

July 2023

To Christchurch City Council

Please find attached DPA’s submission on Cruising and Prohibited Times on Roads Draft Bylaw 2023

For any further inquiries, please contact:

Chris Ford

Kaituhotuho Kaupapa Here ā Rohe - Regional Policy Advisor (Local Government)

[policy@dpa.org.nz](mailto:policy@dpa.org.nz)

**Introducing Disabled Persons Assembly NZ**

**We work on systemic change for the equity of disabled people**

Disabled Persons Assembly NZ (DPA) is a not-for-profit pan-impairment Disabled People’s Organisation run by and for disabled people.

**We recognise:**

* Māori as Tangata Whenua and [Te Tiriti o Waitangi](https://www.archives.govt.nz/discover-our-stories/the-treaty-of-waitangi) as the founding document of Aotearoa New Zealand;
* disabled people as experts on their own lives;
* the [Social Model of Disability](https://www.odi.govt.nz/guidance-and-resources/guidance-for-policy-makes/) as the guiding principle for interpreting disability and impairment;
* the [United Nations Convention on the Rights of Persons with Disabilities](https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html) as the basis for disabled people’s relationship with the State;
* the [New Zealand Disability Strategy](https://www.odi.govt.nz/nz-disability-strategy/) as Government agencies’ guide on disability issues; and
* the [Enabling Good Lives Principles](https://www.enablinggoodlives.co.nz/about-egl/egl-approach/principles/), [Whāia Te Ao Mārama: Māori Disability Action Plan](https://www.health.govt.nz/publication/whaia-te-ao-marama-2018-2022-maori-disability-action-plan), and [Faiva Ora: National Pasifika Disability Disability Plan](https://www.moh.govt.nz/notebook/nbbooks.nsf/0/5E544A3A23BEAECDCC2580FE007F7518/$file/faiva-ora-2016-2021-national-pasifika-disability-plan-feb17.pdf) as avenues to disabled people gaining greater choice and control over their lives and supports.

**We drive systemic change through:**

* **Leadership:** reflecting the collective voice of disabled people, locally, nationally and internationally.
* **Information and advice:** informing and advising on policies impacting on the lives of disabled people.
* **Advocacy:** supporting disabled people to have a voice, including a collective voice, in society.
* **Monitoring:** monitoring and giving feedback on existing laws, policies and practices about and relevant to disabled people.

**UN Convention on the Rights of Persons with Disabilities**

DPA was influential in creating the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD),1 a foundational document for disabled people which New Zealand has signed and ratified, confirming that disabled people must have the same human rights as everyone else. All state bodies in New Zealand, including local and regional government, have a responsibility to uphold the principles and articles of this convention. There are a number of UNCRPD articles particularly relevant to this submission, including:

* **Article 3 – General principles**
* **Article 9 – Accessibility**
* **Article 19 – Living independently and being included in the community**
* **Article 20 – Personal mobility**

**New Zealand Disability Strategy 2016-2026**

Since ratifying the UNCRPD, the New Zealand Government has established a Disability Strategy2 to guide the work of government agencies on disability issues. The vision is that New Zealand be a non-disabling society, where disabled people have equal opportunity to achieve their goals and aspirations, and that all of New Zealand works together to make this happen. It identifies eight outcome areas contributing to achieving this vision. There are a number of Strategy outcomes particularly relevant to this submission, including:

* **Outcome 5 – Accessibility**

# The Submission

DPA welcomes this opportunity to engage on the Cruising and Prohibited Times on Roads Draft Bylaw.

DPA supports the continued need for this bylaw to control the nuisance and harm caused by car cruising and racing activity in parts of the Christchurch community, mainly during late night hours.

These antisocial activities have an impact on everyone in the community, especially disabled and older people who for health and other reasons require good sleep and the ability to feel secure at night.

DPA will point out in this brief submission the need to make disability organisations and disabled people key groupings to be consulted with before changes are made to this bylaw and/or any resolutions passed under it.

DPA would also like to see further clarification around one provision pertaining to vehicles which are exempted from being covered by the provisions of this bylaw.

**Cruising Prohibited clause**

DPA recommends that under Section 4(4)(b) of the proposed by-law that note be taken by Council of the need for disabled people who live in impacted areas and disability organisations to be regarded as one of the key local community or road user groups who need to be consulted with before making, amending or revoking any resolution made under this by-law.

This will ensure that disabled people are advised about any changes to roads/streets being covered by this bylaw and the exemptions that cover all residents under the proposed by-law.

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| **Recommendation 1:** that disabled people living in impacted areas and disability organisations are one of the key groups consulted by Council about any proposed changes to this by-law. |

**Cars prohibited on roads and exceptions**

DPA welcomes the updating of the exceptions to nighttime access restrictions (Section 8) to exclude the vehicles of residents, those which are undertaking deliveries or are service vehicles from being covered under this bylaw.

This will give peace of mind to disabled people living in the affected areas who, for example, use their own personal vehicles, buses, taxis or mobility passenger services to get to or from their own homes during the hours when car cruising and racing bans are in place.

However, for the sake of greater clarity, DPA recommends that either a further clause or clarifying note is added to this section specifically outlining that taxi, bus, mobility or small passenger service vehicles which are conveying the owners or occupiers of any property during nighttime restriction hours are regarded as exceptions to the nighttime access provisions.

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| **Recommendation 2:** that an additional clause or clarifying note is added to the by-law to clarify that all taxi, bus, mobility or small passenger service vehicles conveying residents or occupiers of properties on affected roads are regarded as exceptions to the nighttime access provisions. |