

Chapter 1043.

St. John Council Incorporation Act 1976.

Certified on: / /20 .

INDEPENDENT STATE OF PAPUA NEW GUINEA.



Chapter 1043.

St. John Council Incorporation Act 1976.

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INDEPENDENT STATE OF PAPUA NEW GUINEA.



AN ACT

entitled

St. John Council Incorporation Act 1976,

Being an Act to incorporate the National St. John Council of Papua New Guinea, and for related purposes.

1. INTERPRETATION.

In this Act, unless the contrary intention appears—

“**the commencement date**” means 2 August 1976, being the date on which the *St. John Council Incorporation Act 1976* came into force;

“**the Council**” means the National St. John Council of Papua New Guinea established under Section 3;

“**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 or title and now or at any time hereafter vested in any person as trustee and all property acquired by the Council under this Act;

“**the Order**” means the Grand Priory of the Most Venerable Order of the Hospital of St. John of Jerusalem;

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

2. OBJECTS OF THE COUNCIL.

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

- (a) the encouragement of all that makes for the spiritual and moral strengthening of mankind in accordance with the first great principle of the Order embodied in the motto “Pro Fide”; and
- (b) the encouragement and promotion of all work of humanity and charity for the relief of persons in sickness, distress, suffering or danger,

without distinction of race, class or creed and the extension of the second great principle of the Order embodied in the motto “Pro Utilitate Hominum”; and

- (c) the rendering of aid to the sick, wounded, disabled or suffering and the promotion of such permanent organization during times of peace as may be at once available in times of civil emergencies or war, including the training and provision of technical reserves for the medical services of the Defence Force or any civil defence organizations; and
- (d) the award of medals, badges or certificates of honour for special services in the cause of humanity, especially for saving life at imminent personal risk; and
- (e) the maintenance and development of the St. John Ophthalmic Hospital in Jerusalem and the clinics and research projects connected with that hospital; and
- (f) the instruction of members of the public in the principles and practice of first aid, nursing, hygiene and other allied or ancillary subjects; and
- (g) the preparation, publication and distribution of text-books and other training aids to facilitate such instruction and the organization of examinations and tests for the purpose of issuing certificates of proficiency in such subjects; and
- (h) the organization, training and equipment of men, women and young persons to undertake, on a voluntary basis either as individuals or as organized groups, first aid, nursing and allied activities, in the streets, public places, hospitals, homes, places of work or elsewhere as occasion may require for the relief, transport, comfort or welfare of those in need; and
- (i) the instruction of boys and girls in first aid, nursing and other subjects conducive to the education of good citizens; and
- (j) the provision of trained personnel to give assistance to central or local government or to the Defence Force at times of emergency in peace or in war; and
- (k) the formation of ambulance and medical comforts depots and the organization and administration of transport by ambulance; and
- (l) the formation and administration of establishments, councils, associations, centres or other subordinate bodies to facilitate the work of the Council in local geographical areas; and
- (m) the maintenance of contact and the development of collaboration with similar orders and bodies; and
- (n) the manufacture and distribution by sale or presentation of publications, equipment or materials useful for or connected with furthering the objects and purposes of the Council.

3. INCORPORATION OF THE COUNCIL.

(1) The National St. John Council 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 the seal.

4. RULES, ETC.

(1) Subject to this Act, the Rules shall provide for the membership and procedures of the Council.

(2) The Council shall comply with the Rules and any regulations made under the Rules.

5. COPY OF RULES TO BE LODGED.

(1) As soon as practicable after the commencement date, 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 be certified under the seal of the Council 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.

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 the objects and purposes of the Council.

7. ADDITIONAL POWERS OF THE COUNCIL.

Subject to this Act, the Council has power—

(a) to purchase, take on lease, acquire by gift, devise, exchange or otherwise, property in the country; 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 the Council thinks proper; and
- (c) to exchange the Council property or any part or parts of it for other property; and
 - (d) to transfer and assure the 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 Paragraphs (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 Council 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 the Council 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 the Council property against such risks and in such sums as the Council thinks fit and to insure against claims for damages or compensation by employees; and
 - (m) to organize and manage superannuation and provident funds.

8. HOLDING OF COUNCIL PROPERTY.

The Council shall hold all Council property on trust to use and appropriate, or permit the use and appropriation of it 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 and for the objects and purposes of the Council.

9. 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 to 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 persons purporting to be 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.

10. 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) A purchaser, mortgagee, lessee or other person dealing with the Council is not bound in any way to inquire into the regularity of the sale, mortgage, lease or other dealing.

(3) 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.

11. RENTS, ETC.

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

12. UNAUTHORIZED USE OF NAMES.

Any person who, without the written authority of the Council, uses the name—

- (a) “The Most Venerable Order of the Hospital of St. John of Jerusalem”; or
- (b) “The Order of St. John”; or
- (c) “The Grand Priory of the Most Venerable Order of the Hospital of St. John of Jerusalem”; or
- (d) “St. John Ambulance”; or
- (e) “St. John Ambulance Brigade”; or
- (f) “St. John Ambulance Association”,

or any other name implying that any other society or body is the Council or a branch of the Council or falsely pretends that he is connected with the Council, is guilty of an offence.

Penalty: A fine not exceeding K200.00.

13. USE, ETC., OF ARMS, ETC.

(1) Any person who, without the written authority of the Council—

(a) wears or uses any arms, uniforms, emblem, badge, decoration, descriptive or designating mark or title used either before or after the commencement date by the Order or any branch of the Order for carrying out the purposes of the Council in such manner as to suggest that the wearer or user—

(i) is authorized by; or

(ii) is connected with the operations of,

the Council or such branch; or

(b) sells, supplies, alters, copies or distributes any arms, uniform, emblem, badge, decoration, mark or title referred to in Paragraph (a),

is guilty of an offence.

Penalty: A fine not exceeding K200.00.

Office of Legislative Counsel, PNG