

Christchurch City Council (Robert McDougall Gallery) Land Vesting Bill

Local Bill

Explanatory note

General Policy Statement

The purpose of this Bill is to vest the land on which the Robert McDougall Art Gallery is situated in the Christchurch City Council and to empower the Council to grant leases and licences of the Gallery for the purpose specified in the Bill.

The Robert McDougall Art Gallery was presented to Christchurch City by Mr Robert E McDougall and was opened on 16 June 1932 in the Botanic Gardens at Christchurch. The building's neo-classical perimetrical design was by Mr E W Armstrong. The Robert McDougall Art Gallery was Christchurch City's first dedicated art gallery for the City's permanent art collections, and to enable the construction of the Gallery in the Botanic Gardens Parliament passed section 54 of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1925.

The Robert McDougall Art Gallery has been an institution of vital importance in the cultural life of Christchurch and of Canterbury for the last 70 years.

Through purchases, bequests and donations, the McDougall's collection now totals over 5,500 items including paintings, prints, drawings, sculptures, ceramics, textiles, glass, metalwork and photography. The collection policy is focused on the art of Canterbury in its New Zealand context. In 1983 the Canaday Wing of the Gallery was built using part of the Molly Canaday Fund.

The Gallery building is of national heritage importance. It is registered as a Category One historic place under the Historic Places Act 1993 meaning that it is a place of "special or outstanding historic or

cultural significance or value". The building is also listed in the Christchurch City Plan as a Group One heritage item.

In the 1990s it became apparent that the collection and increasing public demand for access had outgrown the ability of the building to cope with modern demands and in 1996 the City Council resolved to build a new Christchurch Art Gallery which is scheduled to be opened in late April 2003.

The Robert McDougall Art Gallery was closed to the public on 16 June 2002 to enable the collection to be transferred to the new Christchurch Art Gallery. With the construction of the new Christchurch Art Gallery and the closure of the Robert McDougall Art Gallery, the Christchurch City Council considers it appropriate to update and modernise the legislation by which it holds the land by promoting a local bill to vest the land on which the Robert McDougall Art Gallery is situated in the Council as a local purpose reserve, and to enable the Council to lease all or any part of the Robert McDougall Art Gallery.

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 is the commencement clause. The Bill is to come into force on the day after the date on which it receives the Royal assent.

Clause 3 sets out the purpose of the Bill.

Clause 4 defines terms used in the Bill.

Clause 5 vests the Robert McDougall Gallery land in the Christchurch City Council, and frees the land from the conditions imposed by section 54 of the Reserves and other Lands Disposal and Public Bodies Empowering Act 1925.

Clause 6 requires the Christchurch City Council to hold the Robert McDougall Gallery land as a local purpose reserve.

Clause 7 gives the Christchurch City Council power to grant leases or licences of, or let the Robert McDougall Gallery land.

Clause 8 provides that, to avoid doubt, the vesting of land and property is not subject to the Estate and Gift Duties Act 1968, the Goods and Services Tax Act 1985, or the Income Tax Act 1994.

Clause 9 authorises the Registrar-General of Land to make such entries in the Land Transfer registers as are necessary to give effect to the Bill.

Clause 10 provides that certain rights and powers under the Resource Management Act 1991 and the Historic Places Act 1993 are not affected by the Bill.

Clause 11 repeals section 54 of the Reserves and other Lands Disposal and Public Bodies Empowering Act 1925.

Tim Barnett

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Christchurch City Council (Robert McDougall Gallery) Land Vesting Act **2003**.

Preliminary provisions

2 Commencement

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

3 Purpose

The purpose of this Act is to—

- (a) vest the Robert McDougall Gallery land in the Christchurch City Council as a local purpose reserve under the Reserves Act 1977: 10
- (b) repeal section 54 of the Reserves and other Lands Disposal and Public Bodies Empowering Act 1925:
- (c) provide for related matters. 15

4 Interpretation

In this Act, unless the context otherwise requires,—

Council means the Christchurch City Council

the land means the land comprising 2216 square metres, or thereabouts, being Lot 1 on Deposited Plan 45580 (Certificate of Title CB24A/544). 5

Vesting of land in Council and related matters

5 Land freed of trusts etc, and vested in Council

(1) The land is no longer subject to any trusts (express or implied), reservations, restrictions, encumbrances, or interests in existence immediately before the commencement of this Act. 10

(2) The fee simple estate in the land is vested in the Council.

6 Council to hold land as local purpose reserve

(1) The Council holds the land as a local purpose reserve under section 23 of the Reserves Act 1977 for the purpose of a gallery for the display of art and decorative arts and crafts and ancillary purposes. 15

(2) The Reserves Act 1977 applies to the land as if the Council had, pursuant to section 14 of that Act, declared that land to be a reserve to be held as a local purpose reserve for the purpose specified in **subsection (1)**. 20

7 Council's powers in relation to land

(1) The Council may grant a lease or licence of, or let, the whole or any part of the land on such terms and conditions as it thinks fit. 25

(2) The Council may exercise its power under **subsection (1)** only for the purpose set out in **section 6(1)**.

(3) No lease, licence, or letting under **subsection (1)** (including rights of renewal or extensions, whether in the lease, licence, or letting or granted separately) may be for a term of 50 years or longer. 30

(4) The Council may not sell the land.

(5) This section overrides the Local Government Act 1974 and the Reserves Act 1977. 35

Miscellaneous provisions

- 8 Vesting of land not a gift, supply of services, or disposition, for certain purposes**
- To avoid doubt, the vesting of the land by this Act is not—
- (a) a dutiable gift for the purposes of the Estate and Gift Duties Act 1968: 5
 - (b) a supply of goods and services for the purposes of the Goods and Services Tax Act 1985:
 - (c) a sale, disposition, distribution, or transfer of property or liability for the purposes of the Income Tax Act 1994. 10
- 9 Powers of Registrar-General of Land**
- (1) The Registrar-General of Land is authorised and directed to make such entries in the registers under the Land Transfer Act 1952 and to do all such other things as may be necessary to give effect to the provisions of this Act. 15
 - (2) The Registrar must, without fee—
 - (a) cancel on the certificate of title for the land the words entered under section 54 of the Reserves and other Lands Disposal and Public Bodies Empowering Act 1925; and 20
 - (b) enter on the certificate of title the words “Subject to the Christchurch City Council (Robert McDougall Gallery) Land Vesting Act 2003”.
- 10 Act not to limit other legislation** 25
- This Act does not limit the Resource Management Act 1991 or the Historic Places Act 1993.
- 11 Repeal**
- Section 54 of the Reserves and other Lands Disposal and Public Bodies Empowering Act 1925 is repealed. 30