



Arts Centre of Christchurch Trust Act 2015

Private Act 2015 No 1
Date of assent 5 June 2015
Commencement see section 2

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Preamble

- (1) The Arts Centre, in particular its collection of historic stone buildings, is a cultural asset of local, national, and international heritage significance situated in the heart of Christchurch:
- (2) The Arts Centre was previously occupied by 2 of the city's original secondary schools and was the home of the University of Canterbury (previously Canterbury College and Canterbury University College) for more than a century from 1873 to 1974:
- (3) By deed of trust dated 31 December 1978, Albert Dempster Brownlie, Malcolm Douglass, Peter Douglas Dunbar, Richard William John Harrington, Graham Monteith Miller, Noel Robert Searell, and Thomas John Taylor formed a charitable trust (The Arts Centre of Christchurch Trust) to provide for a cultural centre for the people of Christchurch and elsewhere in New Zealand on the site formerly occupied by the University of Canterbury, and for the preservation of the architectural character and integrity of the historic stone buildings presently on that site:
- (4) Since 1978, the trust board has amended the deed of trust on a number of occasions:
- (5) The trust is governed by The Arts Centre of Christchurch Trust Board (the **trust board**), a board of trustees incorporated under the Charitable Trusts Act 1957:
- (6) In 2010 and 2011, the Canterbury region was struck by a series of devastating earthquakes, and the buildings at The Arts Centre suffered significant damage. A multi-million dollar restoration programme is now underway:
- (7) In light of the earthquakes and the challenges faced by the trust board in relation to the restoration programme and securing the ongoing advancement of the trust's objects, the trust board considers that it is necessary to set out the objects of the trust in an Act. The trust board considers that setting out the trust's objects in an Act recognises the local, national, and international heritage significance of The Arts Centre and its historic stone buildings and the importance of the trust's objects in relation to ensuring that The Arts Centre continues as a cultural centre for the people of Christchurch and visitors to Christchurch and that the heritage integrity of The Arts Centre and its historic stone buildings is preserved:
- (8) In addition, legislation is the preferred method to—
 - (a) clearly distinguish the objects of the trust and the powers conferred on the trust board to advance those objects; and
 - (b) update and modernise the governance arrangements of the trust board, and consolidate and revise other aspects of the governance and administration of the trust:

- (9) Changes of the nature proposed in recital (8) to the terms of the trust as currently set out in its trust deed would almost certainly require the trust board to apply to the High Court (under the Charitable Trusts Act 1957, the Trustee Act 1956, or otherwise) for confirmation that the trust board has the power to effect such changes under the trust deed and approval of a scheme to effect the changes. The outcome of such proceedings would be uncertain. Such proceedings would also be time-consuming and costly:
- (10) Accordingly, the trust board considers that legislation is the more effective way to achieve the matters specified in recital (8):

The Parliament of New Zealand therefore enacts as follows:

1 Title

This Act is the Arts Centre of Christchurch Trust Act 2015.

2 Commencement

This Act comes into force 28 days after the date on which it receives the Royal assent.

**Part 1
Preliminary provisions**

3 Purpose

The purpose of this Act is to—

- (a) set out the objects of the trust (and the powers of the trust board to advance those objects) in an Act; and
- (b) provide for other terms of the trust relating to its governance and administration to be replaced by the constitution set out in Schedule 2 in order to—
 - (i) update and modernise the governance arrangements of the trust board; and
 - (ii) consolidate and revise other aspects of the governance and administration of the trust.

4 Interpretation

In this Act, unless the context otherwise requires,—

appointments committee means the committee appointed by the trust board in accordance with clause 4 of the constitution

commencement date means the date on which this Act comes into force

constitution means the constitution setting out the terms of the trust relating to the governance and administration of the trust, as set out in Schedule 2

implementation date means the date that is 6 months after the commencement date

The Arts Centre—

- (a) means the land described in Schedule 1 (being the site bounded by Worcester Boulevard, Rolleston Avenue, Hereford Street, and Montreal Street, all in Christchurch); and
- (b) includes the buildings, including the historic stone buildings, situated on the land

trust means the charitable trust established in respect of The Arts Centre, known as The Arts Centre of Christchurch Trust, previously subject to the terms set out in the trust deed and now subject to the terms set out in this Act, including the constitution

trust board or **board** means The Arts Centre of Christchurch Trust Board, a board incorporated under the Charitable Trusts Act 1957

trust deed—

- (a) means the deed of trust dated 31 December 1978 between Albert Dempster Brownlie, Malcolm Douglass, Peter Douglas Dunbar, Richard William John Harrington, Graham Monteith Miller, Noel Robert Searell, and Thomas John Taylor to form a charitable trust to provide for a cultural centre for the people of Christchurch and elsewhere in New Zealand on the site formerly occupied by the University of Canterbury, and for the preservation of the architectural character and integrity of the historic stone buildings presently on that site; and
- (b) includes all amendments validly made to the deed of trust since that date

trust property means—

- (a) The Arts Centre; and
- (b) all other real and personal property held by the trust board, being any property vested in the trust board at any time before or after the date on which this Act comes into force.

Part 2

Objects of trust and other matters

5 Objects of trust

- (1) The trust board holds the trust property for the following objects:
 - (a) holding and developing The Arts Centre in trust as a unique and outstanding cultural centre for use by the people of Christchurch and its visitors;
 - (b) fostering, promoting, and facilitating interest and involvement in art, culture, creativity, the creative industries, and education:

- (c) providing accommodation for the objects stated in paragraphs (a) and (b):
 - (d) promoting, conserving, and maintaining the heritage integrity of The Arts Centre and to that end adopting, and from time to time amending or varying, a conservation plan in accordance with accepted conservation principles and in terms approved by the trust board.
- (2) All income, benefits, and advantages received by or accruing to the trust board must be applied for a charitable purpose in advancing the trust's objects.

6 Trust deed replaced

- (1) On and from the commencement date, the terms of the trust deed are replaced by section 5 in relation to the objects of the trust, section 7 in relation to the trust board's powers, and Schedule 2 in relation to the constitution.
- (2) The trust board must, as soon as is reasonably practicable after the commencement date, arrange for a copy of sections 5 and 7 and the constitution to be lodged with the Registrar of Incorporated Societies.
- (3) If the objects of the trust, the trust board's powers, or the constitution is subsequently amended, the trust board must, as soon as is reasonably practicable after the amendment is made, arrange for a record of the amendment to be lodged with the Registrar of Incorporated Societies in accordance with section 23 of the Charitable Trusts Act 1957.
- (4) To avoid doubt, subsection (3) does not limit section 8.

7 Powers of trust board

- (1) In order to advance the objects of the trust as set out in section 5, and to develop and maintain a sustainable and financially viable organisation with the means to advance those objects, the trust board has, in addition to the powers conferred on the trust board by law,—
- (a) full capacity to carry on or undertake any activity, do any act, or enter into any transaction; and
 - (b) for the purposes of paragraph (a), full rights, powers, and privileges.
- (2) Without in any way limiting the powers of the trust board under subsection (1), the powers of the trust board include—
- (a) to acquire further real and personal property whatsoever and wheresoever by way of gift, purchase, or otherwise and sell the same; and
 - (b) to let or lease any land or buildings on such terms and conditions as the board may think fit; and
 - (c) to construct, alter, pull down and re-erect, improve, maintain, and provide any buildings required for the general purposes of the board and provide those buildings with such services and other amenities as are thought desirable; and