



13 August 2013

Attention Anna Crighton  
Historic Places Aotearoa  
PO Box 693  
**CHRISTCHURCH 8140**

By email:  
info(at)historicplacesaotearoa(dot)org(dot)nz

Dear Ms Crighton

RE: MARK BELTON ARTICLE

I am the Trust Manager for Church Property Trustees ('CPT') and I write on CPT's behalf to express concern over a letter that appears on the Historic Places of Aotearoa website. The letter in question is, *The Christ Church Cathedral: The Appeal Court Decision, The High Court action – An Explanation By Mark Belton* (30 July 2013).

Mr Belton's article contains several inaccuracies which I would like to explain.

First, Mr Belton asserts that the s 38 notice placed on the Cathedral by CERA may not be valid, as in Justice Chisholm's view, the Cathedral did not meet the criteria of a dangerous building within the Act. However, the interim judgment does not contain this finding. Justice Chisholm made no comment at all as to the validity of the section 38 Notice. The Judge simply commented that he was not persuaded that the CERA notice meant that CPT had to make a decision to deconstruct the building to a level of approximately 2-3 metres.

Secondly, Mr Belton states that the interim decision given by Justice Chisholm in November 2012 requires CPT to consult with the wider community, and that CPT is unable to make a decision on the Cathedral's future on its own. Mr Belton then adds that the Judge required CPT to undertake community consultation before it reached a final decision.

There is no comment in the judgment requiring CPT to consult with the wider community. The Judge clearly set out at paragraph 180 of his judgment that the merits of the decision on the Cathedral's future is for CPT.

The Court of Appeal decision given on 30 July 2013 affirms the High Court's interim judgment. The Court of Appeal confirmed that CPT had the power to deconstruct the current Cathedral and construct a new cathedral, if CPT considered that in light of the damage to the current Cathedral this would best serve the spiritual dimensions of the Cathedral and the uses of the Church.

The Court of Appeal expressly ruled that donors to the cathedral building do not become stakeholders in the administration of the Cathedral Trust and such people have no legal right to determine the Cathedral's future.

Notwithstanding the lack of any direction in the High Court and Court of Appeal decisions, CPT has undertaken an extensive community consultation process. CPT has engaged public comment through the cathedral conversations website, through public fora and by communicating with key stakeholders. In short, CPT is committed to community

engagement. Nevertheless, in CPT's view, Mr Belton misrepresents the true legal position following the High Court and Court of Appeal decisions; the ultimate decision on the Cathedral's future is for CPT.

CPT would be grateful if you could publish this response, with equal prominence, on your website.

I look forward to hearing from you.

Yours faithfully

Gavin Holley  
Trust Manager  
Church Property Trustees