

HALLSTROM LIVE-STOCK AND FAUNA (PAPUA AND NEW GUINEA) TRUST ORDINANCE 1949.⁽¹⁾

No. 9 of 1949.

An Ordinance to provide for the establishment of the Hallstrom Live-stock and Fauna (Papua and New Guinea) Trust, and for other purposes.

WHEREAS Edward John Lees Hallstrom, Esquire, has Preamble. expended in connexion with the establishment of a live-stock station at Nondugl in the Territory a sum of Twenty-four thousand four hundred pounds or thereabouts, and has donated the assets of that live-stock station, together with an additional sum of Ten thousand pounds, for the foundation of a Trust having as its purposes the establishment and operation of live-stock stations in the Territory, the training of natives in the care, use and propagation of live-stock, the promotion of the use of live-stock and live-stock products in the Territory, particularly by natives, the collection, study and distribution of indigenous fauna, and other ancillary objects:

AND WHEREAS it is desirable to establish a Trust accordingly:

BE it therefore ordained by the Governor-General in and over the Commonwealth of Australia, with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *Papua and New Guinea Act 1949*, as follows:—

1. This Ordinance may be cited as the *Hallstrom Live-stock and Fauna (Papua and New Guinea) Trust Ordinance 1949*.⁽¹⁾ Short title
2. This Ordinance shall be deemed to have come into operation on the first day of November, One thousand nine hundred and forty-nine. Commencement.
3. In this Ordinance, unless the contrary intention appears— Definitions.
 - “the Minister” means the Minister of State for External Territories;
 - “the Secretary” means the Secretary to the Trust;

(1) Particulars of this Ordinance are as follows:—

| Date on which made by Gov.-Gen. in Council. | Date on which notified in <i>Cwkh. Gaz.</i> | Date on which took effect. |
|---|---|--|
| 23.11.1949 | 1.12.1949 | 1.11.1949 (Sec. 2, <i>Hallstrom Live-stock and Fauna (Papua and New Guinea) Trust Ordinance 1949</i>) |

PART A: ANIMALS AND BIRDS—

“the Trust” means the Hallstrom Live-stock and Fauna (Papua and New Guinea) Trust established by this Ordinance;

“trustee” means one of the trustees who constitute the Trust.

Establishment
of Trust.

4.—(1.) There shall be a Trust to be known as the Hallstrom Live-stock and Fauna (Papua and New Guinea) Trust.

(2.) The purposes of the Trust shall be, subject to the laws of the Territory—

- (a) to establish and operate live-stock stations in the Territory;
- (b) to train natives in the care, use and propagation of live-stock;
- (c) to distribute, by way of sale or otherwise, live-stock and live-stock products to natives and to other residents of the Territory;
- (d) to promote the use of live-stock and live-stock products in the Territory, particularly by natives;
- (e) to collect and study indigenous fauna⁽²⁾; and
- (f) to sell or otherwise supply indigenous fauna to such authorities or persons as the Administrator, by notice⁽³⁾ published in the *Gazette*, declares to be approved authorities or persons for the purposes of this paragraph.

(3.) The sum of Ten thousand pounds, and the assets of the Nondugl live-stock station referred to in the Schedule to this Ordinance, donated for the purposes of the Trust by Edward John Lees Hallstrom, are vested in the Trust.

(4.) All moneys and other property vested in the Trust, and all land placed under the control of the Trust by the Administrator, shall be held or occupied (as the case may be) upon trust, and used in accordance with the provisions of this Ordinance, for the purposes of the Trust.

(5.) For the purposes of any law relating to the acquisition or resumption of any land, the purposes of the Trust shall be deemed to be a public purpose.

Trustees.

5.—(1.) Subject to this Ordinance, the five persons from time to time holding the offices mentioned hereunder and the three

(2) Pursuant to Sections 9 and 13 of the *Birds Protection Ordinance*, 1911 of the Territory of Papua and Sections 6 and 11 of the *Birds and Animals Protection Ordinance* 1922–1933 of the Territory of New Guinea, by notices dated 25.1.1950, and published in Papua and New Guinea *Government Gazette* of 6.2.1950, the Hallstrom Live-stock and Fauna (Papua and New Guinea) Trust was authorized to issue special permits to destroy or capture prohibited (protected) birds (and animals), to issue licences to collect birds, and Shooting Assistants Licences.

(3) No notice was published in Papua and N.G. *Govt. Gaz.* before 1.1.1952.

persons whose names are mentioned hereunder shall be the trustees constituting the Trust, namely—

Administrator;

Edward John Lees Hallstrom, Esquire;

John Edward Hallstrom, Esquire;

Daniel Clyne, Esquire, M.L.A.;

Director of Agriculture, Stock and Fisheries;

Director of District Services and Native Affairs;

Chief of the Division of Animal Industry; and

District Officer for the District in which the Nondugl live-stock station is situated.

(2.) A trustee shall not receive any remuneration for his services as a trustee but if a trustee is appointed as Secretary to the Trust the Trust may, if it sees fit, pay him a remuneration for his services as Secretary.

6.—(1.) The Trust shall be constituted by the trustees, and shall be a body corporate with perpetual succession and a common seal. Incorporation and powers.

(2.) For the purposes of the Trust, and subject to this Ordinance, the Trust shall be capable of—

(a) acquiring, receiving, managing and holding real and personal property;

(b) selling, conveying, demising, exchanging or otherwise disposing of or dealing with its property;

(c) entering into contracts (including contracts of service);

(d) suing and being sued in its corporate name; and

(e) doing all things which a body corporate or a natural person may do.

(3.) All courts, judges and persons acting judicially shall take judicial notice of the seal of the Trust affixed to any document, and shall deem that it was duly affixed.

7.—(1.) Subject to this Ordinance, the affairs of the Trust shall be conducted at meetings of the trustees. Meetings of the trustees.

(2.) At any meeting of the trustees a quorum shall be formed by three trustees of whom—

(a) one shall be a trustee holding office *ex officio*; and

(b) one shall be a trustee appointed by name.

(3.) The Administrator shall be the Chairman of the Trust and shall preside at any meeting of the trustees at which he is present.

(4.) In the absence of the Administrator from any meeting of the trustees, the trustees present shall elect one of their number to preside.

PART A : ANIMALS AND BIRDS—

(5.) Subject to sub-section (7.) of this section, at any meeting of the trustees resolutions may be passed by a majority of the votes of the trustees present.

(6.) The Chairman or other trustee presiding at a meeting of the trustees shall have a deliberative vote and, in the event of an equality of votes on any question, shall also have a casting vote.

(7.) No resolution of the trustees shall be passed unless it is agreed to by not less than three trustees present at the meeting, for which purpose the Chairman or other trustee presiding shall be counted as one trustee only.

Committee of
Management.

8.—(1.) There shall be a Committee of Management of the Trust.

(2.) The Committee of Management shall consist of Edward John Lees Hallstrom, the Chief of the Division of Animal Industry and the District Officer for the District in which the Nondugl live-stock station is situated.

(3.) Edward John Lees Hallstrom may, by notice to the Administrator, resign from membership of the Committee of Management, and in that event the Administrator shall appoint to the Committee of Management—

(a) a trustee nominated for that appointment by Edward John Lees Hallstrom; or

(b) in default of the making of such a nomination within three months after the resignation—such trustee as the Administrator thinks fit.

(4.) In the event of a vacancy, for the filling of which provision is not otherwise made in this section, in the office on the Committee of Management occupied by Edward John Lees Hallstrom or his successor in that office, the Administrator may appoint to the vacant office such trustee as he thinks fit.

(5.) The Committee of Management may, on behalf of the Trust and subject to the directions of the Trust, exercise and perform such of the powers and functions of the Trust as are delegated to it by the Trust.

(6.) At any meeting of the Committee of Management two members shall form a quorum.

Secretary and
officers.

9. The Trust shall appoint a Secretary to the Trust and may appoint such other officers of the Trust as it considers necessary.

Power to
make rules.

10. The Trust may, by writing under its seal, make rules, not inconsistent with this Ordinance, prescribing—

(a) the mode of summoning and conducting meetings of the trustees and meetings of the Committee of Management;

- (b) the voting and procedure at meetings of the trustees and meetings of the Committee of Management;
- (c) the manner in which documents may be executed by or on behalf of the Trust;
- (d) the duties of the Secretary to the Trust and of other officers of the Trust; and
- (e) generally the management, control and administration of the Trust, and of its business, affairs and property.

11. Whenever Edward John Lees Hallstrom is unable to attend a meeting of the trustees or of the Committee of Management, he may, by writing under his hand, appoint a person to represent him at the meeting, and the person so appointed shall be entitled to attend the meeting and shall, at the meeting, have the same powers and functions as Edward John Lees Hallstrom would have if he were present at the meeting.

Inability of E. J. Hallstrom to attend meetings.

12. Where a trustee other than Edward John Lees Hallstrom is, by reason of absence from the Territory or of illness or for other reason, unable to perform his duties, the Administrator may appoint a person to act in the place of that trustee during the period of his absence, illness or inability, and that person shall, until the appointment is revoked, have all the powers and functions of the trustee.

Absence of trustee.

13.—(1.) A vacancy in the office of a trustee shall not invalidate the proceedings of the trustees, and the remaining trustees shall constitute the Trust.

Vacancies.

(2.) Where a vacancy occurs in the office of a trustee, other than an office of trustee which is filled by an officer of the Administration, the Administrator shall, upon the recommendation of the remaining trustees, as soon as possible appoint a person to fill the vacancy.

14.—(1.) The Trust shall cause accounts to be kept of—

Accounts.

- (a) its receipts and expenditure; and
- (b) its assets and liabilities.

(2.) The books of account of the Trust shall—

- (a) be open to inspection at all reasonable times to any trustee; and
- (b) be audited annually by the Auditor-General for the Commonwealth.

15.—(1.) The Trust shall, within six months after the end of each financial year, make to the Minister a report of its proceedings and activities during that year.

Annual report.

(2.) Each report made in accordance with this section shall include a written copy, certified by the Secretary to be a true copy, of the audited balance-sheet of the Trust as at the end of the year to which the report relates.

THE SCHEDULE.

Section 4.

ASSETS OF THE NONDUGL LIVE-STOCK STATION.

Buildings and other improvements on the land;
Furniture, fittings and other household items;
Plant and machinery;
Sheep, horses, pigs, poultry and bees;
Medical stores and equipment; and
Goods, materials and other items,

as set out in the inventory taken as at the first day of November, One thousand nine hundred and forty-nine, and approved by the Administrator and Edward John Lees Hallstrom.