

# National Council of Women Incorporation Act 1979

Chapter 1041.

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Certified on: / /20 .

INDEPENDENT STATE OF PAPUA NEW GUINEA.

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## **INDEPENDENT STATE OF PAPUA NEW GUINEA.**

### **AN ACT**

entitled

#### *National Council of Women Incorporation Act 1979.*

Being an Act to incorporate the National Council of Women, and for related purposes.

#### **1. INTERPRETATION.**

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

“the commencement date” means 16 March 1979 being the date on which the [National Council of Women Incorporation Act 1979](#) came into force,

“the Council” means the National Council of Women of Papua New Guinea established under Section 2;

“Council property” includes all buildings, all freehold and leasehold land and premises, and all personal property in the country belonging to the Council or in which the Council has any interest and now or at any time hereafter is vested in any person as trustee for the Council or former Council, and all property acquired by the Council under this Act;

“Executive Committee” means the Executive Committee of the former Council;

“former Council” means the National Council of Women of Papua New Guinea constituted under the Constitution of that Council adopted on 27 August 1976;

“Rules” means the Rules of the Council for the time being in force.

#### **2. INCORPORATION.**

(1) The National Council of Women of Papua New Guinea is hereby established.

(2) The Council—

(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.

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

#### **3. CONSTITUTION OF THE COUNCIL.**

(1) Subject to Subsection (2) and to Section 15, the Council shall consist of—

(a) one member from the principal Council of Women in each province; and  
(b) a member from each of such other women's organizations as the Minister acting with, and in accordance with, the advice of the Council, by written notice addressed to that organization, recognizes for the purpose of this section.

(2) Where there is doubt as to whether a Council of Women in a province is the principal Council of Women in that province, the decision of the Minister is final.

(3) The member of the Council representing a Council of Women or women's organization referred to in Subsection (1) shall be appointed to and remain such a member of the Council in accordance with the procedures of that Council of Women or women's organization, as the case may be.

#### **4. OBJECTS OF THE COUNCIL.**

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

- (a) to encourage and provide opportunities for mutual understanding among women in the country; and
- (b) to represent the views, at all levels, of women in the country and to publicize those views where it thinks proper; and
- (c) to promote understanding and exchange views with regional and international organizations in matters of common concern to women; and
- (d) to work in close co-operation with other groups and organizations; and
- (e) to carry on or participate in, either alone or in conjunction with any other person or body, any business or other activity of any kind with the object of benefiting the community as a whole or women in particular, and to conduct that business or other activity in accordance with the Rules from time to time applicable to it.

#### **5. FUNCTIONS OF THE COUNCIL.**

(1) The primary function of the Council is to carry out the objects specified in Section 4.

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

#### **6. GENERAL POWERS OF THE COUNCIL.**

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

#### **7. ADDITIONAL POWERS OF THE COUNCIL.**

The Council has the power—

- (a) to purchase, take on lease or acquire by gift, devise, exchange or otherwise, any property; and
- (b) to sell the Council 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 it thinks proper; and
- (c) to exchange Council property or any part or parts of it for other property; and

- (d) to transfer and assure Council 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 it thinks proper, by deposit of the deeds or by mortgage, with or without power of sale, of the Council property or any part or parts of it and to execute all proper assurances for that purpose; and
- (g) to demise and lease the Council property or any part of it for such periods at such rents and on such terms and conditions as it thinks proper; and
- (h) to appoint by instrument under the seal of the Council any person or persons as the attorney or attorneys of the Council, 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 Council and under his or their seal or seals are binding on the Council and have the same effect as if they were under the seal of the Council; 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 its property against risks as it thinks necessary and to insure against claims for damages or compensation by employees; and
- (m) to organize and manage superannuation and provident funds.

## **8. RULES.**

- (1) Subject to this Act, the Council may make Rules which shall provide for the procedures and management of the Council and any business or activity of the Council.
- (2) The Council shall comply with the Rules.
- (3) Until Rules for the procedures and management of the Council are made, meetings of the Council shall be conducted in such manner as it thinks proper.

## **9. COPY OF RULES TO BE LODGED.**

- (1) As soon as practicable after the commencement date, the Council shall make Rules referred to in Section 8 and a copy of the Rules certified under the seal of the Council 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 after they are made, 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.

## **10. HOLDING OF COUNCIL PROPERTY.**

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

## **11. EXECUTION OF INSTRUMENTS UNDER SEAL.**

(1) An instrument is duly executed by the Council if the seal of the Council is affixed to the instrument in the presence of, and attested by, two members of the Council.

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

## **12. DEALINGS WITH THE COUNCIL.**

(1) On the sale, mortgage, lease or other dealing by the Council of or with any property, a purchaser, mortgagee, lessee or other person dealing with the Council 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 Council proposes to enter into, make, give or execute a sale, mortgage, lease or other dealing.

(2) 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 Council shall, as regards the purchaser, mortgagee, lessee or other person dealing with the Council, be deemed to be within the powers of the Council and is valid accordingly.

## **13. RENTS, ETC.**

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

## **14. FIRST COUNCIL.**

Each person who, immediately before the commencement date, held office as a member of the Executive Committee shall, on that date, be deemed to have been appointed to the Council until the Council has been constituted in accordance with Section 3.

## **15. TRANSFER OF RIGHTS, ETC.**

Notwithstanding this Act, a right of any kind which, immediately before the commencement date, was enforceable by or against the members of the Executive Committee in their capacity as such in respect of any act, matter or thing done or to be done by the Executive Committee is, on that date and by virtue of this Act, enforceable by or against, as the case may be, the Council.

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