

Bishop Suter Art Gallery Governance Restructuring Bill

5 March 2008

Attorney-General

LEGAL ADVICE

CONSISTENCY WITH THE NEW ZEALAND BILL OF RIGHTS ACT 1990: BISHOP SUTER ART GALLERY GOVERNANCE RESTRUCTURING BILL

1. We have considered whether the Bishop Suter Art Gallery Governance Restructuring Bill ("the Bill"), a Local Bill in the name of Hon Dr Nick Smith, is consistent with the New Zealand Bill of Rights Act 1990. The Bill was introduced to the House of Representatives on 26 February 2008 and is currently awaiting its first reading. The Ministry understands that the next Members' Day is scheduled for Wednesday, 12 March 2008.
2. The Bill seeks to reform the antique legal structures of the Bishop Suter Art Gallery Trust Board ("the Trust Board"), which create substantial problems of administration and accountability, and to adopt modern governance arrangements for the Suter Art Gallery in Nelson.
3. In particular, the Bill is designed to:
 - transfer all the property, rights, and obligations of the Trust Board to The Bishop Suter Trust;
 - dissolve the Trust Board and remove it from the register of charitable trust boards under the Charitable Trusts Act 1957;
 - provide that certain persons have no legal liability for donations given to the Trust Board for the redevelopment of the Suter Art Gallery should the redevelopment differ from the basis on which the donations were given, or not proceed, or be postponed; and
 - repeal the Bishop Suter Art Gallery Trustees Act 1896.
4. We have concluded that the Bill appears to be consistent with the rights and freedoms affirmed by the New Zealand Bill of Rights Act 1990.

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