

FAQS Public Safety & Nuisance Bylaw

1. What is the Public Safety & Nuisance Bylaw?

Auckland Council and Auckland Transport produced complementary Public Safety and Nuisance Bylaws to ensure Aucklanders and visitors can freely enjoy the region's public places and transport. Its main purpose is to minimise nuisances, obstructions and unsafe activities and promote a safe Auckland.

The bylaws also provide restrictions on any person using a public place in a way that creates a nuisance, is intimidating or impacts on public perceptions of safety.

2. When will the new bylaws come into force?

The bylaws were passed in 2013 and will come into force on 26 May 2014.

3. Where will the bylaws apply?

The bylaws will apply across the Auckland region. They standardise a number of issues contained in the former councils bylaws.

4. How will these bylaws affect me?

The bylaw is intended to make you feel safe in your city. There are restrictions on anyone using a public place in a way that creates a nuisance, risks injury, is offensive, intimidating or dangerous. We therefore encourage the public to contact the council if concerned about an anti-social behaviour or wish to make a complaint as it raises our attention to the fact there is an issue and provides us with a record.

5. What do you mean by a 'public place'?

Public place means any place that is open to or being used by the public at any time including roads, bus and train stations, ferry wharves, park 'n' ride carparks, parks and beaches.

6. Why do you have to have bylaws on public safety and nuisance when we have laws in place to address certain behaviours?

There is a range of legislation that governs safety and behaviour in public places, such as the Summary Offences Act 1981 and Crimes Act 1960, however they don't deal with some of the 'low level' issues included in the bylaws such as car window washers, begging or the use of mind altering substances publicly. The police can really only get involved if the behaviour becomes aggressive or threatening.

A bylaw on public safety and nuisance can be used as an 'early intervention tool' for preventing some of the low level / nuisance offences from escalating into more serious crimes. The bylaws provide a softer approach to dealing with low level offending rather than relying on police powers. It deals with these issues and other inappropriate behaviour in public places and enables the council's compliance officers and the police to deal with a range of antisocial or nuisance behaviour at a level that is below the need to involve arrest, prosecution and/or criminal conviction.

The council recognises that a bylaw alone does not solve all the problems but it does provide an opportunity to identify individuals who are committing an offence and refer them onto the appropriate services.

7. How will you enforce the Public Safety and Nuisance Bylaw?

As mentioned above, breaches of the bylaw will be dealt with through a graduated response. Auckland Council and Auckland Transport do not fine people for breaching the bylaw but we do issue a warning or a seizure notice. In some instances we will work with Police if a breach of the bylaw is taken through to prosecution.

8. Does the bylaw cover the use of mind altering substances in public?

Yes, under the Public Safety & Nuisance Bylaw 2013 a person cannot use a mind altering substance in a public place. A mind altering substance, whether naturally occurring or synthetic, is a substance which may alter moods / emotions, intoxicate or induce pleasurable sensations. It also includes glue sniffing.

If you smoke, consume, inject or sell on to other people in *any public place*, you may be prosecuted and fined up to \$20,000.

9. Can I say no to window washers now and feel safe under this bylaw?

Window washers are often seen by the public as intimidating and drivers have felt they had no option. The Public Safety & Nuisance Bylaw now makes it illegal to wash or offer to wash a vehicle in an intimidating manner, cause a nuisance to any person, or cause an obstruction to traffic. Window washers are also placing themselves in danger by working in the middle of busy, oncoming traffic.

10. If someone sitting on the pavement is asking for donations – or begging - are you going to enforce the bylaw?

The purpose of the bylaws is to deal with activities that are perceived to be a nuisance, or impacting on someone's enjoyment to use a public place. The bylaw seeks to deal with aggressive or intimidating behaviour, not passive behaviour.

11. I understand the bylaws are dealing with 'soliciting for donations'. Does that mean charity fundraising will now be banned?

Soliciting for donations such as charity fundraising is being addressed in the review of the bylaws on 'trading in public places' so the existing bylaws still apply. The proposed bylaws are intended to address asking for donations of money or other items in a manner that may be perceived as nuisance or intimidating.

12. Are there any differences between Auckland Council's and Auckland Transport's bylaws?

The only difference in the bylaws is in relation to the application of additional controls on parks and beaches (Auckland Council) and public transport infrastructure (Auckland Transport). The bylaws contain the same controls however they differ in which 'public place' the regulations apply.