

Address by Michael Gibson to Town Belt Hearings Sub-Committee, 17 April 2013

Thank you for giving me two minutes.

It is not right that you are giving officers powers that they do not have under the Trust Deed.

Written submissions.

According to the Minutes which you have just approved **YOU HAVE FAILED ENTIRELY TO CONSIDER ANY WRITTEN SUBMISSIONS & WRITTEN SUBMISSIONS WERE NOT EVEN TABLED.**

Even if you are following this Council's practice of abrogating its powers & responsibilities to officers then you must still draw this one to the Council's attention.

This is especially when the Report today says such things as an *"Issue (has been) identified by (the) subcommittee (that) the local bill should not provide 'relatively flexible powers' to Council."* when the Minutes show **THE COMMITTEE IDENTIFIED NO SUCH ISSUE.**

Oral submissions

Regarding oral submissions the Minutes you have just approved show that these were heard by motley groupings of Councillors who wandered in & out of Meetings in the most casual manner.

I speak only of what happened to me.

The Minutes show that the second Hearing was resolved to start at "10.00am on Wednesday 20 February 2013."

I was duly scheduled to be first to speak.

What happened?

At **11.22a.m.** Cr Foster wandered in & said **"OH, I DID NOT REALISE I WAS NEEDED TO MAKE UP A QUORUM"**.

(For the record, Cr Pannett is shown to have appeared later in the morning & Mayor Wade-Brown & Cr Eagle did not attend the Committee at all that day.)

Now consider this from today's Order Paper:

"Many submitters had concerns that this ... will give too many powers to officers to make major decisions.

Officer recommendation

No change"

Further: "The modern approach is to limit the purpose for which powers may be exercised and the process that must be followed when exercising them".

Tabled information - Reference 014/13PT(a)

How does the author of "Statute Law in New Zealand", Professor Burrows, give a warning about this? He says "broad general provisions give *administrators* more discretion." (Note the Professor's emphasis)

Finally: I give notice that I will be asking to address the Council on the above - &, in the same context, the Decision of the Advertising Standards Authority on the Council's disgracefully misleading advertising about Curtis Street.

Thank you for my two minutes - are there any questions?

(If there is time:)

Let me add that the officers' reasoning about the Reserves Act is quite inadequate. If the Council is indeed concerned about:

" the power of the Minister of Conservation to
- revoke classification, authorise exchange of land
- approve huts, cabins, lodges
- approve use of land for communications stations
- approve taking of specimens or introducing flora and fauna etc
- limit the number of days access to part of Town Belt would be restricted or charged for."

then have these specified for removal in the proposed Bill but do not otherwise undermine the protection given to us by the Reserves Act.