Submitter: Mark Gleason

This is my submission. I do not wish to appear in person unless it is wanted or required. I continue to have several concerns.

(1) Cl 8.1.9 ADC proposal says that fences replaced or constructed must have ADC approval. This looks okay but I could not find a clear indication of where these "open spaces" are. Sec 5.1 is not much help, especially the catch all ejusdem generis element tacted on the end. Would not a map of the district where "open spaces" were clearly indicated be useful? It would be much easier to enforce if the areas were known to all. I can see that to the tourist, migrant workers, freedom campers and even the security personel who will doubtless be at the sharp end of this there will be confusion.

(2) Already there is confusion in the courts about "public places", "roads", obscene language, the Queen's Chain, racial abuse, disorderly behaviour and many other, what some would consider, Summary Offences (SOA 1981). Why not leave these complex areas of law to the police who have the resources and experience to deal with them? As a ratepayer I would resent having to pay Bill of Rights damages for the acts of ADC employees or contractors. The obvious danger is that an area of infringement, take obscene language, will be used selectively against groups the ADC or manipulated or genuine opinion do not approve of, as happened with feminists who used the word "bull shit" in a public place. If the ADC end up banning certain marches, placards and not others there could be heafty legal bills. In passing has your regulation allignment group looked at some of the current bylaws (1981)? They could be cited to indicate how out of touch the ADC is with the modern world. If you want some examples I can select a few from that document.

(3) With regard to consultation ... The High Court, the Court of Appeals and the Supreme Court have consistently ruled on what consultation should look like. I feel that it is your job to be aware of these decisions. Has your group genuinely consulted with Ngai Tahu, and other groups likely to be effected? The let's not and say we did approach could be problematic as a case works its way up the judicial system where clear legal precedents are likely/will to be followed.

(4) Your group will doubtless be aware of the transcendent nature of S6 of the NZBORA. Our lawmakers regard individual liberty as opposed to state power as very important, note the Long Title (now called the purpose) of that statute. From a constitutional point of view what I and some legal commentators see going on here is an attempt to farm out to councils and quasi-governing bodies/organisations, "quangos", law enforcement. Some see this as an attack on democracy. It is the police's and other government agencies job to keep law and order. There are those in Wellington who are on a "great quango hunt". I would hate my rates to be used in a turf war between the ADC and a central government body, the HRC for example.

(5) Your comment about Fencing Act 1978 reallignment and consistency with with ADC regulations or was t the other way around.....
Statute always overrules bylaws so there really is no problem with the archaic/anacronistic sections of the 1981 by law provisions, mentioned above, as they will be difficult if not impossible to enforce. However, attempts to reallign can cause difficulties, controversy, costs and delay. Where there is a statute that needs changeing why don't the councils get together and recommend the change? Is this district that atypical? A cynic might suggest this provision will require inspections and fees and is dollar driven.