

No. 3 of 1994.

***Catholic Diocesan Joint Ventures Agency Act 1994.***

Certified on: / /20 .



INDEPENDENT STATE OF PAPUA NEW GUINEA.



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INDEPENDENT STATE OF PAPUA NEW GUINEA.



AN ACT

entitled

*Catholic Diocesan Joint Ventures Agency Act 1994,*

Being an Act to incorporate the Catholic Diocesan Joint Ventures Agency and for related purposes.

**1. INTERPRETATION.**

(1) In this Act, unless the contrary intention appears—

**“Agency property”** means the property described in Schedule 1 and all other real or personal property in Papua New Guinea for the time being belonging to the Agency or in which the Agency has any interest or title;

**“Agency”** means the Agency constituted by this Act;

**“Council”** means the Council of the Agency to be established under Section 6;

**“elected member”** means a member of the Council elected under Section 7(1)(b).

(2) A reference to an Archbishop of a particular archdiocese or to a Bishop of a particular diocese shall be read as a reference to the person for the time being holding the office of Catholic Archbishop of that archdiocese or the office of Catholic Bishop of that diocese, as the case may be, and in each such case his successors in office or a person acting for the time being in that office in accordance with the canon law of the Catholic Church.

**2. INCORPORATION OF THE AGENCY.**

The Agency—

- (a) is a corporation by the name of “Catholic Diocesan Joint Ventures Agency”; and
- (b) has perpetual succession; and
- (c) shall have a seal; and

- (d) is capable by that name of—
  - (i) suing and being sued;
  - (ii) taking, purchasing and holding property (including property devised, bequeathed, or given to the Agency); and
  - (iii) granting, selling, alienating, assigning and demising property.

### **3. OBJECTS OF THE AGENCY.**

For the purposes of this Act the objects of the Agency are—

- (a) to encourage, and provide facilities within Papua New Guinea, for study and education whether of a formal, non-formal, professional or technical nature;
- (b) to provide instruction and education for persons to enable them to qualify to teach in schools in Papua New Guinea;
- (c) to establish and maintain schools, colleges and other educational institutions in Papua New Guinea;
- (d) to improve health, to prevent disease, alleviate suffering and relieve poverty in Papua New Guinea;
- (e) to promote, encourage or undertake such other charitable or religious purposes or activities within Papua New Guinea as to the Board may seem fit.

### **4. POWERS OF THE AGENCY.**

The Agency has power to do all things necessary or convenient to be done for providing and maintaining an efficient organization for the objects of the Agency and in particular, and without limiting the generality of the foregoing, power—

- (a) to purchase, take on lease, acquire by gift, devise, exchange or otherwise any property in Papua New Guinea; and
- (b) to sell the Agency 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 Agency thinks proper; and
- (c) to exchange the Agency property or any part or parts of it for other property; and
- (d) to transfer and assure the Agency property when sold or exchanged to the purchaser or purchasers or to the person taking such exchange, freed and discharged from the trust 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 Agency thinks proper, by deposits of deeds or by mortgage, with or without power of sale, of the Agency property or any part of parts of it and to execute proper assurances for that purpose; and
- (g) to demise and lease the Agency property or any part of it for such periods at such rents and on such terms and conditions as the Agency thinks proper; and
- (h) to appoint by instrument under the seal of the Agency a person or persons as the Attorney or Attorneys of the Agency, 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 Agency and under his seal or seals are binding on the Agency and have effect as if they were under the seal of the Agency; and
- (i) to receive gifts and endowments of land, money or other property, whether subject or not to any special trust or conditions; and
- (j) to invest money in such lands shares, bonds, stocks or other securities as it thinks proper; and
- (k) to insure agency property against such risks and to insure against claims for damages or compensation by employees.

**5. VESTING AND HOLDING OF AGENCY PROPERTY.**

(1) On the date upon which this Act comes into operation the Agency property shall be and is hereby transferred to and vested in the Agency and where any such property is land or an interest in land registered under the *Land Registration Act 1981*, the Registrar of Titles shall, without formal transfer and without fee, on application by the Agency, enter or register the Agency in the register kept under that Act and, on entry and registration, grant a Certificate of Title, lease or other instrument evidencing title to the land within that Act.

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

**6. THE COUNCIL.**

- (1) There is established a Council of the Agency.
- (2) The Council is the governing body of the Agency.

**7. CONSTITUTION OF THE COUNCIL.**

- (1) The Council shall consist of—
  - (a) six *ex officio* members being—
    - (i) the Archbishop of the Catholic Archdiocese of Madang;

- (ii) the Archbishop of the Catholic Archdiocese of Mount Hagen;
  - (iii) the Bishop of the Catholic Diocese of Goroka;
  - (iv) the Bishop of the Catholic Diocese of Kundiawa;
  - (v) the Bishop of the Catholic Diocese of Mendi;
  - (vi) the Bishop of the Catholic Diocese of Wabag; and
- (b) two other persons, elected by a majority vote of the *ex officio* members under Paragraph (a) at a meeting of the Council, who are eligible for election as hereinafter provided.

(2) A member of the Council elected under Subsection (1)(b) can hold office, subject to this Act, for such period not exceeding four years as is fixed at the meeting at which he is elected.

#### **8. DISQUALIFICATIONS.**

A person who—

- (a) is not of full age of 21 years; or
- (b) is an undischarged bankrupt, or has his affairs under liquidation by arrangement by his creditors; or
- (c) has been convicted of an offence and sentenced to imprisonment, and who has not received a free pardon or undergone the sentence; or
- (d) is a person of unsound mind as that expression is used in the *Public Health Act 1973*,

is not qualified for election or appointment as a member of the Council.

#### **9. VACATION OF OFFICE.**

If an elected member of the Council—

- (a) dies; or
- (b) declines to act; or
- (c) resigns his seat; or
- (d) is absent without leave of the Council from three consecutive meetings of the Council; or
- (e) becomes a person referred to in Section 8,

his seat becomes vacant and shall be filled as a casual vacancy in accordance with Section 10.

#### **10. CASUAL VACANCIES.**

In the event of a casual vacancy in the office of an elected member of the Council, a new member shall be elected in accordance with the provisions of Section



7(1)(b) and the person so elected shall hold office, subject to this Act, for the residue of his predecessor's term of office.

#### **11. MEETING OF THE COUNCIL.**

(1) The Council may elect a Chairman of its meetings and may determine the period for which he is to hold office, but if no such Chairman is elected, or if at any meeting of the Council the Chairman is not present within ten minutes after the time appointed for the holding of the meeting the members present may choose one of their number to be Chairman of the meeting.

(2) All matters or questions to be decided at a meeting of the Council shall be decided or determined by a majority of the members present.

(3) The Chairman of the meeting shall have a deliberative, and in the event of an equality of votes on a matter, also a casting vote.

(4) Not less than half of the total number of members for the time being of the Council shall be a quorum for a meeting of the Council.

(5) A member of the Council is not entitled to vote in the Council or in any committee of the Council on any subject in which he has a direct pecuniary interest.

(6) The Council may by resolution appoint such committees as it thinks proper and a committee so appointed may exercise such powers and perform such functions as are conferred on it by the Council.

#### **12. DELEGATION.**

The Council may by resolution delegate all or any of its powers and functions under this Act (except this power of delegation) to any member of the Council or to a committee consisting of members of the Council with or without other persons.

#### **13. FUNCTIONS OF THE COUNCIL.**

Subject to this Act, the Council in addition to its other powers, functions, duties and responsibilities under this Act—

- (a) has the control and management of the affairs and concerns of the Agency; and
- (b) may act in all matters concerning the Agency in such manner as appears to its best calculated to promote the objects and purposes of the Agency.

#### **14. SEAL OF THE AGENCY.**

The Council shall provide for the safe custody of the seal of the Agency and every instrument to which the seal is affixed shall be signed by at least two members of the Council.

**15. DEALINGS WITH THE AGENCY.**

(1) On the sale, mortgage, lease or other dealing by the Agency of or with any property, a purchaser, mortgagee, lessee or other person dealing with the Agency is not bound to enquire into the necessity or propriety of the sale, mortgage, lease or other dealing or the purposes for which or the circumstances in which the Agency proposes to enter into, give or execute a sale, mortgage, lease or other dealing.

(2) A purchaser, mortgagee, lessee or other person dealing with the Agency is not bound to enquire 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 made by the Agency shall, as regards the purchaser, mortgagee, lessee or other person dealing with the Agency, be deemed to be within the powers of the Agency, and is valid accordingly.

Office of Legislative Counsel, PNG