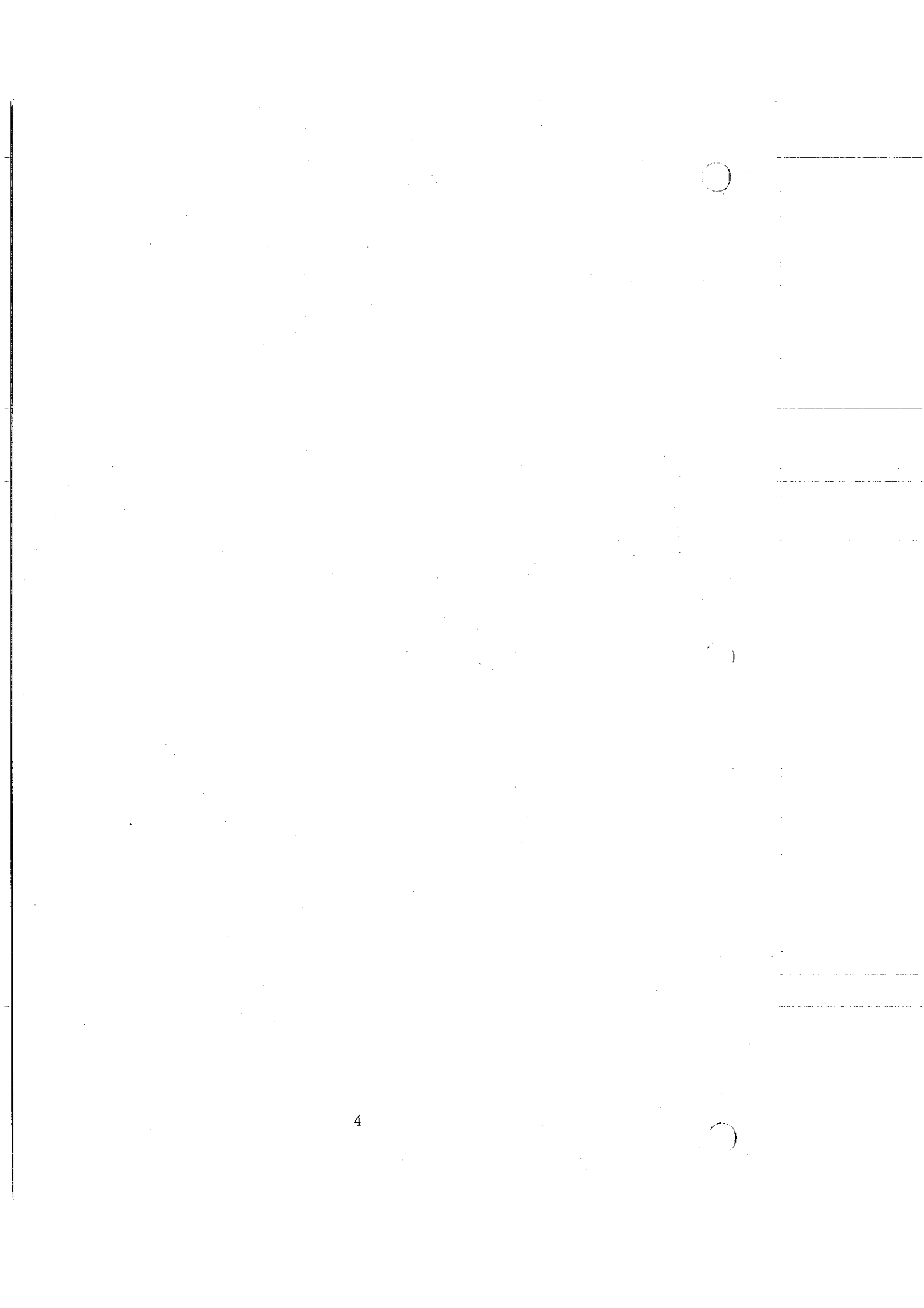
INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 1014.

*Roman Catholic Congregation of the Missionaries of the Sacred Heart
Act.*

ARRANGEMENT OF SECTIONS.

1. Interpretation—
 - "the corporation"
 - "the Delegate of the Superior General"
 - "the General Council"
 - "House"
 - "Local Superior"
 - "the Provincial Council"
 - "the Provincial Superior"
 - "the Society"
 - "Superior".
2. Incorporation.
3. Holding of corporation property.
4. Powers of corporations.
5. Rents, etc.
6. Seals of the corporations.
7. Conditions of grant, etc.
8. Dealings with corporations.
9. Suppression of Houses.
10. Evidence.



INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 1014.

Roman Catholic Congregation of the Missionaries of the Sacred Heart Act.

Being an Act to incorporate the Papua and New Guinea Congregation of the Missionaries of the Sacred Heart of Jesus, and for related purposes.

1. Interpretation.

In this Act, unless the contrary intention appears—

- "the corporation" means the corporation constituted by this Act;
- "the Delegate of the Superior General" means the person appointed by the Superior General of the Society to be the Delegate of the Superior General for the purposes of this Act;
- "the General Council" means the General Council of the Society established by the Official Constitutions of the Society;
- "House" means a major house (*domus formata*) founded in the country at any time by the General Council;
- "Local Superior", in relation to a House, means the Local Superior elected for the House by the General Council in accordance with the Official Constitutions of the Society;
- "the Provincial Council" means the Provincial Council of the Society in the country set up under the Official Constitutions of the Society and, until such time as such a Council is set up in the country in accordance with the Official Constitutions, includes the Council of the Delegate of the Superior General;
- "the Provincial Superior" means the Provincial Superior in the country of the Society appointed in accordance with the Official Constitutions of the Society and, until there be such a Provincial Superior, includes the Delegate of the Superior General;
- "the Society" means the Roman Catholic Society of the Missionaries of the Sacred Heart of Jesus;
- "Superior"—
 - (a) in relation to the corporation constituted by Section 2(1), means the Provincial Superior; and
 - (b) in relation to a House, means the Local Superior.

2. Incorporation.

- (1) The Provincial Council is a corporation by the name of the "Papua and New Guinea Congregation of the Missionaries of the Sacred Heart of Jesus".
- (2) Each House of the Society in the country is a corporation by the name under which it was founded.
- (3) The corporation—
 - (a) has perpetual succession; and
 - (b) shall have a seal; and

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- (c) has power to acquire, accept, hold, manage and control, and may grant, transfer, mortgage, charge, demise, sell, surrender, dispose of, exchange, 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; and
- (e) may do or suffer all such acts and things as corporations may by law do or suffer.

(4) All courts, Judges and persons acting judicially shall take judicial notice of the seal of a corporation affixed to any document or notice, and shall presume that it was duly affixed.

3. Holding of corporation property.

Each corporation shall hold all property on trust to use and appropriate it, or permit the use and appropriation of it, or deal with it, for the purposes of the erection and maintenance of churches, houses, hospitals, schools and other buildings and for the benefit or maintenance of or the furtherance of the objects of, or in connexion with the work of, the Society.

4. Powers of corporations.

Each 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 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 the deeds or by mortgage, with or without power of sale, of the property or any part of it, and to execute all proper assurances for that purpose; and
- (f) to demise and lease the 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) for all or any of the purposes referred to in Paragraphs (a) to (f) (inclusive), to sign, seal and execute all such contracts, transfers and other deeds, documents and instruments as are necessary; 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 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.

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5. Rents, etc.

A lessee, mortgagee, purchaser, person taking on exchange or other person paying rent or other money to a corporation is not bound to see to the application of the rent or other money, and the receipt of the corporation or the Superior is a sufficient discharge.

6. Seals of the corporations.

(1) The Superior of each corporation shall provide for the safe custody of its seal.

(2) The seal shall not be affixed to any document except by the authority of a resolution of the corporation and in the presence of the Superior, or a person appointed by him, who shall sign his name as witness.

7. 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 corporation property; or
- (b) the provisions of any law under which any lands forming part of that property have been granted or leased.

8. Dealings with corporations.

(1) On the sale, mortgage, lease or other dealing by a corporation with any property, a purchaser, mortgagee, lessee or other person dealing with the corporation 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 which, or the circumstances in which, the corporation 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 a corporation 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 a corporation shall, as regards the purchaser, mortgagee, lessee or other person dealing with the corporation, be deemed to be within the powers of the corporation, and is valid accordingly.

9. Suppression of Houses.

(1) When a House is suppressed by the General Council, the House ceases to be incorporated under this Act, and all property vested in it and all its liabilities becomes vested in or become the liabilities of, as the case may be, the Provincial Council.

(2) On the production to the Registrar of Titles of an instrument under the seal of the Provincial Council stating that on a date specified in the instrument a House was suppressed, the Registrar shall, without formal transfer and without fee, enter or register the Provincial Council in the Register Book or the Register of Crown Leases kept under the *Real Property Act*, 1913 of the former Territory of Papua (Adopted), or in the Register Book or the Register of Administration Leases kept under the *Lands Registration Act* 1924 of the former Territory of New Guinea (Adopted), as the case requires, and on the grant, certificate of title, lease or other instrument evidencing title to the land, as the owner, within the meaning of that Act, of any land registered in the name of the House in question.

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10. Evidence.

(1) An instrument under the seal of the Provincial Council as to any act of the General Council or of the Superior General or any other authority or officer of the Society is for all purposes conclusive evidence, in the absence of proof to the contrary, of that act and that it was properly and validly done.

(2) An instrument produced out of the custody of the Provincial Superior, or certified under the seal of the Provincial Council, and purporting to be the Official Constitutions of the Society, shall for all purposes, in the absence of proof to the contrary, be deemed to be the Official Constitutions of the Society as in force at the time of the production, or, where the certificate relates to some other time, at that other time.

(3) An instrument produced out of the custody of the Society in the country and purporting to be an appointment by the Superior General of the Society of a person to be the Delegate of the Superior General for the purposes of this Act is for all purposes conclusive evidence, in the absence of proof to the contrary, that that person is the Delegate of the Superior General.