

# **Freedom Camping Bill**

Government Bill

As reported from the Local Government and  
Environment Committee

## **Commentary**

### **Recommendation**

The Local Government and Environment Committee has examined the Freedom Camping Bill and recommends by majority that it be passed with the amendments shown.

### **Introduction**

New Zealanders value their right to freedom camp. This bill establishes their right to do so in all areas unless specifically restricted or prohibited. The purpose of this bill is to address the adverse effects of freedom camping—camping in a location that is not a designated campground, and lacks facilities. Increasing numbers of people are freedom camping in unsuitable places such as beaches and car parks, and are leaving behind refuse, including human waste. This is offensive to people, creates a public health hazard, and undermines New Zealand's image as a clean, green tourist destination.

The bill is not intended to target day visitors, back-country trampers, or motorists who need to pull over to rest to avoid fatigue.

Under the provisions of the bill it would be an offence to freedom camp in an area where it is not permitted, and an offence to deposit

waste of any kind on local authority or public conservation land. The bill seeks to set a nationally consistent infringement fee, which could be adjusted by regulation. Local authorities and the Department of Conservation would be able to take proceedings against offenders for more serious offending under the Summary Proceedings Act 1957.

The bill would allow local authorities to make bylaws specifying the areas in which freedom camping is prohibited or restricted, and the conditions of any restriction. The bill includes transitional provisions which would allow breaches of existing local authority camping-related bylaws to be infringement offences under provisions of this bill that would expire one year after the enactment date. The bill would also allow the department to designate freedom camping prohibitions and restrictions by way of notices or signs. The signage provisions in the bill are transitional, and would expire on 31 March 2012.

The transitional bylaw and signage provisions are intended to allow the immediate implementation of the infringement regime in time for the expected increase in freedom camping at the start of the Rugby World Cup 2011.

The majority of us intended to recommend amendments to clause 21 to allow vehicle rental companies to recover freedom camping infringement fees from customer's credit cards. These amendments are complex and require careful drafting. We understand that they may be considered at the committee of the whole House stage by way of a supplementary order paper.

This commentary covers the key amendments that we recommend to the bill. It does not cover minor or technical amendments.

### **Outline of the Act**

The majority of us recommend amending clause 3 to clarify that freedom camping is permitted in any local authority area or public conservation land unless restricted or prohibited by local authorities or the department. In conjunction with the insertion of new clause 11A, which we discuss below, this amendment to clause 3 would make it clear that the default position is that freedom camping is permitted.

### **Meaning of “freedom camp”**

The majority of us recommend amending clause 5 to define freedom camping as an activity occurring within 200 metres of a motor ve-

hicle accessible area, formed roads, or the mean low-water spring line, rather than within one kilometre. We think that one kilometre is too great a distance, and would result in the inclusion of more back country than was intended. The term “motor vehicle accessible area” would be more appropriate as it is not intended to capture some areas accessible by non-motorised vehicles, such as bicycles.

For the sake of consistency, we think it would also be appropriate to reduce the distance applying to a Great Walks Track from 500 metres to 200 metres.

The majority of us also recommend amending clause 5 to specify that short-term parking, day-trip activity, and resting or sleeping in vehicles as a respite from driving to avoid fatigue do not constitute freedom camping.

The explanatory note stipulates that the bill is not intended to target motorists who need to pull over to rest. Amending clause 5 to set this out explicitly would bring this intention clearly into the legislation, and would remove any potential for a perceived conflict with the road safety message advocating pulling over to the side of the road to rest when tired.

### **Meaning of “local authority area”**

The majority of us recommend amending clause 6 to specify that the area and land controlled or managed by the Auckland Council and Auckland Transport, excluding land permanently covered by water, qualify as a local authority area.

Under Auckland’s governance structure the local authority, Auckland Council, is not the road controlling authority, and under the bill as introduced would not have been able to issue infringement notices regarding Auckland’s roading network. Auckland Transport, the road controlling agency, would also not have been able to make bylaws under the bill as introduced as it is not a local authority as defined by the Local Government Act 2002.

This amendment would allow freedom camping to be managed properly in our largest city.

### **Where freedom camping permitted**

The majority of us recommend amending clause 11(2)(b) to specify that bylaws must be the most appropriate and proportionate way of addressing freedom camping problems.

The majority of us recommend inserting new clause 11A to clarify, for the avoidance of doubt, that local authorities could not make by-laws absolutely prohibiting freedom camping in their districts. The bill is intended to allow authorities to specifically restrict or prohibit freedom camping in particular spots to protect the area or the health and safety of people visiting the area, not to make blanket bans preventing people from freedom camping anywhere in their districts, and this amendment, along with amendments to clause 3, would put this beyond doubt.

We note that it would be possible for local authorities to restrict freedom camping in some areas to vehicles with self-contained toilet and waste facilities; while, in other areas where there have been no significant problems, or where toilet and waste facilities are provided, freedom camping in non-self-contained vehicles or in tents could be permitted.

### **Review of bylaws**

The majority of us recommend deleting clause 12 and inserting new clause 12, to require local authorities to review bylaws no later than five years after they were made, and no later than ten years after they were last reviewed. This amendment would create more consistency between the bylaw-making process and the criteria under which by-laws are made and reviewed.

The majority of us also recommend inserting new clause 12A to clarify that the Local Government Act would apply to bylaws made under this bill, as it does to bylaws made under other enactments.

### **Offences**

The majority of us recommend amending clause 18(1) to make these offences infringement offences only, rather than offences which may be proceeded against summarily or as infringement offences. This approach would be more straightforward and, as an infringement regime, more consistent with the nature and scale of the offences in clause 18(1).

The majority of us further recommend amending clause 18(1) to specify that waste should be disposed of appropriately. It would not, for example, be appropriate to dispose of human waste in a rubbish bin. The majority of us recommend inserting new clause 18(1A) to create a new offence to address behaviour that has, or is likely to have, a significant adverse effect on the environment. This amendment follows from our proposed amendments to clause 18(1) making certain offences infringement offences only, and would capture situations where more serious damage is done by freedom campers. For example, it would cover freedom campers in self-contained vehicles discharging their containment tanks onto public land rather than into waste disposal units provided for that purpose.

## **Bylaws**

### **Schedule 3**

The majority of us recommend amending Schedule 3 to include a number of bylaws. Since the bill's introduction several local authorities have passed bylaws with relevant camping provisions, and some existing bylaws have been amended to meet the criteria for inclusion in Schedule 3. The amended bylaws contain sufficient descriptions, or maps, of the areas to which the bylaw applies, and list adequately any attached conditions, so they could be included in Schedule 3.

### **Schedule 4**

The majority of us recommend amending Schedule 4 to include provision 21.1 of the Rotorua Traffic Bylaw 2008. This bylaw provision was not originally included in the bill as it did not relate sufficiently to camping. However, if provision 21.1 of the bylaw is read in conjunction with provision 21.2, the intention to regulate camping becomes clearer. Rotorua will host three matches during the Rugby World Cup, which are likely to attract a large number of campervan tourists, and this amendment would help the local authority manage these tourists.

## **New Zealand Labour Party minority view**

Labour opposes the Freedom Camping Bill. We recognise there is a problem caused by a minority of irresponsible freedom campers foul-

ing the roadside but, in our view, this bill is a heavy-handed punitive measure that threatens the freedom to enjoy the outdoors exercised by a majority of campers, both New Zealanders and overseas visitors.

Giving councils and the Department of Conservation more efficient powers to declare areas off limits to freedom camping, and an enforcement regime that targets both littering and freedom camping is, in our view, a step too far. It raises the possibility of freedom camping being effectively outlawed in large parts of the country.

New Zealanders who drive into the countryside on a Friday night for a weekend of surfing, fishing, tramping, climbing, or hunting and camp beside the road for an early start on Saturday could well find themselves on the wrong side of this law.

We believe more targeted measures should be considered as alternatives, a phase-out of rental campervans without self-contained toilet facilities, or instant fines for littering that can be levied on the vehicle owner with hire companies empowered to recover fines from the customer's credit card. Perhaps, in response to growing numbers of overseas visitors, more should be invested in public toilets, rubbish and recycling bins, and facilities for the discharge of campervan toilet waste.

### **Green Party minority view**

The bill, as reported back to the House by the Local Government and Environment Committee, is a considerable improvement on the bill as introduced. Nonetheless, the improvement has not been sufficient for the Green Party to feel able to support it.

We do not doubt that there is a real problem associated with a small minority of people who use camper vans without toilets to travel in New Zealand. However the bill still proposes to deal with this problem by creating new powers that will affect not only those who create a problem, but all users of such vehicles, whether or not they act responsibly, as well as other groups with whom no problem at all is associated. The Green Party is particularly concerned about the negative effects on New Zealanders whose recreation takes them into the great outdoors.

The Green Party argues that territorial local authorities, the Department of Conservation, and the Police already have powers to deal

with any real problems that occur, meaning that the provisions of the bill are not necessary. The Green Party believes that a more positive approach of providing more places for these camper vans to stay the night that have rubbish disposal facilities and toilets would be a better solution to the actual problem. We are aware that this was a strategy that the tourism industry was already pursuing, along with good quality information for tourists about the locations of these places, and observe that there is some irony in the Government cutting across this approach with a heavy-handed regulatory approach.

In short we believe that the bill is still poorly directed, unnecessary, unlikely to have the desired effect, and disproportionate.

## **Appendix**

### **Committee process**

The Freedom Camping Bill was referred to the committee on 9 June 2011. The closing date for submissions was 29 June 2011. We received and considered 62 submissions from interested groups and individuals. We heard 10 submissions.

We received advice from the Department of Internal Affairs and the Department of Conservation.

### **Committee membership**

Chris Auchinvole (Chairperson)

Brendon Burns

Dr Cam Calder

Hon Ruth Dyson

Rahui Katene

Nikki Kaye

Sue Kedgley

Hon Heather Roy

Phil Twyford

Louise Upston

Nicky Wagner

---

Freedom Camping Bill

---

**Key to symbols used in reprinted bill**

**As reported from a select committee**

text inserted unanimously

~~text deleted unanimously~~

---



*Hon Kate Wilkinson*

## **Freedom Camping Bill**

Government Bill

### **Contents**

	Page
1 Title	3
2 Commencement	3
<b>Part 1</b>	
<b>Preliminary provisions</b>	
3 Outline of Act	3
4 Interpretation	4
5 Meaning of freedom camp	5
6 Meaning of local authority area	6
7 Meaning of conservation land	7
8 Repeal of freedom camping restriction and prohibition signs provisions	7
9 Repeal of transitional infringement offence provisions for local authority camping-related bylaws	7
<b>Part 2</b>	
<b>Where freedom camping permitted</b>	
Subpart 1—Freedom camping in local authority areas	
10 Where freedom camping permitted	7
11 Freedom camping bylaws	7
11A Bylaws must not absolutely prohibit freedom camping	9
12 Review of bylaws	9
12A Application of Local Government Act 2002 to bylaws	10
Subpart 2—Freedom camping on conservation land	
13 Where freedom camping permitted	10
14 Freedom camping restriction and prohibition signs	10

**Freedom Camping Bill**

---

15	Freedom camping notices	11
16	Public notification of freedom camping notices	12
17	Director-General to exercise powers as if Act specified in Schedule 1 of Conservation Act 1987	13

**Part 3  
Enforcement, miscellaneous, and transitional provisions**

Subpart 1—Offences, defences, and penalties

18	Offences	14
19	Strict liability offences	16
21	Defences to offences	16
22	Penalties	17
24	Offenders liable for cost of damage	18

Subpart 2—Proceedings

25	How proceedings commenced	18
26	Who proceedings may be commenced against	19
27	Issue of infringement notices	19
28	Reminder notices	21
29	Entitlement to infringement fees	21

Subpart 3—Enforcement officers

30	Appointment of enforcement officers by local authorities	21
31	Appointment of enforcement officers by Director-General	22
32	Enforcement officers must produce evidence of appointment	22
33	Enforcement officers may require certain information	23
34	Enforcement officers may require certain persons to leave local authority area or conservation land	23
35	Enforcement officers may seize and impound certain property	23
36	Requirements relating to seizure and impoundment of boats, caravans, and motor vehicles	24
37	Return of property seized and impounded	24
38	Disposal of property seized and impounded	25
39	Protection against claims resulting from seizing or impounding of property under section 35	26

Subpart 4—Miscellaneous matters

40	Relationship of this Act with other enactments	27
41	Regulations	27
42	Orders in Council to specify track as Great Walks Track	27
43	Evidence in proceedings	27

	Subpart 5—Transitional provisions for current camping-related local authority bylaws	
44	Purpose of this subpart	28
45	Infringement offences for camping-related local authority bylaw provisions specified in Schedule 3	28
46	Infringement offences for camping-related local authority bylaw provisions specified in Schedule 4	29
47	Empowering legislation otherwise applies to bylaw provisions	30
48	Descriptions of offences in Schedules 3 and 4	30
	<b>Schedule 1</b>	31
	<b>Great Walks Tracks</b>	
	<b>Schedule 2</b>	32
	<b>Prescribed forms</b>	
	<b>Schedule 3</b>	48
	<b>Bylaws breach of which deemed infringement offence</b>	
	<b>Schedule 4</b>	56
	<b>Bylaws breach of which deemed infringement offence if resolution passed</b>	

**The Parliament of New Zealand enacts as follows:**

- 1 Title**  
This Act is the Freedom Camping Act **2011**.
- 2 Commencement**  
This Act comes into force on the day after the date on which it receives the Royal assent. 5

**Part 1**  
**Preliminary provisions**

- 3 Outline of Act**
  - (1) This section provides an outline of this Act and indicates its purpose and scope, but it does not limit or affect the application or interpretation of any of the individual provisions of ~~this~~ the Act. 10

- (2) This Act regulates freedom camping—
- (a) on land controlled or managed by local authorities (city, district, and regional councils); and
  - (b) on land controlled or managed by the Department of Conservation under the Conservation Act 1987, the National Parks Act 1980, the Reserves Act 1977, or the Wildlife Act 1953. 5
- (2A) However, the powers of regulation under the Act do not allow for freedom camping to be prohibited on all land controlled or managed by a particular local authority or on all land controlled or managed by the Department. 10
- (3) This Act does not regulate freedom camping on private land.
- (4) **Part 1** provides for preliminary matters and defines words and phrases used in the Act.
- (5) **Part 2** has 2 subparts. **Subpart 1** deals with freedom camping on land under the control of local authorities. **Subpart 2** deals with freedom camping on the land referred to in **subsection (2)(b)**. Freedom camping is permitted under this Part unless it is restricted or prohibited in accordance with the provisions of each subpart. 15 20
- (6) **Part 3** has 5 subparts, which deal with the following matters:
- (a) **subpart 1**: offences, defences, and penalties: 25
  - (b) **subpart 2**: how proceedings for an offence may be commenced and the persons against whom the proceedings may be taken: 25
  - (c) **subpart 3**: the appointment and powers of enforcement officers and matters relating to any property seized by an enforcement officer:
  - (d) **subpart 4**: miscellaneous matters:
  - (e) **subpart 5**: transitional infringement offence provisions relating to current local authority camping-related bylaws. 30
- 4 Interpretation**
- In this Act, unless the context requires another meaning,—
- conservation Act** means any one of the conservation Acts 35
- conservation Acts** means the following Acts:
- (a) Conservation Act 1987:

- (b) National Parks Act 1980:
- (c) Reserves Act 1977:
- (d) Wildlife Act 1953

**conservation land** has the meaning given by **section 7**

**Department** means the Department of Conservation 5

**Director-General** means the Director-General of the Department

**enforcement officer** means a person appointed as an enforcement officer under **section 30 or 31**

**freedom camp** has the meaning given by **section 5** 10

**freedom camping notice** or **notice** means a notice made by the Director-General under **section 15**

**infringement offence** means an offence specified in **section 20 18(1)**

**local authority** means a regional council or a territorial authority (as those terms are defined in section 5(1) of the Local Government Act 2002) 15

**local authority area** has the meaning given in **section 6**

**offence** means an offence under this Act and includes an infringement offence 20

**waste** means any kind of waste, including human waste.

## 5 Meaning of freedom camp

- (1) In this Act, **freedom camp** means to camp (other than at a camping ground) within ~~1 km of a formed road~~, a 200 m of a motor vehicle accessible area, or the mean low-water springs line of any sea or harbour, or ~~within 500 m of~~ on or within 200 m of a formed road or a Great Walks Track, using 1 or more of the following: 25

- (a) a tent or other temporary structure:
- (b) a caravan: 30
- (c) a car, campervan, housetruck, or other motor vehicle.

- (1A) In this Act, **freedom camping** does not include the following activities:

- (a) temporary and short-term parking of a motor vehicle:
- (b) recreational activities commonly known as day-trip excursions: 35

- (c) resting or sleeping at the roadside in a caravan or motor vehicle to avoid driver fatigue.
- (2) In **subsection (1)**,—
- camping ground** means—
- (a) a camping ground that is the subject of a current certificate of registration under the Camping-Grounds Regulations 1985; and 5
- (b) any site at which a fee is payable for camping at the site
- Great Walks Track** means—
- (a) a track specified in **Schedule 1**; and 10
- (b) any other track specified by Order in Council made under **section 42** as a Great Walks Track.
- 6 Meaning of local authority area**
- (1) In this Act, **local authority area**—
- (a) means an area of land— 15
- (i) that is within the district or region of a local authority; and
- (ii) that is controlled or managed by the local authority under any enactment; and
- (b) includes any part of an area of land referred to in **paragraph (a)**; but 20
- (c) does not include an area of land referred to in **paragraph (a) or (b)** that is permanently covered by water.
- (2) Despite **subsection (1)**, in this Act, **local authority area**, in relation to the Auckland Council,— 25
- (a) means an area of land within Auckland that is either—
- (i) controlled or managed by the Auckland Council under any enactment; or
- (ii) controlled or managed by Auckland Transport; and 30
- (b) includes any part of an area of land referred to in **paragraph (a)**; but
- (c) does not include an area of land referred to in **paragraph (a) or (b)** that is permanently covered by water.
- (3) In **subsection (2)**, **Auckland** and **Auckland Transport** have the meanings given in section 4(1) of the Local Government (Auckland Council) Act 2009. 35

- 7 Meaning of conservation land**  
 In this Act, **conservation land**—
- (a) means an area of land that is controlled or managed by the Department under a conservation Act; and
  - (b) includes any part of an area of land referred to in **paragraph (a)**; but
  - (c) does not include an area of land referred to in **paragraph (a) or (b)** that is permanently covered by water.
- 8 Repeal of freedom camping restriction and prohibition signs provisions** 10  
**Sections 13(a), 14, and 18(1)(f) and (i)** are repealed on the close of 31 March 2012.
- 9 Repeal of transitional infringement offence provisions for local authority camping-related bylaws** 15  
**Sections 44 to 48 and Schedules 3 and 4** are repealed on the close of the day that is 1 year after the commencement of this Act.
- Part 2**  
**Where freedom camping permitted**
- Subpart 1—Freedom camping in local authority areas 20
- 10 Where freedom camping permitted**  
 Freedom camping is permitted in any local authority area unless it is restricted or prohibited in an area—
- (a) in accordance with a bylaw made under **section 11**; or
  - (b) under any other enactment. 25
- 11 Freedom camping bylaws**
- (1) A local authority may make bylaws—
    - (a) defining the local authority areas in its district or region where freedom camping is restricted and the restrictions that apply to freedom camping in those areas: 30
    - (b) defining the local authority areas in its district or region where freedom camping is prohibited.

- 
- (2) A local authority may make a bylaw under **subsection (1)** only if it is satisfied that—
- (a) the bylaw is necessary for 1 or more of the following purposes:
    - (i) to protect the area: 5
    - (ii) to protect the health and safety of people who may visit the area:
    - (iii) to protect access to the area; and
  - (b) the bylaw is the most appropriate and proportionate way of addressing the perceived problem in relation to that area; and 10
  - (c) the bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990.
- (3) A bylaw made under **subsection (1)** must define a restricted or prohibited area in either or both of the following ways: 15
- (a) by a map:
  - (b) by a description of its locality (other than just its legal description).
- (4) However, where a bylaw contains both a map and a description and there is an inconsistency between the map and the description, the description prevails. 20
- (5) The local authority must use the special consultative procedure set out in section 83 of the Local Government Act 2002 (as modified by section 86 of that Act) in— 25
- (a) making a bylaw under this section; or
  - (b) amending a bylaw made under this section; or
  - (c) revoking a bylaw made under this section.
- (6) Despite **subsection (5)(b)**, a local authority may, by resolution publicly notified, make minor changes to, or correct errors in, a bylaw made under this section, but only if the changes or corrections do not affect— 30
- (a) an existing right, interest, title, immunity, or duty of any person to whom the bylaw applies; or
  - (b) an existing status or capacity of any person to whom the bylaw applies. 35
- (7) In **subsection (6)**, **publicly notified** means a notice given in accordance with the requirements of the definition of public notice in section 5(1) of the Local Government Act 2002.

**11A** Bylaws must not absolutely prohibit freedom camping

- (1) A local authority may not make bylaws under **section 11** that have the effect of prohibiting freedom camping in all the local authority areas in its district.
- (2) This section is for the avoidance of doubt. 5

**12** Bylaws treated for some purposes as made under Local Government Act 2002

- (1) A bylaw made under **section 11** must be treated as being a bylaw made under the Local Government Act 2002 for the purposes of the following sections of that Act: 10
- (a) section 150 (which authorises a fee or charge to be prescribed in relation to a bylaw); and
- (b) sections 158 to 160A (which require a bylaw to be reviewed periodically).
- (2) To the extent that the Local Government Act 2002 applies to bylaws made under other enactments, that Act also applies to a bylaw made under this Act. 15
- (3) **Subsection (2)** is subject to any provision to the contrary in this Act.

**12** Review of bylaws 20

- (1) A local authority must review a bylaw made by it under **section 11** no later than 5 years after the date on which the bylaw was made.
- (2) A local authority must review a bylaw made by it under **section 11** no later than 10 years after the bylaw was last reviewed as required by **subsection (1)** or this subsection. 25
- (3) A local authority must review a bylaw to which **subsection (1) or (2)** applies by making the determinations required by **section 11(2)**.
- (4) If, after a review, the local authority considers that the bylaw— 30
- (a) should be amended, revoked, or revoked and replaced, it must act under **section 11(5)**;
- (b) should continue without amendment, it must use the special consultative procedure set out in section 83 of the Local Government Act 2002. 35

- (5) For the purposes of **subsection (4)(b)**, the statement of proposal referred to in section 83(1)(a) of the Local Government Act 2002 must include—
- (a) a copy of the bylaw to be continued; and
  - (b) the reasons for the proposal; and 5
  - (c) a report of any relevant determinations by the local authority under section 83 of that Act.
- (6) A bylaw that is not reviewed as required by this section, if not earlier revoked by the local authority concerned, is revoked on the date that is 2 years after the last date on which the bylaw should have been reviewed under this section. 10

**12A Application of Local Government Act 2002 to bylaws**

- (1) To the extent that the Local Government Act 2002 applies to bylaws made under other enactments, that Act also applies to a bylaw made under this Act. 15
- (2) **Subsection (1)** is subject to any provision to the contrary in this Act.

Subpart 2—Freedom camping on  
conservation land

- 13 Where freedom camping permitted** 20
- Freedom camping is permitted on any conservation land unless freedom camping is restricted or prohibited on the land—
- (a) in accordance with 1 or more signs posted under **section 14**; or
  - (b) in accordance with a freedom camping notice made under **section 15**; or 25
  - (c) under a conservation Act or any other enactment.
- 14 Freedom camping restriction and prohibition signs**
- (1) The Director-General may, by erecting a sign, restrict or prohibit freedom camping on conservation land within 200 m of the sign. 30
- (2) The sign must clearly describe, whether by words or symbols or both,—
- (a) that freedom camping is restricted within 200 m of the sign and the restrictions that apply; or 35

- (b) that freedom camping is prohibited within 200 m of the sign.
- (3) A sign must be clearly identified as a sign erected with the authority of the Director-General.
- (4) The Director-General may erect a sign under **subsection (1)** 5 only if the Director-General is satisfied that restricting or prohibiting camping on the land is not inconsistent with—
- (a) the purpose of any conservation Act relevant to the land; or
- (b) any general policy, management strategy, or management plan made under a conservation Act relevant to the land. 10
- (5) ~~This section also applies if the sign~~ Freedom camping on conservation land is also restricted or prohibited within 200 m of a sign that was erected before the commencement of this Act, but only if— 15
- (a) ~~so long as~~ the sign clearly describes, whether by words or symbols or both,—
- (i) that freedom camping is restricted and the restrictions that apply; or 20
- (ii) that freedom camping is prohibited; and
- (b) the sign is clearly identified as a sign erected with the authority of the Director-General.
- (c) ~~the Director-General is satisfied of the matters in~~ **subsection (4)** in respect of the land to which the sign relates. 25

## 15 Freedom camping notices

- (1) The Director-General may, by notice published in accordance with **section 16**,—
- (a) define conservation land where freedom camping is restricted and the restrictions that apply to freedom camping on that land: 30
- (b) define conservation land where freedom camping is prohibited.
- (2) A notice may be published under **subsection (1)** only if— 35
- (a) the Director-General is satisfied that the notice is not inconsistent with—

- (i) the purpose of any conservation Act relevant to the land; or
- (ii) any general policy, management strategy, or management plan made under a conservation Act relevant to the land; or 5
- (iii) the New Zealand Bill of Rights Act 1990; and
- (b) the Director-General has first consulted the Conservation Board established under section 6L of the Conservation Act 1987 that has jurisdiction over the conservation land to which the notice relates. 10
- (3) A notice must—
- (a) define the conservation land by a map or a description of its locality (other than just its legal description) or both; and
- (b) specify whether freedom camping is restricted or prohibited on the land and, if applicable, the restrictions that apply; and 15
- (c) state the date on which the notice comes into force.
- (4) However, where a notice contains both a map and a description and there is an inconsistency between the map and the description, the description prevails. 20
- 16 Public notification of freedom camping notices**
- (1) ~~A freedom camping notice is published in accordance with this section if—~~
- (a) ~~it is published in the *Gazette*; and~~ 25
- (b) ~~it is published in the following newspapers:~~
- (i) ~~in a daily newspaper circulating in each of the cities of Auckland, Wellington, Christchurch, and Dunedin; or~~
- (ii) ~~if the Director-General is satisfied that the notice is of local or regional interest only, in a newspaper or newspapers circulating throughout the locality or region to which the notice relates; and~~ 30
- (c) ~~it complies with **subsection (2)**.~~
- (1) A freedom camping notice is published in accordance with this section if a summary of the notice— 35
- (a) is published in the *Gazette*; and
- (b) is published in the following newspapers:

- 
- (i) in a daily newspaper circulating in each of the cities of Auckland, Wellington, Christchurch, and Dunedin; or
- (ii) if the Director-General is satisfied that the notice is of local or regional interest only, in a newspaper or newspapers circulating throughout the locality or region to which the notice relates; and 5
- (c) complies with **subsection (2)**.
- (2) A summary of a freedom camping notice must—
- (a) generally describe the contents of the notice; and 10
- (b) specify the date on which the ~~freedom camping~~ notice will come into force (which must be a date that is no earlier than the later of the days on which the notice is published in the *Gazette* or the newspaper under **subsection (1)(a) and (b)**); and 15
- (c) state that copies of the notice may be inspected and obtained at the offices of the Department on payment of the specified amount.
- (3) The Department must—
- (a) keep copies of all freedom camping notices at its national office; and 20
- (b) make the notices available for public inspection, without fee, at reasonable hours at the Department's offices; and
- (c) make the notices available on the Department's Internet site; and 25
- (d) supply to any person, on request and on payment of a reasonable charge, a copy of a notice.
- 17 Director-General to exercise powers as if Act specified in Schedule 1 of Conservation Act 1987** 30
- The Director-General must exercise the powers conferred on him or her under this subpart as if this Act were specified in Schedule 1 of the Conservation Act 1987.

**Part 3**  
**Enforcement, miscellaneous, and**  
**transitional provisions**

Subpart 1—Offences, defences, and  
penalties

5

**18 Offences**

- (1) Every person commits an offence ~~and is liable on summary conviction to the penalty set out in **section 22(1)**~~ who—
- (a) freedom camps in a local authority area in breach of any prohibition or restriction in a bylaw made under **section 11** that applies to the area; or 10
  - (b) while freedom camping in a local authority area,—
    - (i) interferes with or damages the area, its flora or fauna, or any structure in the area; or
    - (ii) deposits waste ~~onto~~ in or on the area (other than into ~~a~~ an appropriate waste receptacle); or 15
  - (c) makes preparations to freedom camp in a local authority area in breach of any prohibition or restriction in a bylaw made under **section 11** that applies to the area; or 20
  - (d) deposits waste, generated while freedom camping, in or on a local authority area other than into ~~a~~ an appropriate waste receptacle; or
  - (e) fails or refuses to leave a local authority area when required to do so by an enforcement officer acting under **section 34**; or 25
  - (f) freedom camps on conservation land within 200 m of a sign ~~erected on the land under to which **section 14** applies~~—
    - (i) that prohibits freedom camping; or 30
    - (ii) in breach of any restrictions set out on the sign; or
  - (g) freedom camps on conservation land in breach of any prohibition or restriction in a freedom camping notice that applies to the land; or 35
  - (h) while freedom camping on conservation land,—
    - (i) interferes with or damages the land, its flora or fauna, or any structure on the land; or

- (ii) deposits waste ~~onto~~ in or on the land (other than into ~~a~~ an appropriate waste receptacle); or
- (i) makes preparations to freedom camp on conservation land within 200 m of a sign ~~erected on the land under to~~ which **section 14** applies— 5
- (i) ~~that prohibits freedom camping; or~~
- (ii) ~~in breach of any restrictions set out on the sign;~~
- ~~or~~
- (i) ~~in breach of any restrictions set out on the sign;~~ 10
- ~~or~~
- (ii) ~~where the sign prohibits freedom camping; or~~
- (ia) ~~makes preparations to freedom camp on conservation land in breach of any prohibition or restriction in a freedom camping notice that applies to the land; or~~
- (j) deposits waste, generated while freedom camping, in 15  
or on conservation land other than into ~~a~~ an appropriate waste receptacle; or
- (ja) ~~refuses to give information when required to do so by an enforcement officer under **section 33** or gives false or misleading information; or~~ 20
- (k) fails or refuses to leave conservation land when required to do so by an enforcement officer acting under **section 34**.
- (1A) Every person commits an offence who discharges a substance in or on a local authority area or conservation land in circumstances where the discharge of the substance is likely to be noxious, dangerous, offensive, or objectionable to such an extent that it— 25
- (a) has, or is likely to have, a significant adverse effect on the environment; or 30
- (b) has caused, or is likely to cause, significant concern to the community and users of the area or land.
- (2) Every person commits an offence ~~and is liable on summary conviction to the penalty set out in **section 22(2)**~~—
- (a) who, while an enforcement officer is carrying out his or her functions and duties under this Act,— 35
- (i) intentionally prevents the officer from carrying out those functions and duties; or
- (ii) obstructs or impedes the officer; or

- (iii) assaults, threatens, or intimidates the officer; or
- (iv) uses language that is abusive or threatening to the officer; or
- (v) behaves in a threatening manner towards the officer; or 5
- (b) ~~who refuses to give information when required to do so by an enforcement officer under **section 33** or gives false or misleading information; or~~
- (c) who incites any other person to do any act referred to in **paragraph (a) or (b)**. 10
- (3) In this section, **waste receptacle** means a receptacle or facility that is provided by a local authority or the Department for the purposes of disposing of waste (for example, a rubbish bin, public toilet, or bulk waste disposal unit).
- 19 Strict liability offences** 15
- In prosecuting an offence under **section 18(1)**, the prosecution does not need to prove that the defendant—
- (a) intentionally or recklessly committed the offence; or
- (b) knew that the offence occurred in, or in relation to, a local authority area or conservation land. 20
- 20 Infringement offences**
- The offences described in **section 18(1)** are infringement offences under this Act.
- 21 Defences to offences**
- (1) It is a defence to an offence if the court concerned is satisfied 25 that the act or omission giving rise to the offence was due to an action or event beyond the control of the defendant and—
- (a) the action or event could not reasonably have been foreseen or prevented by the defendant; and
- (b) the effects of the act or omission were adequately remedied or mitigated by the defendant after the offence occurred. 30
- (2) It is a defence to an offence (~~other than offence against **section 18(1)(b)(ii), (d), (h)(ii), or (j)**~~) if the court concerned is satisfied that— 35

- (a) the act or omission giving rise to the offence was necessary to—
- (i) save or protect life or health; or
  - (ii) prevent injury; or
  - (iii) prevent serious damage to property; or 5
  - (iv) avoid actual or likely damage to the environment; and
- (b) the conduct of the defendant was reasonable in the circumstances; and
- (c) the effects of the act or omission were adequately remedied or mitigated by the defendant after the offence occurred. 10
- (3) It is a defence to an offence against **section 18(1)(b)(ii), (d), (h)(ii), or (j)** if the court concerned is satisfied that—
- (a) the act giving rise to the offence was necessary in the circumstances; and 15
  - (b) the conduct of the defendant was reasonable in the circumstances; and
  - (c) the effects of the act were adequately remedied or mitigated by the defendant after the offence occurred. 20
- (4) **Subsection (5)** applies in respect of a proceeding commenced by an enforcement officer issuing an infringement notice under **section 27** and in relation to which the person to whom the notice was issued is a person described in **section 26(1)(b) or (c)**. 25
- (5) The defences available under section 133A(3) and (4) of the Land Transport Act 1998 apply to the person as if the offence were a stationary vehicle offence within the meaning of section 2(1) of that Act.
- (6) The defences available under this section do not limit any other defences that may be available. 30

## 22 Penalties

(1AA) A person who commits an infringement offence is liable to the following fee:

- (a) the amount prescribed by regulations made under **section 41** as the infringement fee for the offence; or 35
- (b) \$200, if no fee is prescribed in accordance with **paragraph (a)**.

- (1) A person who is convicted of an offence against **section 18(1)(1A)** is liable to a fine not exceeding \$10,000.
- (2) A person who is convicted of an offence against **section 18(2)** is liable to a fine not exceeding \$5,000.

### **23 Infringement fees**

5

(1) The fee for an infringement offence is the amount prescribed by regulations made under **section 41** as the infringement fee for the offence.

(2) If no fee is prescribed in accordance with **subsection (1)**, the fee for an infringement offence is \$200.

10

### **24 Offenders liable for cost of damage**

- (1) A person who commits an offence against **section 18** may, in addition to, or instead of, the penalty for the offence, be ordered to pay the costs incurred by the local authority or Department in repairing any damage done to the local authority area or the conservation land concerned as a result of the offence.
- (2) The costs must be assessed by a District Court Judge and are recoverable as if they were a fine.

15

## Subpart 2—Proceedings

20

### **25 How proceedings commenced**

(1) Proceedings for an offence ~~that is not other than~~ an infringement offence may be commenced by an enforcement officer laying an information under the Summary Proceedings Act 1957.

25

(2) Proceedings for an infringement offence may be commenced by—

- (a) an enforcement officer issuing an infringement notice under **section 27**; or
- (b) an enforcement officer laying an information under the Summary Proceedings Act 1957.

30

(3) Proceedings commenced in the way described in **subsection (2)(a)** that continue (other than by the infringement fee for the offence being paid) must be continued under section 21 of

the Summary Proceedings Act 1957, and that section applies accordingly with any necessary modifications.

- (4) Proceedings commenced in the way described in **subsection (2)(b)** do not require leave of a District Court Judge or Registrar under section 21 of the Summary Proceedings Act 1957. 5
- (5) Despite **section 20**, an offence described in **section 18(1)** is not an infringement offence for the purposes of the Summary Proceedings Act 1957 if proceedings in respect of the offence are commenced in the way described in **subsection (2)(b)**.

## 26 Who proceedings may be commenced against 10

- (1) Proceedings for an offence may be taken against 1 or more of the following persons:
- (a) the person who allegedly committed the offence:
  - (b) if a vehicle was used in the commission of the offence, the person who, at the time of the alleged offence,— 15
    - (i) was registered as the owner, or one of the owners, of the vehicle in the register kept under section 18 of the Transport (Vehicle and Driver Registration and Licensing) Act 1986; or
    - (ii) was the registered person in respect of the vehicle 20
      - under Part 17 of the Land Transport Act 1998:
  - (c) if a vehicle was used in the commission of the offence, the person who, at the time of the alleged offence, was lawfully entitled to possession of the vehicle (whether or not jointly with any other person). 25
- (2) **Subsections (1)(b) and (c)** apply whether or not the person, at the time the alleged offence was committed,—
- (a) is an individual; or
  - (b) was the driver of the vehicle; or
  - (c) was the person in charge of the vehicle; or 30
  - (d) was the user of the vehicle.

## 27 Issue of infringement notices

- (1) An enforcement officer who believes on reasonable grounds that a person has committed or is committing an infringement offence may serve an infringement notice on the person. 35
- (2) An infringement notice may be served—

- (a) by delivering it, or a copy of it, to the person who appears to have committed the infringement offence; or
- (b) by sending it, or a copy of it, by post, addressed to the person at the person's last known place of residence or business; or 5
- (c) if the person is a holder of a land transport document, by sending it, or a copy of it, by post to the person at his or her last address provided for the purposes of that document; or
- (d) if a vehicle was used or is being used in the commission of the infringement offence, by attaching it, or a copy of it, to the vehicle. 10
- (3) For the purposes of the Summary Proceedings Act 1957,—
- (a) an infringement notice sent to a person by post under **subsection (2)(b) or (c)** is to be treated as having been served on the person when it would have been delivered in the ordinary course of the post: 15
- (b) an infringement notice attached to a vehicle under **subsection (2)(d)** is to be treated as having been served when it is attached to the vehicle. 20
- (4) In **subsection (2)(c)**, **land transport document** means a licence, permit, approval, authorisation, exemption, certificate, or similar document issued under one of the following Acts:
- (a) the Land Transport Act 1998:
- (b) the Road User Charges Act 1977: 25
- (c) the Transport (Vehicle and Driver Registration and Licensing) Act 1986:
- (d) the Government Rounding Powers Act 1989.
- (5) An infringement notice must be in the prescribed form and contain the following particulars: 30
- (a) sufficient detail to inform the defendant of the time, place, and nature of the alleged offence; and
- (b) the amount of the infringement fee; and
- (c) the place where the infringement fee may be paid; and
- (d) the time within which the infringement fee must be paid; and 35
- (e) a summary of how section 21(10) of the Summary Proceedings Act 1957 applies to the alleged offence; and

- (f) a statement that the defendant has a right to request a hearing; and
  - (g) a statement of the consequences if the defendant neither pays the fee nor requests a hearing; and
  - (h) a statement of what will happen if the person served with the notice neither pays the infringement fee nor requests a hearing; and 5
  - (i) any other particulars that are prescribed.
- (6) If there is no prescribed form for the purposes of **subsection (5)**, an infringement notice must be in the form set out in **Schedule 2**. 10

## 28 Reminder notices

- (1) This section applies if a person is served with a reminder notice following the issuing of an infringement notice.
- (2) The reminder notice must be in the prescribed form and must include the same particulars, or substantially the same particulars, as the infringement notice. 15
- (3) If there is no prescribed form for the purposes of **subsection (2)**, a reminder notice must be in the form set out in **Schedule 2**. 20

## 29 Entitlement to infringement fees

- (1) A local authority is entitled to retain all infringement fees resulting from infringement notices issued by enforcement officers appointed by the local authority under **section 30**.
- (2) All infringement fees resulting from infringement notices issued by enforcement officers appointed by the Director-General under **section 31** must be paid into a Crown bank account. 25
- (3) To avoid doubt, **subsections (1) and (2)** apply irrespective of whether the fees are for offences committed in relation to a local authority area or conservation land. 30

## Subpart 3—Enforcement officers

### 30 Appointment of enforcement officers by local authorities

- (1) A local authority may appoint persons to be enforcement officers for the purposes of this Act. 35

- (2) The local authority must issue warrants in writing to enforcement officers appointed under this section specifying—
- (a) the responsibilities and powers given to them; and
  - (b) the infringement offences and other offences in relation to which they are appointed; and 5
  - (c) the local authority areas in relation to which the infringement offences and other offences may be enforced; and
  - (d) the conservation land in relation to which the infringement offences and other offences may be enforced (being only land in respect of which the Director-General has consented to the officer exercising enforcement powers). 10
- 31 Appointment of enforcement officers by Director-General**
- (1) The Director-General may appoint persons to be enforcement officers for the purposes of this Act. 15
- (2) The Director-General must issue warrants in writing to enforcement officers appointed under this section specifying—
- (a) the responsibilities and powers given to them; and
  - (b) the infringement offences and other offences in relation to which they are appointed; and 20
  - (c) the conservation land in relation to which the infringement offences and other offences may be enforced; and
  - (d) the local authority areas in relation to which the infringement offences and other offences may be enforced 25  
(being only areas in respect of which the relevant local authority has consented to the officer exercising enforcement powers).
- 32 Enforcement officers must produce ~~warrant~~ evidence of appointment** 30
- (1) An enforcement officer must produce evidence of his or her ~~warrant~~ appointment under this Act whenever reasonably required to do so by any person.
- (2) It is sufficient evidence that a person is appointed under this Act if the person produces a document that specifies, by reference to sections of this Act,— 35

- (a) the responsibilities and powers that the person has under the Act; and
- (b) the infringement and other offences in relation to which the person is appointed.

**33 Enforcement officers may require certain information** 5

- (1) An enforcement officer who believes on reasonable grounds that a person has committed or is committing an offence may direct the person to give—
  - (a) his or her full name, date of birth, and residential address; and 10
  - (b) the full name, residential address, and whereabouts of any other person connected in any way with the alleged offence.
- (2) Nothing in ~~this section~~ **subsection (1)(b)** overrides legal professional privilege or affects any privilege recognised by sections 54 to 64 of the Evidence Act 2006. 15

**34 Enforcement officers may require certain persons to leave local authority area or conservation land**

An enforcement officer may require a person who he or she believes on reasonable grounds is committing or has committed an offence to leave the local authority area or conservation land concerned. 20

**35 Enforcement officers may seize and impound certain property**

- (1) An enforcement officer may seize and impound property in a local authority area or on conservation land— 25
  - (a) if the property has been or is being used in the commission of an offence; and
  - (b) if it is reasonable in the circumstances to seize and impound the property or, if **section 36** applies, the requirements of that section are satisfied; and 30
  - (c) if the property is both being used in the commission of an offence and in the possession of a person at the time the officer proposes to seize it and, before seizing and impounding it, the officer— 35

- (i) has directed (orally or in writing) the person committing the offence to stop committing the offence; and
- (ii) has advised (orally or in writing) the person committing the offence that, if he or she does not stop committing the offence, the officer has power to seize and impound the property; and
- (iii) has provided the person with a reasonable opportunity to stop committing the offence.
- (2) As soon as practicable after seizing and impounding property, an enforcement officer must give a notice in the prescribed form—
- (a) to the person in possession of the property at the time it was seized and impounded; or
- (b) if **paragraph (a)** does not apply, to any person who the officer can ascertain is the owner of, or has an interest in, the property.
- (3) If there is no prescribed form for the purposes of **subsection (2)**, a notice must be in the form set out in **Schedule 2**.
- (4) This section is subject to **section 36**.

### **36 Requirements relating to seizure and impoundment of boats, caravans, and motor vehicles**

An enforcement officer may seize and impound a boat, a caravan, or a car, campervan, housetruck, or other motor vehicle under **section 35** only if the officer is satisfied on reasonable grounds that the seizure is ~~necessary~~—

- (a) is necessary to avoid any risk to the health of the public; or
- (b) is necessary for the safety of the public; or
- (c) is necessary to protect significant flora or fauna; or
- (d) is necessary to ensure access to the local authority area or conservation land concerned; or
- (e) is, in the circumstances, the most appropriate action to prevent the ongoing commission of the offence.

### **37 Return of property seized and impounded**

- (1) The owner of property that has been seized and impounded under **section 35**, or the person from whom the property was

seized, may request the local authority concerned or the Director-General to return the property.

- (2) The local authority or the Director-General must return the property if—
- (a) the property is in future not likely to be used in any offence of the kind for which it was seized; and 5
  - (b) the owner or person has paid, or tenders with the request payment of, the costs of the local authority or the Department in seizing, impounding, transporting, and storing the property. 10
- (3) If the local authority or the Director-General refuses to return the property, the owner or person from whom it was seized may apply to a District Court to review the decision of the local authority or the Director-General. 10
- (4) The District Court may— 15
- (a) confirm the decision of the local authority or the Director-General to refuse to return the property; or
  - (b) order that the property be returned unconditionally or subject to any conditions that the court thinks fit.
- (5) To avoid doubt, nothing in this section— 20
- (a) affects or limits the liability of any person for the offence in relation to which the property was seized; or
  - (b) affects or limits the rights of the local authority or the Director-General to commence or continue proceedings for the offence in relation to which the property was seized. 25

### **38 Disposal of property seized and impounded**

- (1) A local authority or the Director-General may dispose of property that has not been returned within 6 months after it was seized and impounded so long as the local authority or the Director-General has given the owner of the property or, if the owner cannot be identified or contacted after reasonable efforts have been made, the person it was seized from, not less than 14 working days' notice of its intention to dispose of the property. 30
- (2) The local authority or the Director-General may dispose of the property as it thinks fit. 35

- (3) Any proceeds from the disposal must be applied to pay—
- (a) first, the costs incurred in seizing, impounding, transporting, and storing the property:
  - (b) secondly, the costs of disposing of the property:
  - (c) thirdly, any surplus to the owner of the property or the person from whom it was seized. 5
- (4) **Subsections (2), (3)(a), and (3)(b)** also apply in the following circumstances to property that has not been returned within 6 months after it was seized and impounded:
- (a) where the person from whom the property was seized cannot be contacted after reasonable efforts to find the person have been made: 10
  - (b) where the property was not seized from a person and the owner of the property cannot be identified or contacted after reasonable efforts have been made to find the owner. 15
- (5) Any surplus remaining after applying **subsection (4)** forms part of the general revenues of the local authority or, if the Director-General has been responsible for the seized property, must be paid into a Crown bank account. 20
- (6) In **subsection (1), working days** has the meaning given to working day in section 5(1) of the Local Government Act 2002.
- 39 Protection against claims resulting from seizing or impounding of property under section 35** 25
- (1) An enforcement officer is not liable for any loss or damage to property arising directly or indirectly from the seizing and impounding of the property under **section 35**.
  - (2) **Subsection (1)** does not apply if the enforcement officer acted without good faith or if his or her omission or neglect was a major departure from the standard of care expected of a reasonable person in the circumstances. 30

## Subpart 4—Miscellaneous matters

**40 Relationship of this Act with other enactments**

- (1) This Act does not limit or affect the powers of a local authority under the Local Government Act 2002 or any other enactment that confers powers on a local authority. 5
- (2) This Act does not limit or affect the powers of the Department under the conservation Acts.
- (3) This Act does not limit or affect any rights a person may have under any enactment to occupy a local authority area or conservation land (for example, rights of occupation under a no-hoanga entitlement). 10
- (4) Nothing in section 50 of the Local Government (Auckland Council) Act 2009 limits or prevents the Auckland Council from exercising its powers under this Act in respect of a local authority area that forms part of the Auckland transport system (as that term is defined in section 37(1) of that Act). 15

**41 Regulations**

The Governor-General may, by Order in Council made on the recommendation of the Minister of Conservation and the Minister of Local Government, make regulations for 1 or more of the following purposes: 20

- (a) prescribing infringement fees for infringement offences (being an amount not exceeding \$1,000):
- (b) prescribing infringement notice forms:
- (c) prescribing reminder notice forms: 25
- (d) prescribing seizure and impounding notices.

**42 Orders in Council to specify track as Great Walks Track**

The Governor-General may, by Order in Council made on the recommendation of the Minister of Conservation,—

- (a) specify a track as a Great Walks Track for the purposes of **section 5(2)**: 30
- (b) remove the name of a track specified in **Schedule 1**.

**43 Evidence in proceedings**

A certificate signed by the chief executive of a local authority or the Director-General, in the absence of any evidence to the 35

contrary, is sufficient evidence of the status of the contents of the certificate.

Subpart 5—Transitional provisions for  
current camping-related local authority  
bylaws

5

**44 Purpose of this subpart**

The purpose of this subpart is to authorise local authorities, for a period of 1 year beginning on the date of the commencement of this Act, to issue infringement notices for breaches of camping-related bylaws that the local authorities have made under other enactments.

10

**45 Infringement offences for camping-related local authority bylaw provisions specified in Schedule 3**

(1) A breach of a bylaw provision specified in **Schedule 3** is an infringement offence.

15

(2) The infringement fee for an offence referred to in **subsection (1)** is \$200.

(3) For the purposes of issuing an infringement notice for an infringement offence referred to in **subsection (1)**,—

(a) this Act applies with any necessary modification; and

20

(ab) the infringement notice and reminder notice forms set out in **Schedule 2** may be modified to reflect the provisions of the bylaw concerned; and

(b) subject to section 26 of the New Zealand Bill of Rights Act 1990, the fee set out in **subsection (2)** overrides any penalty set out in the bylaw concerned for that provision (regardless of whether that penalty is for a greater or lesser amount).

25

(4) To avoid doubt, **subsection (3)** applies only where an infringement notice is issued for the breach of the bylaw provision. Where the local authority elects to prosecute the offence under the Summary Proceedings Act 1957,—

30

(a) nothing in this Act applies to the proceedings or any penalty imposed as a result; and

- (b) in taking proceedings, the local authority must comply with the requirements of the enactment under which the bylaw was made.

**46 Infringement offences for camping-related local authority bylaw provisions specified in Schedule 4** 5

- (1) A breach of a bylaw provision specified in **Schedule 4** is an infringement offence.
- (2) The infringement fee for an offence referred to in **subsection (1)** is \$200.
- (3) However, **subsection (1)** applies only if the local authority responsible for making the bylaw containing the provision,—
- (a) by resolution,—
- (i) describes the area or areas where camping is prohibited under the bylaw provision; or
- (ii) specifies the conditions or restrictions on camping that apply, if the bylaw provision contemplates conditions or restrictions applying; and 15
- (b) gives public notice of the matters in **paragraph (a)**.
- (4) For the purposes of issuing an infringement notice or otherwise enforcing a breach of a bylaw provision referred to in **subsection (1)**,— 20
- (a) this Act applies with any necessary modification; and
- (ab) the infringement notice and reminder notice forms set out in **Schedule 2** may be modified to reflect the provisions of the bylaw concerned; and 25
- (b) subject to section 26 of the New Zealand Bill of Rights Act 1990, the fee set out in **subsection (2)** overrides any penalty set out in the bylaw concerned for that provision (regardless of whether that penalty is for a greater or lesser amount). 30
- (5) To avoid doubt, **subsection (4)** applies only where an infringement notice is issued for the breach of the bylaw provision. Where the local authority elects to prosecute the offence under the Summary Proceedings Act 1957,—
- (a) nothing in this Act applies to the proceedings or any penalty imposed as a result; and 35

- (b) in taking proceedings, the local authority must comply with the requirements of the enactment under which the bylaw was made.
- (6) In **subsection (3)(b)**, **public notice** has the meaning given in section 5(1) of the Local Government Act 2002. 5
- 47 Empowering legislation otherwise applies to bylaw provisions**
- (1) Any matter in relation to a bylaw provision (other than the issuing of an infringement notice for an infringement offence under **section 45 or 46**) must be dealt with in accordance with the enactment under which the bylaw was made (for example, the availability of any defences in relation to the alleged offence, any enforcement matter in relation to a breach of the bylaw provision, or any amendment or review of ~~it~~ the bylaw by the local authority). 10 15
- (2) Nothing in this subpart prevents the validity of the bylaw being challenged under any other enactment.
- (3) This section is for the avoidance of doubt.
- 48 Descriptions of offences in Schedules 3 and 4**
- The descriptions of the offences in **Schedules 3 and 4** are intended only to be an indication of the content of the bylaw provisions they describe, and are not intended to be used in the interpretation of the provisions. 20
-

**Schedule 1**  
**Great Walks Tracks**

**ss 5(2), 42**

**North Island**

Lake Waikaremoana Track

Tongariro Northern Circuit

Whanganui Journey

5

**South Island**

Abel Tasman Coast Track

Heaphy Track

Kepler Track

Milford Track

Rakiura Track

Routeburn Track

10

---

**Schedule 2****ss 27(6), 28(3), 35(3),  
45(3), 46(4)****Prescribed forms**

## Form 1

Infringement notice (default form)

**Section 27(6), Freedom Camping Act 2011**

5

(Front page)

Notice No:

Enforcement authority: [*name*]Enforcement officer: [*name or number*]**To** [*full name, full address, other identifying details, if known; for example, date of birth*] 10You are alleged to have committed an infringement offence against the **Freedom Camping Act 2011** as follows:**Details of alleged infringement offence**Section of **Freedom Camping Act 2011** contravened: 15

Nature of infringement:

Location:

Date:

Approximate time:

**The fee for this infringement is:** \$[*amount*] 20**Payment of infringement fee**The infringement fee is payable to the enforcement authority within 28 days after [*date notice is delivered personally or posted or attached to vehicle*].The infringement fee is payable to the enforcement authority at [*address at which fee may be paid*]. 25

The contact details of the enforcement authority are as follows:

Payments by cheque should be crossed "Not transferable".

Form 1—*continued*

Date:

Signature:

(Enforcement officer)

**Important**

Please read the summary of rights printed on the next page. 5

(Back page)

## Summary of rights

**Note:** Please read this summary. If you do not understand it, you should consult a lawyer immediately.**Payment**

10

1 If you pay the infringement fee within 28 days after the service of this notice, no further action will be taken against you in respect of this infringement offence. Payments should be made to the enforcement authority at the address shown on the front page of this notice. 15

**Note:** If, under section 21(3A) or (3C)(a) of the Summary Proceedings Act 1957, you enter, or have entered, into a payment by instalment arrangement with the enforcement authority in respect of an infringement fee payable by you, **paragraphs 3 and 4** do not apply and you are not entitled either to request a hearing to deny liability or to ask the court to consider any submissions (as to penalty or otherwise) in respect of the infringement. 20

**Further action**

2 If you wish to raise any matter relating to the circumstances of the alleged offence, you should do so by writing a letter and delivering it to the enforcement authority at the address shown on the front page of this notice within 28 days after the service of any reminder notice in respect of the offence. 25

3 If you deny liability and wish to request a hearing in the District Court in respect of the alleged offence, you must, within 30

Form 1—*continued*

28 days after the service of any reminder notice in respect of the offence, deliver a letter requesting a court hearing in respect of the offence to the enforcement authority at the address shown on the front page of this notice. The enforcement authority will then, if it decides to commence court proceedings 5 in respect of the offence, serve you with a notice of hearing setting out the place and time at which the matter will be heard by the court.

**Note:** If the court finds you guilty of the offence, costs will be imposed in addition to any penalty. 10

- 4 If you admit liability in respect of the alleged offence but wish to have the court consider submissions as to penalty or otherwise, you must, within 28 days after the service of a reminder notice in respect of the offence, deliver a letter requesting a hearing in respect of the offence to the enforcement authority 15 at the address shown on the front page of this notice and in the same letter admit liability in respect of the offence and set out the submissions that you would wish to be considered by the court. The enforcement authority will then, if it decides to commence court proceedings in respect of the offence, file 20 your letter with the court. There is no provision for an oral hearing before the court if you follow this course of action.

**Note:** Costs will be imposed in addition to any penalty.

**Non-payment of fee**

- 5 If you do not pay the infringement fee and do not deliver a letter requesting a hearing within 28 days after the service of this notice, you will be served with a reminder notice (unless the enforcement authority decides otherwise). 25

- 6 If you do not pay the infringement fee and do not deliver a letter requesting a hearing in respect of the alleged infringement offence within 28 days after the service of the reminder notice, you will become liable to pay costs in addition to the infringement fee (unless the enforcement authority decides not to commence court proceedings against you). 30

Form 1—*continued***Defence**

- 7 You will have a complete defence against proceedings relating to the alleged offence if the infringement fee is paid to the enforcement authority at the address shown on the front page of this notice within 28 days after the service of a reminder notice in respect of the offence. Late payment or payment made to any other address will not constitute a defence to proceedings in respect of the alleged offence. 5
- 8 **Paragraph 9** describes a defence additional to the one described in **paragraph 7**. This defence is available if you are charged with an infringement offence against **section 18(1) of the Freedom Camping Act 2011**. 10
- 9 You must prove the following to have the defence referred to in **paragraph 8**: 15
- (a) that the act or omission giving rise to the offence to which the infringement notice relates was due to an action or event beyond your control; and
  - (b) you could not reasonably have foreseen or prevented the action or event; and
  - (c) you adequately remedied or mitigated the effects of the action or omission after the offence occurred. 20
- 10 The defence in **paragraph 9** does not apply unless—
- (a) you deliver a written notice to the enforcement authority; and
  - (b) in the notice, you— 25
    - (i) state that you intend to rely on the defence in **paragraph 9**; and
    - (ii) specify the facts that support your reliance on the defence in **paragraph 9**; and
  - (c) you deliver the notice— 30
    - (i) within 7 days after you receive the infringement notice; or
    - (ii) within a longer period allowed by a District Court.
- 11 If you do not comply with **paragraph 10**, you may ask the District Court to give you leave to rely on the defence in **paragraph 9**. 35

Form 1—*continued*

- 12 **Paragraph 13** describes a defence additional to those de-  
scribed in **paragraphs 7 and 9**. This defence is available  
if you are charged with an infringement offence against **sec-  
tion 18(1) of the Freedom Camping Act 2011** other than  
an offence against **section 18(1)(b)(ii), (d), (h)(ii), or (j)**. 5
- 13 You must prove the following to have the defence referred to  
in **paragraph 12**:-
- (a) that the act or omission giving rise to the offence to  
which the infringement notice relates was necessary to  
save or protect life or health, or to prevent injury, or to 10  
prevent serious damage to property, or to avoid actual  
or likely damage to the environment; and
  - (b) your conduct was reasonable in the circumstances; and
  - (c) you adequately remedied or mitigated the effects of the  
action or event after the offence occurred. 15
- 14 **Paragraph 15** describes a defence additional to the defences  
described in **paragraphs 7, 9, and 13**. This defence is avail-  
able if you are charged with an infringement offence against  
**section 18(1)(b)(ii), (d), (h)(ii), or (j) of the Freedom  
Camping Act 2011**. 20
- 15 You must prove the following to have the defence referred to  
in **paragraph 14**:-
- (a) that the act giving rise to the offence to which the in-  
fringement notice relates was necessary in the circum-  
stances; and 25
  - (b) your conduct was reasonable in the circumstances; and
  - (c) you adequately remedied or mitigated the effects of the  
action after the offence occurred.
- 16 This paragraph describes 2 defences additional to the defences  
described in **paragraphs 7, 9, 13, and 15**. The defences 30  
available under section 133A(3) and (4) of the Land Transport  
Act 1998 are available if you are charged with an infringe-  
ment offence against **section 18(1) of the Freedom Camp-  
ing Act 2011** in which a vehicle was used in the commission  
of the offence and, at the time the offence was committed, you 35  
were a person described in **section 26(1)(b) or (c) of that**

Form 1—*continued*

**Act** (being an owner of the vehicle, a registered person in relation to the vehicle, or lawfully entitled to its possession):

- 8 This paragraph describes a defence additional to the one described in **paragraph 7**. You must prove the following to have the defence: 5
- (a) that the act or omission giving rise to the alleged offence to which the infringement notice relates was due to an action or event beyond your control; and
  - (b) you could not reasonably have foreseen or prevented the action or event; and 10
  - (c) you adequately remedied or mitigated the effects of the act or omission after the alleged offence occurred.
- 9 This paragraph describes a defence additional to those described in **paragraphs 7 and 8**. You must prove the following to have the defence: 15
- (a) that the act or omission giving rise to the alleged offence to which the infringement notice relates was necessary to save or protect life or health, or to prevent injury, or to prevent serious damage to property, or to avoid actual or likely damage to the environment; and 20
  - (b) your conduct was reasonable in the circumstances; and
  - (c) you adequately remedied or mitigated the effects of the act or omission after the alleged offence occurred.
- 10 This paragraph describes a defence additional to the defences described in **paragraphs 7, 8, and 9**. This defence is available only if you are charged with an infringement offence against **section 18(1)(b)(ii), (d), (h)(ii), or (j) of the Freedom Camping Act 2011**. You must prove the following to have the defence: 25
- (a) that the act giving rise to the alleged offence to which the infringement notice relates was necessary in the circumstances; and 30
  - (b) your conduct was reasonable in the circumstances; and
  - (c) you adequately remedied or mitigated the effects of the act after the alleged offence occurred. 35
- 11 The defences in **paragraphs 7 to 10** do not apply unless—

Form 1—*continued*

- (a) you deliver a written notice to the enforcement authority; and
- (b) in the notice, you—
- (i) state that you intend to rely on the defence; and
- (ii) specify the facts that support your reliance on the defence; and 5
- (c) you deliver the notice—
- (i) within 7 days after you receive the infringement notice; or
- (ii) within a longer period allowed by a District Court. 10
- 12 If you do not comply with **paragraph 11**, you may ask the District Court to give you leave to rely on the defence.
- 11 This paragraph describes 2 defences additional to the defences described in **paragraphs 7 to 10**. The defences are available if you are charged with an infringement offence in which a vehicle was used in the commission of the alleged offence and, at the time the alleged offence was committed, you were an owner of the vehicle, a registered person in relation to the vehicle, or lawfully entitled to its possession. You must do the following to have a defence: 15
- (a) you must prove that another person, by virtue of an order under the Summary Proceedings Act 1957, became liable to pay a fine, or cost, or both, in respect of the alleged offence; or 20
- (b) you must—
- (i) prove that, at the time the alleged offence was committed, either you were not lawfully entitled to the possession of the vehicle or another person was unlawfully in charge of the vehicle; and 30
- (ii) advise the enforcement authority in writing of this immediately after becoming aware of the alleged offence; and
- (iii) do everything reasonably possible to comply with all requests of the enforcement authority to supply information to the authority regarding the person who was lawfully entitled to possession, 35

Form 1—*continued*

or who was in charge, of the vehicle at the time of the offence.

**Queries and correspondence**

- 17 When writing or making payment of an infringement fee, please indicate— 5
- (a) the date of the infringement offence; and
  - (b) the infringement notice number; and
  - (c) the identifying number of each alleged offence and the course of action you are taking in respect of it (if this notice sets out more than 1 offence and you are not paying all of the infringement fees for all of the alleged offences); and 10
  - (d) your full address for replies (if you are not paying all of the infringement fees for all of the alleged offences).

Full details of your rights and obligations are set out in **sections 21, 23, and 25 to 28 of the Freedom Camping Act 2011** and section 21 of the Summary Proceedings Act 1957. 15

**Note:** All payments, queries, and correspondence regarding this infringement notice must be directed to the enforcement authority at the address shown on the front page of this notice. 20

Form 2  
Reminder notice (default form)  
**Section 28(3), Freedom Camping Act 2011**

(Front page)

Notice No: 5

Enforcement authority: *[name]*

Enforcement officer: *[name or number]*

**To** *[full name, full address, other identifying details, if known; for example, date of birth]*

You are alleged to have committed an infringement offence against the **Freedom Camping Act 2011** as follows: 10

**Details of alleged infringement offence**

Section of **Freedom Camping Act 2011** contravened:

Nature of infringement:

Location: 15

Date:

Approximate time:

**The fee for this infringement is:**  $\$[amount]$

**Payment of infringement fee**

The infringement fee was payable to the enforcement authority within 28 days after *[date infringement notice was delivered personally or posted or attached to vehicle]*. 20

The infringement fee remains payable to the enforcement authority at *[full address at which fee may be paid]*.

The contact details of the enforcement authority are as follows: 25

Payments by cheque should be crossed "Not transferable".

Date:

Signature:

(Enforcement officer)

## Form 2—continued

**Service details***(To be provided for filing in court)*Infringement notice served by *[method of service]* on *[date of service]*Reminder notice served by *[method of service]* at *[full address of service]* on *[date of service]* 5**Important**

Please read the summary of rights printed on the next page.

(Back page)

## Summary of rights

**Note:** Please read this summary. If you do not understand it, you should consult a lawyer immediately. 10

- 1 You have not paid the infringement fee described on the front page, or asked for a hearing, within 28 days after you were served with the infringement notice. That is why you have been served with this reminder notice. 15
- 2 You will become liable to pay costs in addition to the infringement fee if—
  - (a) you do not pay the infringement fee within 28 days after you are served with this reminder notice; and
  - (b) you do not deliver a letter requesting a hearing to the enforcement authority within 28 days after you are served with this reminder notice; and 20
  - (c) the enforcement authority decides to bring court proceedings against you.
- 3 ~~The following defence is available if you are charged with an infringement offence against **section 18(1) of the Freedom Camping Act 2011.**~~ 25
- 4 ~~You must prove the following to have the defence referred to in **paragraph 3.**~~ You have a defence against proceedings relating to the alleged offence if you prove the following: 30
  - (a) that the act or omission giving rise to the alleged offence to which the infringement notice relates was due to an action or event beyond your control; and

Form 2—*continued*

- (b) you could not reasonably have foreseen or prevented the action or event; and
- (c) you adequately remedied or mitigated the effects of the ~~action~~ act or omission after the alleged offence occurred. 5
- 5 The defence in **paragraph 4** does not apply unless—
- (a) you deliver a written notice to the enforcement authority; and
- (b) in the notice, you—
- (i) state that you intend to rely on the defence in **paragraph 4**; and 10
- (ii) specify the facts that support your reliance on the defence in **paragraph 4**; and
- (c) you deliver the notice—
- (i) within 7 days after you receive the reminder notice; or 15
- (ii) within a longer period allowed by a District Court.
- 6 If you do not comply with **paragraph 5**, you may ask the District Court to give you leave to rely on the defence in **paragraph 4**. 20
- 7 **Paragraph 8** describes a defence additional to the one described in **paragraph 4**. This defence is available if you are charged with an infringement offence against **section 18(1) of the Freedom Camping Act 2011** other than an offence 25 against **section 18(1)(b)(ii), (d), (h)(ii), or (j)**.
- 8 You must prove the following to have the defence referred to in **paragraph 7**:-
- (a) that the act or omission giving rise to the offence to which the infringement notice relates was necessary to 30 save or protect life or health; or to prevent injury; or to prevent serious damage to property; or to avoid actual or likely damage to the environment; and
- (b) your conduct was reasonable in the circumstances; and
- (c) you adequately remedied or mitigated the effects of the 35 action or event after the offence occurred.

Form 2—*continued*

- 9 **Paragraph 10** describes a defence additional to the defences described in **paragraphs 4 and 8**. This defence is available if you are charged with an infringement offence against **section 18(1)(b)(ii), (d), (h)(ii), or (j) of the Freedom Camping Act 2011**. 5
- 10 You must prove the following to have the defence referred to in **paragraph 9**:
- (a) that the act giving rise to the offence to which the infringement notice relates was necessary in the circumstances; and 10
  - (b) your conduct was reasonable in the circumstances; and
  - (c) you adequately remedied or mitigated the effects of the action after the offence occurred.
- 11 This paragraph describes 2 defences additional to the defences described in **paragraphs 4, 8, and 10**. The defences available under section 133A(3) and (4) are available if you are charged with an infringement offence against **section 18(1) of the Freedom Camping Act 2011** in which a vehicle was used in the commission of the offence and, at the time the offence was committed, you were a person described in **section 26(1)(b) or (c) of that Act** (being an owner of the vehicle, a registered person in relation to the vehicle, or lawfully entitled to its possession). 15 20
- 5 This paragraph describes a defence additional to the one described in **paragraph 4**. You must prove the following to have the defence: 25
- (a) that the act or omission giving rise to the alleged offence to which the infringement notice relates was necessary to save or protect life or health, or to prevent injury, or to prevent serious damage to property, or to avoid actual or likely damage to the environment; and 30
  - (b) your conduct was reasonable in the circumstances; and
  - (c) you adequately remedied or mitigated the effects of the act or omission after the alleged offence occurred.
- 6 This paragraph describes a defence additional to the defences described in **paragraphs 4 and 5**. This defence is available only if you are charged with an infringement offence 35

Form 2—*continued*

against **section 18(1)(b)(ii), (d), (h)(ii), or (j) of the Freedom Camping Act 2011**. You must prove the following to have the defence:

- (a) that the act giving rise to the alleged offence to which the infringement notice relates was necessary in the circumstances; and 5
- (b) your conduct was reasonable in the circumstances; and
- (c) you adequately remedied or mitigated the effects of the act after the alleged offence occurred.

7 The defences in **paragraphs 4 to 6** do not apply unless— 10

- (a) you deliver a written notice to the enforcement authority; and
- (b) in the notice, you—
  - (i) state that you intend to rely on the defence; and
  - (ii) specify the facts that support your reliance on the defence; and 15
- (c) you deliver the notice—
  - (i) within 7 days after you receive the infringement notice; or
  - (ii) within a longer period allowed by a District Court. 20

8 If you do not comply with **paragraph 7**, you may ask the District Court to give you leave to rely on the defence.

9 This paragraph describes 2 defences additional to the defences described in **paragraphs 4 to 6**. The defences are available if you are charged with an infringement offence in which a vehicle was used in the commission of the alleged offence and, at the time the alleged offence was committed, you were an owner of the vehicle, a registered person in relation to the vehicle, or lawfully entitled to its possession. You must do the following to have a defence: 25

- (a) you must prove that another person, by virtue of an order under the Summary Proceedings Act 1957, became liable to pay a fine, or cost, or both, in respect of the alleged offence; or 30
- (b) you must— 35

Form 2—*continued*

- (i) prove that, at the time the alleged offence was committed, either you were not lawfully entitled to the possession of the vehicle or another person was unlawfully in charge of the vehicle; and
- (ii) advise the enforcement authority in writing of this immediately after becoming aware of the alleged offence; and 5
- (iii) do everything reasonably possible to comply with all requests of the enforcement authority to supply information to the authority regarding the person who was lawfully entitled to possession, or who was in charge, of the vehicle at the time of the offence. 10
- 12 If you pay all of the infringement fees for all of the alleged offences described in the infringement notice in a lump sum, please provide a note of— 15
- (a) the infringement notice number; and
  - (b) the date of each infringement offence; and
  - (c) the identifying number of each offence.
- 13 If you do not pay all of the infringement fees for all of the alleged offences described in the infringement notice in a lump sum, please provide a note of— 20
- (a) the offences you are paying fees for; and
  - (b) the offences you are not paying fees for; and
  - (c) what you are doing about the offences you are not paying fees for; and 25
  - (d) your full address for replies.

Full details of your rights and obligations are set out in **sections 21, 23, and 25 to 28 of the Freedom Camping Act 2011** and section 21 of the Summary Proceedings Act 1957. 30

**Note:** All payments, queries, and correspondence regarding the infringement notice or this reminder notice must be directed to the enforcement authority at the address shown on the front page of this notice.

## Form 3

## Seizure and impounding notice (default form)

**Section 35(3), Freedom Camping Act 2011**

Enforcement authority: [*name and contact details*]

**To** [*full name and full address of person in possession of property at time property is seized or, if that person is not present, name of person appearing to own or have an interest in the property seized*] 5

1 This is to notify you that the property listed below has been seized by a warranted enforcement officer and removed from [*description of location property was seized from*] because the 10 property was used in the commission of an offence against the **Freedom Camping Act 2011**.

2 You may contact [*name and telephone number of appropriate officer or contact person at enforcement authority who issued notice*] if you are the owner of the property or the person from 15 whom it was seized and apply for the property to be returned to you. Before the property is returned, you may be required to provide proof of your identity or proof of ownership.

3 The enforcement authority will return the property to you if,—  
 • in future, the property is not likely to be used in an 20 offence of the kind for which it was seized; and  
 • you have paid the outstanding costs (if any) of the enforcement authority in seizing, impounding, transporting, and storing the property.

4 If the enforcement authority refuses to return the property to 25 you, you may apply to a District Court to review the authority's decision.

5 The enforcement authority may dispose of the property after 14 working days of the date of this notice and within 6 months 30 of the date of the seizure if the property remains unclaimed.

6 Proceeds from the disposal of the property may be used to pay the costs of the authority incurred in seizing, impounding, transporting, storing, and disposing of the property. Any remaining money will be paid to the owner of the property or the person from whom the property was seized (if identified). 35

7 If you do not understand this notice, you should consult a lawyer or the enforcement authority immediately.

Form 3—*continued*

List of property seized: [*describe each item seized, giving an identification number if possible*].

Date:

Signature:

Name:

(Enforcement officer)

---

5

**Schedule 3**  
**Bylaws breach of which are deemed infringement offence**

**ss 45(1), 47, 48**

Local authority	Bylaw	Provision	Description of offence
Buller District Council	Freedom Camping Bylaw 2011	4.1	<del>Camps in area prohibited under clause 5</del>
		4.2	<del>Camps other than in vehicle with minimum 3 day capacity toilet and greywater storage facility</del>
		4.3	<del>Camps other than in vehicle with minimum 3 day capacity toilet and greywater storage facility</del>
		4.4	<del>Camps in area prohibited under clause 5</del>
		4.5	Camps at same location for more than <u>2</u> 3 nights in calendar month
		4.6	Disposes of toilet waste or greywater other than at a council approved dump point
		4.7	Disposes of refuse other than at approved collection facility
			Fails to leave camping site clean and tidy
			Fails to comply with enforcement officer request

Local authority	Bylaw	Provision	Description of offence
Clutha District Council	Regulatory Services Bylaw 2008—Part 2 Public Places	203.1(a)	Camps other than in vehicle with minimum 3 day capacity toilet and greywater storage facility
		203.1(b)	Camps for more than 2 nights at same location or in prohibited area
		203.1(c)	Disposes of toilet waste or greywater other than at a council approved dump point
		203.1(d)	Disposes of refuse other than in approved litter bin, skip, or landfill
		203.1(e)	Fails to leave camping site clean and tidy
<u>Dunedin City Council</u>	<u>Camping Control Bylaw 2011</u>	<u>23.5.1</u>	Camps other than in licensed camping ground or permitted camping area without prior written permission
		<u>23.5.2(b)</u>	Camps in self-contained vehicle at same location for more than 2 consecutive nights
		<u>23.5.2(c)</u>	Camps in permitted camping area for more than 2 consecutive nights
		<u>23.6</u>	Fails to comply with conditions of camping permission or fails to leave camping site clean and tidy

Local authority	Bylaw	Provision	Description of offence
<u>Far North District Council</u>	<u>Consolidated General Bylaws—Chapter 17—Reserves</u>	<u>23.7</u>	<u>Fails to leave camping site when directed to do so</u>
		<u>1707.1</u>	<u>Camps other than in designated camping ground or without authority</u>
		<u>1707.2</u>	<u>Camps in breach of conditions in area designated for complying camping vehicles</u>
	<u>General Bylaws—Chapter 20—Parking and Traffic Control 2010</u>	<u>2005.1</u>	<u>Camps in complying camping vehicle other than in Schedule 2 area</u>
		<u>2005.2</u>	<u>Fails to comply with conditions while camping in complying camping vehicle in Schedule 2 area</u>
Gisborne District Council	Freedom Camping Bylaw 2008	9	Camps in closed area
		10.1	Camps in specified area without permit
		13.2	Enters specified area with mobile home, caravan, or tent without payment of prescribed fee
		16.1	Camps in specified area for longer than period specified by Council
		17	Fails to keep camping site clean and tidy

<b>Local authority</b>	<b>Bylaw</b>	<b>Provision</b>	<b>Description of offence</b>
		18	Disregards or refuses to comply with any direction or notice of authorised officer
		21	Acts other than in accordance with provision while camping
<u>Hurunui District Council</u>	<u>Hurunui District Council Freedom Camping Bylaw</u>	<u>4.1</u>	<u>Camps in prohibited area</u>
		<u>4.2</u>	<u>Camps other than in self-contained vehicle</u>
		<u>4.3</u>	<u>Camps at same location for more than 2 nights in same calendar month</u>
		<u>4.4</u>	<u>Disposes of waste other than at approved dump point</u>
		<u>4.5</u>	<u>Disposes of refuse other than at approved refuse collection facility</u>
		<u>4.6</u>	<u>Fails to leave camping area clean and tidy</u>
		<u>4.7</u>	<u>Fails to comply with officer's request to move on</u>
<u>Kapiti Coast District Council</u>	<u>Public Places Bylaw 2010 in conjunction with Freedom Camping Policy 2010</u>	20.3	Camps other than in designated place
<u>Kawerau District Council</u>	<u>General Bylaw 2009: Part 2—Public Places</u>	8.1	Camps in a self-contained vehicle other than in designated area

Local authority	Bylaw	Provision	Description of offence
		8.3	Camps in geothermal area or in the vicinity of the Ron Hardie Recreation Centre
Marlborough District Council	General Bylaw 2010: <del>Part</del> Chapter 2—Public Places	203.2	Camps other than in designated area
Nelson City Council	Nelson City Council Camping Control Bylaw 2011 (No. 220)	4.1, 4.2	Camps other than at licensed camping ground or with permit at a designated reserve
		4.3	Fails to keep camping site clean, tidy, and free of waste
Queenstown Lakes District Council	Freedom Camping Control Bylaw 2011	6	Camps in prohibited zone without prior permission
		7	Camps in permitted area other than in self-contained vehicle or without prior permission
		7	Camps in self-contained vehicle at same permitted area for more than 2 consecutive nights
		9	Camps in breach of conditions
		9	Fails to leave camping site clean and tidy on departure
		9	Lights fire at camping site
Rangitikei District Council	Public Places Bylaw 2007	6.3(b)	Camps outside area set aside for that purpose

<b>Local authority</b>	<b>Bylaw</b>	<b>Provision</b>	<b>Description of offence</b>
<u>South Waikato District Council</u>	<u>Camping Control Bylaw 2011</u>	<u>5.1</u>	<u>Camps outside designated camping area</u>
		<u>5.2</u>	<u>Camps in designated camping area without permit</u>
		<u>5.4</u>	<u>Camps in designated area in self-contained vehicle for more than 2 consecutive nights without permit</u>
		<u>6.1(a)</u>	<u>Fails to comply with conditions of camping permit</u>
		<u>6.1(b)</u>	<u>Fails to leave camping site clean and tidy on departure</u>
		<u>6.1(c), 6.2</u>	<u>Lights fire at camping site without permission</u>
<u>Tasman District Council</u>	<u>Freedom Camping Bylaw 2011</u>	<u>4</u>	<u>Camps at permitted site other than in self-contained vehicle or with more than certified number of people for vehicle</u>
		<u>4, 5, 6.1, 6.2</u>	<u>Camps in self-contained vehicle other than at permitted site or at same permitted site for more than 2 nights in calendar month or 4-week period</u>
		<u>7.1</u>	<u>Discharges sewage, toilet waste, or grey water other than into approved dump point</u>

<b>Local authority</b>	<b>Bylaw</b>	<b>Provision</b>	<b>Description of offence</b>
<u>Taupo District Council</u>	<u>General Bylaw No 1 2008</u>	<u>7.2</u> <u>8</u>	<u>Leaves or deposits waste</u> <u>Fails to leave camping site clean and tidy</u>
<u>Waimakariri District Council</u>	<u>Northern Pegasus Bay Bylaw 2010</u>	<u>202.3(b)</u> <u>6.12</u>	<u>Camps other than in area set aside for that purpose</u> <u>Camps on beach or foreshore other than in accordance with nohoanga entitlement</u>
<u>Waitaki District Council</u>	<u>Environmental Nuisance and Freedom Camping Control Bylaw 2011</u>	<u>5.1</u> <u>5.2</u>	<u>Camps other than in area set aside for that purpose</u> <u>Camps in area set aside for that purpose other than in self-contained vehicle</u>
		<u>6(a)</u> <u>6(b)</u>	<u>Camps in breach of conditions</u> <u>Fails to leave site clean and tidy on departure</u>
		<u>6(c)</u>	<u>Lights fire at camping site</u>
<u>Westland District Council</u>	<u>Freedom Camping Control Bylaw 2011</u>	<u>4.1</u> <u>5.2</u> <u>5.3</u>	<u>Camps in prohibited area</u> <u>Camps in permitted area other than in self-contained vehicle</u> <u>Camps in self-contained vehicle in permitted area for more than 2 consecutive nights in calendar month</u>

Local authority	Bylaw	Provision	Description of offence
		<u>5.4</u>	<u>Disposes of toilet waste or grey-water other than at approved dump point</u>
		<u>5.5</u>	<u>Disposes of refuse other than at approved refuse collection facility</u>
		<u>5.6</u>	<u>Fails to leave camping site clean and tidy</u>
		<u>5.7</u>	<u>Fails to move on when requested by officer</u>

**Schedule 4**  
**Bylaws breach of which deemed infringement offence if resolution passed**  
**ss 46(1), 47, 48**

<b>Local authority</b>	<b>Bylaw</b>	<b>Provision</b>	<b>Description of offence</b>
Auckland City Council (now Auckland Council)	Bylaw No 20—Public Places 2008	20.3.1(g)	Camps other than in designated area
Auckland Regional Council (now Auckland Council)	Parks Bylaw 2007	6.1(b) <del>and 6.3</del>	Camps without prior approval of Council
Central Hawke's Bay District Council		<u>6.3</u>	<u>Refuses to leave area when requested to do so by authorised officer</u>
Central Otago District Council	General Bylaws 2008—Part 2—Public Places	202.3(b)	Camps other than in designated area or camps other than in designated area without prior permission of Council
Christchurch City Council	Parks and Reserves Bylaw 2008	202.5(b)	Camps other than in designated area or camps other than in designated area without prior permission of Council
		10	Camps in designated area, or other area with permission of Council, without paying fees

<b>Local authority</b>	<b>Bylaw</b>	<b>Provision</b>	<b>Description of offence</b>
Franklin District Council (now Auckland Council)	Public Places Bylaw 2007	5(5)(b)	Camps other than in designated area
Greater Wellington Regional Council	<u>Greater Wellington Regional Council Parks, Forests and Reserves Bylaw 2009</u>	4.5	Fails to comply with conditions when camping in designated area
		<u>5.5</u>	Camps other than with prior permission of Council or within sign-posted area
		<u>5.8</u>	Fails to comply with conditions when camping with prior permission of Council or within sign-posted area
Hamilton City Council	Parks, Domain & Reserves Bylaw 2007	7.18	<u>Fails to leave area when requested to do so by authorised officer</u>
			Camps other than in designated area
			Camps in designated area in breach of conditions or without paying fees
Hastings District Council	Public Places Bylaw 2008: Part 14	15.16	On a road, lives or sleeps in a vehicle, or uses it for residential purposes without the consent of the Council
Hauraki District Council	Consolidated Bylaw 2007: Part 3 (Public Safety)	2.5.1(b)	Camps for more than 12 hours other than in designated area

Local authority	Bylaw	Provision	Description of offence
Hutt City Council	Public Places 2006	17.1(b)	Uses a dwelling or vehicle on a public place for temporary accommodation without the consent of the Council
		17.2	Fails to comply with conditions when using a dwelling or vehicle on a public place for temporary accommodation with the consent of the Council
	Parks and Reserves 2007	11	Camps on reserve other than in hut or designated area
<u>Invercargill City Council</u>	<u>Invercargill City Council Bylaw 2008/4—Roading, Parking and Traffic</u>	<u>32.1</u>	<u>Camps overnight on part of road not designated and signposted for that purpose</u>
Kaipara District Council	General Bylaws 2008: Part 2—Public Places	215.5(b)	Camps on reserve other than in designated area
Mackenzie District Council	Roadways and Reserves Camping By-law 2009	2 3	Camps other than in designated area
Manawatu District Council	District Bylaw 2008: <del>Part</del> Chapter 2 (Public Places)	2.17.1	Camps in self-contained mobile home for more than 2 nights at any one designated site in any one month
		2.17.2	Fails to dispose of waste hygienically

Local authority	Bylaw	Provision	Description of offence
		2.17.4	Fails to leave camping site clean and tidy
		2.17.5	Fails to comply with enforcement officer request to move on
	District Bylaw 2008: <del>Part</del> <u>Chapter 13</u> (Water Supply)	13.39.1(a)	Camps in controlled catchment area or water reserve without permission of Water Supply Authority
Manukau City Council (now Auckland City)	Consolidated Bylaw 2008: Chapter 9— <u>General Nuisance, Safety and Behaviour in Public Places</u>	4.1(a)	Camps other than in designated area
		4.1(b)	Camps in a designated area without paying fees
Masterton District Council	Consolidated Bylaw 2008: Part 2—Public Places	3.3(b)	Camps other than in designated area
Matamata–Piako District Council	Public Amenities Bylaw 2008: Part 3— <u>General restrictions on conduct in public amenities</u>	3.3.2(a)	Camps other than in designated area <u>without prior permission</u>
	Public Safety Bylaw 2008: Part 2— <u>Safety in Public Places</u>	2.5b	Camps other than in designated public amenity area
Napier City Council	Parks and Reserves Bylaw 2008	11.2	Camps in a reserve or carpark without permission of Council or without approval as a gypsy fair or circus Camps in a reserve or carpark with Council permission without paying fees

Local authority	Bylaw	Provision	Description of offence
New Plymouth District Council	Bylaw 2008: Part 5—Public Places	23.1	Camps other than in designated area
		23.4	Camps in breach of conditions
		23.5	Camps in designated area when camping temporarily prohibited by signage
North Shore City Council (now Auckland Council)	Public Places Bylaw 2000	2.3.1(g)	Camps other than in designated area <u>without prior permission</u>
Opotiki District Council	Public Places Bylaw 2008	5.4(a); <del>12.1(f)</del>	Camps in public place other than in designated area
		<u>12.1(h)</u>	Uses <u>dwelling or vehicle for accommodation on public place</u>
		19.3.2(o)	Camps on a reserve not set aside for that purpose or without prior permission or in breach of conditions
Papakura District Council (now Auckland Council)	Public Places Bylaw 2008	3.4(b)	Camps in public place other than in designated area
Porirua City Council	Porirua City Council General Bylaw 1991: Part 11—Public Places	11.4.3	Camps in public place other than in designated area
<del>Rangitikei District Council</del>	<del>Public Places Bylaw 2007</del>	<del>6.3(b)</del>	<del>Camps in public place other than in designated area</del>
Rodney District Council (now Auckland Council)	General Bylaw 1998: Chapter 8—Public Places	6.1(a)	Camps in public place other than in designated area or without permission

<b>Local authority</b>	<b>Bylaw</b>	<b>Provision</b>	<b>Description of offence</b>
<u>Rotorua District Council</u>	<u>Traffic Bylaw 2008</u>	<u>21.1</u>	Uses a caravan, camper vehicle, house bus, or mobile home that is authorised to be parked on a road as accommodation
Ruapehu District Council	Public Places Bylaw 2008	11.5(f)	Camps in public place without prior consent
Selwyn District Council	Parks and Reserves Bylaw 2009	10.1(a), (b)	Camps on a reserve not set aside for the purpose or without prior permission
South Taranaki District Council	<u>South Taranaki District Council Public Places Bylaw 2007</u>	36.1(b)	Camps in public place without permission or in breach of conditions
South Wairarapa District Council	Bylaw For Camping In Coastal Areas 2009	5.1	Camps other than in designated area or without permission
		5.2	Camps in designated area for longer than period permitted
Southland District Council	Camping Control Bylaw 2007	5.1	Camps in designated area for longer than period permitted without prior permission
Stratford District Council	<u>Stratford District Council General Bylaws 2008 1993</u>	223.1(b)	Camps in public place without permission or in breach of conditions
Taranua District Council	<u>Public Places Bylaw 2006 Consolidated Bylaw 2000: Chapter 2—Public Places</u>	202.3(b)	Camps other than in designated area (except if complying with camping policy)
Tararua District Council	<u>General Bylaw No 1: 2008</u>	202.3(b)	Camps in public place other than in designated area

Local authority	Bylaw	Provision	Description of offence
Tauranga City Council	Street Use and Public Places Bylaw 2005	13.1(f)	Camps in public place other than in designated area or without prior permission
Thames-Coromandel District Council	Consolidated Bylaw 2004: <del>Part 2—Public Places Activities in Public Places 2004</del>	203.5	Camps in public place other than in designated area or without permission or camps at designated area or with permission but in breach of conditions
Timaru District Council	Consolidated Bylaw 2007: Chapter 7—Parks and Reserves, Beaches and Tracks	716.1	Camps in reserve without permission or in breach of conditions
Upper Hutt City Council	Public Places Bylaw 2005	4.3(b)	Camps in public place other than in designated area
Waikato District Council	Parking, Traffic Control and Public Places Bylaw 2007	11.8	Camps on council controlled land other than in camping ground (except if in self-contained vehicle on designated area)
Waimate District Council	Consolidated Bylaw 2008: Chapter 7—Parks and Reserves, Beaches and Tracks	716	While camping fails to vacate designated area by specified time Camps in reserve without permission or in breach of conditions
Wairoa District Council	Consolidated Bylaw 2007: Part 3—Public Safety Bylaw	2.6(b)	Camps in public place other than in designated area

<b>Local authority</b>	<b>Bylaw</b>	<b>Provision</b>	<b>Description of offence</b>
Waikare City Council (now Auckland Council)	Public Places Bylaw 2010	6.1(i)	Camps in public place other than in designated area
Waitomo District Council	Public Places Bylaw 2009	4.3(b)	Camps in public place other than in designated area
Western Bay of Plenty District Council	Recreational and Cultural Facilities Bylaw 2005	<del>3.13</del> and 3.31	Camps in reserve without permission or in breach of conditions
Whakatane District Council	<del>Public Places Bylaw 2008</del> Consolidated Bylaw 2007: Part 3—Public Places	3.9.1 (h)	Camps in public place other than in designated area or without permission or in breach of conditions
<del>Whangarei</del> Wanganui District Council	Consolidated Bylaw <del>2005</del> 1995	20.2.1(f)	Camps in public place other than in designated area or without licence
Whangarei District Council	Public Places Bylaw 2005	19(b)	Camps in any public place without permission

---

**Freedom Camping Bill**

---

**Legislative history**

18 May 2011  
9 June 2011

Introduction (Bill 306–1)  
First reading and referral to Local Government and  
Environment Committee

---