

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 1031.

Salvation Army (Papua New Guinea) Property Trust.

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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CHAPTER NO. 1031.

Salvation Army (Papua New Guinea) Property Trust Act.

ARRANGEMENT OF SECTIONS.

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 - "the corporation"
 - "the Deeds Poll"
 - "the former Trust"
 - "the General"
 - "objects of the Salvation Army"
 - "the Salvation Army"
 - "the Social Work"
 - "the Trustees"
 - "Trust property".
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INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 1031.

Salvation Army (Papua New Guinea) Property Trust Act.

Being an Act to provide for the temporal affairs of the Salvation Army in Papua New Guinea, and for related purposes.

1. Interpretation.

In this Act, unless the contrary intention appears—

“the corporation” means the corporation constituted by this Act;

“the Deeds Poll” means—

- (a) the Deed Poll under the hand of William Booth dated 7 August 1878 and enrolled in the Chancery Division of the High Court of Justice, England, on 13 August, 1878; and
- (b) the Deed Poll under the hand of William Booth dated 26 July 1904 and enrolled in the Supreme Court of Judicature, England, on 27 July 1904; and
- (c) the Deed Poll under the hand of William Bramwell Booth dated 1 June 1920;

“the former Trust” means The Salvation Army (New South Wales) Property Trust constituted by the pre-Independence *The Salvation Army (New South Wales) Property Trust Ordinance 1957*;

“the General” means—

- (a) the General of the Salvation Army under its constitution, or his attorney in or for Papua New Guinea duly authorized for the purpose; or
- (b) any other person who has vested in him under that constitution general control and authority over the property in England of the Salvation Army, or his attorney in or for Papua New Guinea duly authorized for the purpose;

“objects of the Salvation Army” means the trusts, provisions and conditions set out in the Deeds Poll, including the Social Work;

“the Salvation Army” means the Salvation Army as constituted by the Deeds Poll;

“the Social Work” means the Social Work of the Salvation Army as described in the Deed Poll under the hand of William Bramwell Booth dated 1 June 1920;

“the Trustees” means the trustees for the time being appointed under this Act and their successors in office;

“Trust property” includes—

- (a) all buildings; and
- (b) all freehold and leasehold lands and premises; and
- (c) all personal property,

in the country belonging to or used in connexion with the Salvation Army and vested in any person as trustee, and all property acquired by the corporation by virtue of the powers contained in this Act.

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2. Trustees.

(1) There shall be not less than five and not more than seven trustees for Papua New Guinea of the Salvation Army.

(2) The Trustees shall be appointed by instrument by the General.

3. Incorporation.

(1) The Trustees are a corporation by the name of the "Salvation Army (Papua New Guinea) Property Trust".

(2) The corporation—

(a) has perpetual succession; and

(b) shall have a seal; and

(c) may sue and be sued in its corporate name.

4. Exercise of powers, etc., of the corporation.

(1) A power, function, duty or responsibility of the corporation may be exercised, performed or carried out by not less than three Trustees.

(2) Subject to Subsection (1), no act or proceeding of the corporation is invalid by reason of there being a vacancy in the number of Trustees at the time of the act or proceeding, but each vacancy shall be filled as soon as practicable after it occurs.

5. Meetings of the Trustees.

(1) The Trustees shall hold regular meetings at such times and places as the Trustees determine, and may hold meetings outside Papua New Guinea.

(2) At a meeting of the corporation three of the Trustees are a quorum.

(3) The corporation shall cause minutes of its proceedings to be kept, and shall cause them to be made available at all reasonable times for inspection by the General.

(4) Subject to this section, the corporation shall regulate its own proceedings.

6. Seal of the corporation.

(1) The corporation shall provide for the safe custody of its seal, and the form of the seal and all other matters relating to the seal may be determined at a meeting of the corporation.

(2) An instrument to which the seal of the corporation is affixed shall be signed by not less than three of the Trustees.

7. Holding of Trust property.

The corporation shall hold all Trust property on trust to use and appropriate it, or permit the use and appropriation of it, subject to the trusts, provisions and conditions of the Deeds Poll, for the purposes of the erection and maintenance of mission houses, schools, rest-houses and other buildings and for other purposes in connexion with or for the benefit of the Salvation Army.

8. Powers of corporation.

The corporation has power—

(a) to purchase, take on lease, acquire by gift, devise, exchange or otherwise, property in the country for the benefit of—

(i) the Salvation Army; or

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- (ii) any fund, institution, branch or corps of the Salvation Army, or
- (iii) the Social Work; and
- (b) to sell the Trust property or any interest in it 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 interest in it for other property; and
- (d) to transfer or otherwise dispose of the property or any interest in it 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 Trust property; and
- (f) to demise and lease the Trust property 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 property forming part of the Trust property; and
- (h) to improve, manage and develop the Trust 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 Paragraphs (a) to (i) to sign, seal and execute all such contracts, transfers and other deeds, documents and instruments as are necessary; and
- (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.

(2) Subject to Subsection (3), an appointment of a person to be an officer of the corporation shall be notified in the National Gazette.

(3) Failure to give the notification referred to in Subsection (2) does not affect the validity of the appointment.

(4) A power exercisable under Subsection (1) in respect of the Trust property is exercisable in respect of any part of it.

9. Proceeds of sale of Trust property held for the Social Work.

The proceeds of the sale of any Trust property held by the corporation for the purposes of the Social Work shall be applied exclusively towards those purposes.

10. 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 receipt of the corporation is a sufficient discharge.

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

12. Dealings with Trustees.

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

13. Construction of wills, etc.

Where by any will, deed or other instrument, whenever made, any property in the country is devised, bequeathed or given to or on trust for the benefit of—

- (a) the former Trust; or
- (b) the Salvation Army, or any fund, institution, branch or corps of the Salvation Army; or
- (c) the Social Work,

then—

- (d) the will, deed or other instrument takes effect as if the corporation were named in the deed, will or other instrument; and
- (e) the receipt of the corporation, or of any person authorized by it in writing for the purpose, for the property is a sufficient discharge to any person liable to transfer or deliver the property; and
- (f) subject to the trusts and provisions contained in the deed, will or other instrument, the property is under the direction and control of the corporation, which may call for the transfer or delivery of the property.

14. Vesting of certain devised property, etc.

(1) Subject to Subsections (2) and (3), any property in the country devised, bequeathed or given by any will, deed or other instrument, whenever made, to or on trust for the benefit of—

- (a) the former Trust; or
- (b) the Salvation Army, or any fund, institution, branch or corps of the Salvation Army; or
- (c) the Social Work,

is, by virtue of this Act, vested in the corporation.

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(2) Subsection (1) does not apply to property devised, bequeathed or given to specific trustees on a trust referred to in that subsection.

(3) The corporation shall hold any property referred to in Subsection (1) on the trusts (if any) declared in respect of the property.

(4) If no trusts have been declared, the corporation—

(a) shall hold and deal with the property, and the proceeds of the sale of any part of the property, for any purpose it thinks expedient; and

(b) may transfer or deliver the property or any part of the property to such person and on such trusts as it thinks proper.

(5) Any person to whom property is transferred or delivered as provided for by Subsection (4) may sell, lease, mortgage or otherwise deal with the property or the part of the property, as the case may be, for the benefit of the Salvation Army.

(6) The written receipt of the corporation, or of any person authorized by it in writing for the purpose, for any moneys receivable by it in the exercise of the powers conferred by Subsection (4)(b) is a sufficient discharge to the person paying the moneys, and—

(a) he is not bound to see to the application of the moneys; and

(b) no person is bound in any way to inquire into the validity of any sale, lease or mortgage under Subsection (5).

15. Register of lands.

The corporation shall maintain a register of the lands of the corporation distinguishing—

(a) the lands held for the Social Work; and

(b) other lands.

16. Evidence of certain matters.

(1) The production of a copy of the National Gazette containing a notification of the appointment of an officer of the corporation purporting to be signed by the attorney for the time being of the General is evidence of the appointment.

(2) A certificate purporting to be signed by the Secretary of the corporation—

(a) that the persons named in the certificate are the Trustees for the time being;
or

(b) which purports to set out the terms of a resolution of the Trustees,

is evidence of the matter certified.

