

Freedom Camping Bill

Government Bill

Explanatory note

General policy statement

The purpose of this Bill is to address the negative effects of freedom camping. The behaviour of some freedom campers creates problems for local residents and significant costs for local authorities and the Department of Conservation. Increasing numbers of people are freedom camping in unsuitable locations such as rest areas, reserves, beaches, car parks, roadsides, and lay-bys. Some freedom campers leave behind human waste and other waste, which is offensive to local residents and visitors to the region, creates a public health risk, and undermines New Zealand's image as a clean, green tourist destination.

The primary method of achieving the Bill's purpose is to create an infringement regime in relation to freedom camping on local authority-controlled and public conservation land. The Bill enables the respective land managers to decide where freedom camping is permitted in accordance with the prevailing management framework for each piece of land. The Bill allows for freedom camping to generally be permitted unless restricted or prohibited through local authority bylaws or through Department of Conservation freedom camping notices. The Bill does not target back country campers, or motorists who need to pull over to the side of the road to rest.

The Bill creates an offence of freedom camping in an area where freedom camping is not permitted. The Bill also creates an offence in relation to depositing human waste or other waste on local authority or public conservation land. The Bill sets a nationally consistent infringement fee of \$200, but allows for this fee to be adjusted by regulation. The Bill also provides for local authorities and the Department of Conservation to take proceedings against offenders under the Summary Proceedings Act 1957, with a maximum fine on conviction of \$10,000.

The Bill provides for local authorities and the Department of Conservation to warrant each other's staff with the ability to issue infringement notices on land within the other agency's control to enhance a co-ordinated approach. The Bill allows infringement notices to be served on the person who appears to have committed the offence or, where a vehicle is used in the commission of the offence, by attaching it to the vehicle.

The Bill allows local authorities to make bylaws specifying the areas in which freedom camping is prohibited or restricted, and the conditions of any restriction. Bylaws must be made using similar processes to those set out in the Local Government Act 2002, including determining the appropriateness of the bylaw, using the special consultative procedure, and undertaking reviews. The Bill includes transitional provisions to allow breaches of current local authority camping-related bylaws to be infringement offences. The transitional provisions expire 1 year after the date the Bill is enacted.

The Bill allows the Department of Conservation to designate freedom camping prohibitions and restrictions by way of freedom camping notices. When making freedom camping notices, the Department of Conservation must consult the relevant Conservation Board that has jurisdiction in the area, and ensure that the notice is consistent with any conservation legislation, general policy, or management plan relevant to the land. The Bill's signage provisions are transitional and expire on 31 March 2012, but are included to allow immediate implementation of the infringement regime in relation to public conservation land in time for the start of the Rugby World Cup 2011 and the anticipated increase in freedom camping activity.

Regulatory impact statement

The Department of Internal Affairs and the Department of Conservation produced a regulatory impact statement on 27 April 2011 to help inform the main policy decisions taken by the Government relating to the contents of this Bill.

A copy of this regulatory impact statement can be found at—

- <http://www.dia.govt.nz/Resource-material-Regulatory-Impact-Statements-Index#four>
- <http://www.doc.govt.nz/ris-freedom-camping>
- <http://www.treasury.govt.nz/publications/information-releases/ris>

Clause by clause analysis

Clause 1 is the title clause.

Clause 2 is the commencement clause. The Act comes into force on the day after the date on which it receives the Royal assent.

Part 1

Preliminary provisions

Clause 3 is an outline provision and indicates the scope and purpose of the Act. The Act regulates freedom camping (as defined in *clause 5*) on the following land:

- land controlled or managed by local authorities (city, district, and regional councils); and
- 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.

The Act does not regulate freedom camping on private land.

Clauses 4 to 7 define key terms used in the Act. *Clause 4* is the general definition section. *Clause 5* defines what freedom camping is. *Clauses 6 and 7* define the land in relation to which freedom camping is regulated (as described above in the paragraph relating to *clause 3*).

Clauses 8 and 9 repeal certain provisions of the Act. *Clause 8* repeals, at the close of 31 March 2012, the provisions relating to freedom camping signs (*clauses 13(a), 14, and 18(1)(f) and (i)*). *Clause 9* repeals, on the close of the day that is 1 year after the Act comes into

force, the transitional infringement offence provisions (in *clauses 44 to 48 and Schedules 3 and 4*) for current local authority camping-related bylaws.

Part 2

Where freedom camping permitted

Subpart 1—Freedom camping in local authority areas

Clause 10 sets out where freedom camping is permitted in local authority areas. Freedom camping is permitted in a local authority area unless—

- it is restricted or prohibited in accordance with a bylaw made under *clause 11*; or
- it is restricted or prohibited under any other enactment.

Clause 11 sets out the substantive and process requirements for a bylaw made for the purposes of restricting or prohibiting freedom camping under *clause 10*.

Clause 12 provides that a bylaw made under *clause 11* must be treated as a bylaw made under the Local Government Act 2002 for the purposes of sections 150 and 158 to 160A of that Act. *Clause 12* also applies the other provisions of the Local Government Act 2002 to bylaws made under this Act to the extent that it applies to bylaws made under other enactments.

Subpart 2—Freedom camping on conservation land

Clause 13 sets out where freedom camping is permitted on conservation land. Freedom camping is permitted on conservation land unless—

- it is restricted or prohibited in accordance with a sign posted under *clause 14*; or
- it is restricted or prohibited in accordance with a freedom camping notice made under *clause 15*; or
- it is restricted or prohibited under a conservation Act (as defined in *clause 4*) or any other enactment.

Clause 14 authorises the Director-General (being the administrative head of the Department of Conservation) to restrict or prohibit freedom camping on conservation land by erecting 1 or more signs. A sign must clearly describe, whether by words or symbols or both,—

- that freedom camping is restricted on the land and the restrictions that apply; or
- that freedom camping is prohibited on the land.

Subclause (4) sets out the matters that the Director-General must be satisfied of before erecting a sign. *Subclause (5)* applies the provisions of this section to any sign already erected.

The Director-General may only exercise this power until the close of 31 March 2012 as the clause is repealed on that date (see *clause 8*).

Clause 15 authorises the Director-General to restrict or prohibit freedom camping by notice published in accordance with *clause 16* provided he or she is satisfied of the matters in *subclause (2)(a)* and has consulted the relevant Conservation Board in accordance with *subclause (2)(b)*.

Clause 16 specifies the notification provisions required to publish a freedom camping notice. It also specifies where and how such notices must be made available to the public.

Clause 17 requires the Director-General to exercise the powers conferred on him or her under *subpart 2* as if the Act were specified in Schedule 1 of the Conservation Act 1987.

Part 3

Enforcement, miscellaneous, and transitional provisions

Subpart 1—Offences, defences, and penalties

Clause 18 sets out the offences under the Act.

Clause 19 provides that the offences specified in *clause 18(1)* are strict liability offences by stating that the prosecution in such an offence does not need to prove that the defendant—

- intentionally or recklessly committed the offence; or
- knew that the offence occurred in, or in relation to, a local authority area or conservation land.

Clause 20 provides that the offences specified in *clause 18(1)* are infringement offences under the Act.

Clause 21 sets out the defences to an offence under the Act.

Clause 22 sets out the penalties for offences. A person who is convicted of an offence against *clause 18(1)* is liable to a fine not exceeding \$10,000. A person who is convicted of an offence against *clause 18(2)* is liable to a fine not exceeding \$5,000.

Clause 23 sets out the fee for an infringement offence. The fee is the amount prescribed by regulations made under *clause 41* as the infringement fee for the offence. *Subclause (2)* provides that if no fee is prescribed in this way, the fee for an infringement offence is \$200.

Clause 24 provides that where a person commits an offence against *clause 18*, in addition to, or instead of, the penalty for the offence, the person may be ordered to pay the costs incurred by the local authority or Department of Conservation in repairing any damage done to the local authority area or the conservation land concerned as a result of the offence.

Subpart 2—Proceedings

Clause 25 sets out the ways in which proceedings for an offence may be commenced. Proceedings for an offence are commenced by laying an information under the Summary Proceedings Act 1957. Proceedings for an infringement offence may be commenced either by an enforcement officer issuing an infringement notice or by an enforcement officer laying an information under the Summary Proceedings Act 1957.

Clause 26 sets out who proceedings for an offence may be taken against. These are the following persons:

- the person who allegedly committed the offence:
- the person who, at the time of the alleged offence, 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 was the registered person in respect of the vehicle under Part 17 of the Land Transport Act 1998, 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), if a vehicle was used in the commission of the offence.

Clause 27 sets out when and how an enforcement officer may issue an infringement notice and what particulars an infringement notice must include.

Clause 28 sets out the particulars that must be included in a reminder notice. (A reminder notice may be served on a person following the issuing of an infringement notice.)

Clause 29 provides for a local authority to retain the infringement fees resulting from infringement notices issued by enforcement officers appointed by the local authority and for the infringement fees resulting from infringement notices issued by enforcement officers appointed by the Director-General to be paid into a Crown bank account.

Subpart 3—Enforcement officers

Clause 30 authorises local authorities to appoint enforcement officers for the purposes of the Act and the requirements as to the warranting of the officers.

Clause 31 authorises the Director-General to appoint enforcement officers for the purposes of the Act and the requirements as to the warranting of the officers.

Clause 32 requires an enforcement officer to produce his or her warrant whenever reasonably required to do so by any person.

Clause 33 empowers an enforcement officer to require certain information from a person who the officer believes on reasonable grounds has committed or is committing an offence (subject to any privilege recognised under the Evidence Act 2006). The information is—

- the person's full name, date of birth, and residential address; and
- the full name, residential address, and whereabouts of any other person connected in any way with the alleged offence.

Clause 34 empowers an enforcement officer to require a person who he or she believes on reasonable grounds is committing or has com-

mitted an offence to leave the local authority area or conservation land concerned.

Clause 35 empowers an enforcement officer to seize and impound property used or being used to commit an offence subject to being satisfied of certain matters and following certain procedural steps. If the property to be seized and impounded is a boat, caravan, or motor vehicle, *clause 36* applies and requires the enforcement officer to be satisfied of the matters stated in that clause before acting.

Clause 37 sets out how a person may retrieve seized and impounded property.

Clause 38 sets out the process by which a local authority or the Director-General may dispose of property that has been seized and impounded and how any proceeds from its disposal must be applied.

Clause 39 provides an immunity to enforcement officers acting in good faith and without negligence from any liability for loss or damage to property arising directly or indirectly from its seizing and impounding.

Subpart 4—Miscellaneous matters

Clause 40 sets out the relationship between this Act and other enactments. The 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. Nor does it limit or affect the powers of the Department of Conservation under the conservation legislation to which the Act applies.

Clause 41 empowers the making of regulations under the Act for the following purposes:

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

Clause 42 authorises the Governor-General, by Order in Council, to specify a track as a Great Walks Track for the purposes of *clause 5(2)* and to remove the name of a track specified in *Schedule 1* as a Great Walks Track. (See *clause 5(1)* where freedom camping is defined partly in relation to Great Walks Tracks.)

Clause 43 sets out an evidential rule and provides that a certificate signed by the chief executive of a local authority or the Director-General, in the absence of any evidence to the contrary, is sufficient evidence of the status of the contents of the certificate.

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

Clause 44 sets out the purpose of this subpart.

Clause 45 states that a breach of a bylaw provision specified in *Schedule 3* is an infringement offence with an infringement fee payable of \$200.

Clause 46 states that a breach of a bylaw provision specified in *Schedule 4* is an infringement offence with an infringement fee payable of \$200. However, this is only the case if the local authority responsible for making the bylaw containing the provision first follows certain procedural steps to clarify where camping is prohibited or restricted and any related conditions to the prohibitions or restrictions.

Clause 47 clarifies, for the avoidance of doubt, that any other matter in relation to a bylaw provision to which this subpart applies must be dealt with in accordance with the enactment under which the bylaw was made (for example, any enforcement matter in relation to a breach of the bylaw provision, or any amendment or review by the local authority of the bylaw).

Clause 48 clarifies that 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.

Schedules

Schedule 1 lists the Great Walks Tracks.

Schedule 2 sets out default infringement notice, reminder notice, and seizure and impoundment notice forms. These forms are to be used for the purposes of the Act if no forms are prescribed by regulations made under *clause 41* (see *clauses 27(6), 28(3), and 35(3)*).

Schedule 3 sets out the bylaw provisions which are infringement offences under *clause 45(1)*.

Schedule 4 sets out the bylaw provisions which are infringement offences under *clause 46(1)*.

Hon Kate Wilkinson

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Government Bill

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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 does not limit or affect the application or interpretation of any of the individual provisions of this 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
- (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. 10
- (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)**.
- (6) **Part 3** has 5 subparts which deal with the following matters: 15
- (a) **subpart 1**: offences, defences, and penalties:
 - (b) **subpart 2**: how proceedings for an offence may be commenced and the persons against whom the proceedings may be taken:
 - (c) **subpart 3**: the appointment and powers of enforcement officers and matters relating to any property seized by an enforcement officer: 20
 - (d) **subpart 4**: miscellaneous matters:
 - (e) **subpart 5**: transitional infringement offence provisions relating to current local authority camping-related bylaws. 25
- 4 Interpretation**
- In this Act, unless the context requires another meaning,—
- conservation Act** means any one of the conservation Acts
- conservation Acts** means the following Acts: 30
- (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** 35
- Department** means the Department of Conservation

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** 5

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

infringement offence means an offence specified in **section 20**

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) 10

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

offence means an offence under this Act

waste means any kind of waste, including human waste. 15

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 vehicle accessible area, or the mean low-water spring line of any sea or harbour, or within 500 m of a Great Walks Track, using 1 or more of the following: 20

(a) a tent or other temporary structure:

(b) a caravan:

(c) a car, campervan, housetruck, or other motor vehicle.

(2) In **subsection (1)**,— 25

camping ground means—

(a) a camping ground that is the subject of a current certificate of registration under the Camping-Grounds Regulations 1985; and

(b) any site at which a fee is payable for camping at the site 30

Great Walks Track means—

(a) a track specified in **Schedule 1**; and

(b) any other track specified by Order in Council made under **section 42** as a Great Walks Track.

- 6 Meaning of local authority area**
In this Act, **local authority area**—
- (a) means an area of land—
 - (i) that is within the district or region of a local authority; and 5
 - (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
 - (c) does not include an area of land referred to in **paragraph (a) or (b)** that is permanently covered by water. 10
- 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 15
 - (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** 20
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** 25
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

- 10 Where freedom camping permitted** 5
- 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.
- 11 Freedom camping bylaws** 10
- (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:
 - (b) defining the local authority areas in its district or region where freedom camping is prohibited. 15
 - (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: 20
 - (i) to protect the area:
 - (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 way of addressing the perceived problem in relation to that area; and 25
 - (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: 30
 - (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. 35

- (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—
- (a) making a bylaw under this section; or
 - (b) amending a bylaw made under this section; or 5
 - (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— 10
- (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.
- (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. 15

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: 20
- (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). 25
- (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.
- (3) **Subsection (2)** is subject to any provision to the contrary in this Act. 30

Subpart 2—Freedom camping on conservation land

13 Where freedom camping permitted

Freedom camping is permitted on any conservation land unless freedom camping is restricted or prohibited on the land— 35

- (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
- (c) under a conservation Act or any other enactment. 5

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. 10
- (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
 - (b) that freedom camping is prohibited within 200 m of the sign. 15
- (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)** only if the Director-General is satisfied that restricting or prohibiting camping on the land is not inconsistent with— 20
 - (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. 25
- (5) This section also applies if the sign was erected before the commencement of this Act,—
 - (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 30
 - (ii) that freedom camping is prohibited; and
 - (b) the sign is clearly identified as a sign erected with the authority of the Director-General; and
 - (c) the Director-General is satisfied of the matters in **subsection (4)** in respect of the land to which the sign relates. 35

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: 5
 - (b) define conservation land where freedom camping is prohibited.
- (2) A notice may be published under **subsection (1)** only if—
- (a) the Director-General is satisfied that the notice is not inconsistent with— 10
 - (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 15
 - (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. 20
- (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 25
 - (b) specify whether freedom camping is restricted or prohibited on the land and, if applicable, the restrictions that apply; and
 - (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. 30

16 Public notification of freedom camping notices

- (1) A freedom camping notice is published in accordance with this section if— 35
- (a) it is published in the *Gazette*; and
 - (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
 - (c) it complies with **subsection (2)**.
- (2) A notice must—
- (a) generally describe the contents of the notice; and
 - (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
 - (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
 - (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
 - (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**
- 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 the area (other than into a 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 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 **section 14**—
 - (i) that prohibits freedom camping; or
 - (ii) in breach of any restrictions set out on the sign; 30
 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
 - (h) while freedom camping on conservation land,— 35
 - (i) interferes with or damages the land, its flora or fauna, or any structure on the land; or

- (ii) deposits waste onto the land (other than into a waste receptacle); or
- (i) makes preparations to freedom camp on conservation land within 200 m of a sign erected on the land under **section 14**— 5
- (i) that prohibits freedom camping; or
- (ii) in breach of any restrictions set out on the sign; or
- (j) deposits waste, generated while freedom camping, in or on conservation land other than into a waste receptacle; 10
or
- (k) fails or refuses to leave conservation land when required to do so by an enforcement officer acting under **section 34**.
- (2) Every person commits an offence and is liable on summary conviction to the penalty set out in **section 22(2)**— 15
- (a) who, while an enforcement officer is carrying out his or her functions and duties under this Act,—
- (i) intentionally prevents the officer from carrying out those functions and duties; or 20
- (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 25
- (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)**. 30
- (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). 35

19 Strict liability offences

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 Infringement offences

The offences described in **section 18(1)** are infringement offences under this Act. 5

21 Defences to offences

- (1) It is a defence to an offence if the court concerned is satisfied that the act or omission giving rise to the offence was due to an action or event beyond the control of the defendant and— 10
- (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. 15
- (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 is satisfied that—
- (a) the act or omission giving rise to the offence was necessary to— 20
 - (i) save or protect life or health; or
 - (ii) prevent injury; or
 - (iii) prevent serious damage to property; or
 - (iv) avoid actual or likely damage to the environment; and 25
 - (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. 30
- (3) It is a defence to an offence against **section 18(1)(b)(ii), (d), (h)(ii), or (j)** if the court is satisfied that—
- (a) the act giving rise to the offence was necessary in the circumstances; and
 - (b) the conduct of the defendant was reasonable in the circumstances; and 35

- (c) the effects of the act were adequately remedied or mitigated by the defendant after the offence occurred.
- (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)**. 5
- (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. 10
- (6) The defences available under this section do not limit any other defences that may be available.

22 Penalties

- (1) A person who is convicted of an offence against **section 18(1)** is liable to a fine not exceeding \$10,000. 15
- (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

- (1) The fee for an infringement offence is the amount prescribed by regulations made under **section 41** as the infringement fee for the offence. 20
- (2) If no fee is prescribed in accordance with **subsection (1)**, the fee for an infringement offence is \$200.

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. 25 30
- (2) The costs must be assessed by a District Court Judge and are recoverable as if they were a fine.

Subpart 2—Proceedings

25 How proceedings commenced

- (1) Proceedings for an offence that is not an infringement offence may be commenced by an enforcement officer laying an information under the Summary Proceedings Act 1957. 5
- (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. 10
- (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. 15
- (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) 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)**. 20

26 Who proceedings may be commenced against

- (1) Proceedings for an offence may be taken against 1 or more of the following persons: 25
 - (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,—
 - (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 30
 - (ii) was the registered person in respect of the vehicle under Part 17 of the Land Transport Act 1998: 35
 - (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).

(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 5
- (b) was the driver of the vehicle; or
- (c) was the person in charge of the vehicle; or
- (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. 10

(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 15
- (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
- (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 20
- (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. 25

(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: 30
- (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.

(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: 35

- (a) the Land Transport Act 1998:
- (b) the Road User Charges Act 1977:

- (c) the Transport (Vehicle and Driver Registration and Licensing) Act 1986;
- (d) the Government Roding Powers Act 1989.
- (5) An infringement notice must be in the prescribed form and contain the following particulars: 5
- (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 10
- (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 15
- (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 20
- (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**.
- 28 Reminder notices** 25
- (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. 30
- (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**.

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. 5
- (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. 10

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. 15
- (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 20
 - (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). 25

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. 30
- (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 35

- (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 (being only areas in respect of which the relevant local authority has consented to the officer exercising enforcement powers). 5
- 32 Enforcement officers must produce warrant**
An enforcement officer must produce his or her warrant whenever reasonably required to do so by any person. 10
- 33 Enforcement officers may require certain information**
- (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 15
- (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 overrides legal professional privilege or affects any privilege recognised by sections 54 to 64 of the Evidence Act 2006. 20
- 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. 25
- 35 Enforcement officers may seize and impound certain property** 30
- (1) An enforcement officer may seize and impound property in a local authority area or on conservation land—
- (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
- (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, before seizing and impounding it, the officer—
- (i) directed (orally or in writing) the person committing the offence to stop committing the offence; and
 - (ii) 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) 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) to avoid any risk to the health of the public; or
- (b) for the safety of the public; or
- (c) to protect significant flora or fauna; or
- (d) to ensure access to the local authority area or conservation land concerned.

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. 5
- (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
 - (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. 15
- (4) The District Court may—
- (a) confirm the decision of the local authority or the Director-General to refuse to return the property; or 20
 - (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—
- (a) affects or limits the liability of any person for the offence in relation to which the property was seized; or 25
 - (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.

38 Disposal of property seized and impounded 30

- (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. 35

- (2) The local authority or the Director-General may dispose of the property as it thinks fit.
- (3) Any proceeds from the disposal must be applied to pay—
- (a) first, the costs incurred in seizing, impounding, transporting, and storing the property: 5
 - (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.
- (4) **Subsections (2), (3)(a), and (3)(b)** also apply in the following circumstances to property that has not been returned within 10 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:
 - (b) where the property was not seized from a person and 15 the owner of the property cannot be identified or contacted after reasonable efforts have been made to find the owner.
- (5) Any surplus remaining after applying **subsection (4)** forms 20 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.
- (6) In **subsection (1), working days** has the meaning given to 25 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

- (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**. 30
- (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.

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.

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: 10

- (a) prescribing infringement fees for infringement offences (being an amount not exceeding \$1,000):
- (b) prescribing infringement notice forms: 15
- (c) prescribing reminder notice forms:
- (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,— 20

- (a) specify a track as a Great Walks Track for the purposes of **section 5(2)**:
- (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 contrary, is sufficient evidence of the status of the contents of the certificate. 25

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

- 44 Purpose of this subpart** 5
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.
- 45 Infringement offences for camping-related local authority bylaw provisions specified in Schedule 3** 10
- (1) A breach of a bylaw provision specified in **Schedule 3** is an infringement offence.
- (2) The infringement fee for an offence referred to in **subsection (1)** is \$200. 15
- (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
- (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). 20
- (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,— 25
- (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. 30
- 46 Infringement offences for camping-related local authority bylaw provisions specified in Schedule 4**
- (1) A breach of a bylaw provision specified in **Schedule 4** is an infringement offence. 35

- (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,— 5
 - (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 10
 - (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)**,—
- (a) this Act applies with any necessary modification; and 15
 - (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). 20
- (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 25
 - (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. 30

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, any enforcement matter in relation to a breach of the 35

bylaw provision, or any amendment or review of it by the local authority).

- (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. 5

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. 10

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)**
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*]

To [*full name, full address, other identifying details, if known; for example, date of birth*] 10

You 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**:
- (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 15
 - (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 described in **paragraphs 7 and 9**. 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 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 prevent serious damage to property, or to avoid actual or likely damage to the environment; and 10
 - (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 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**. 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 infringement notice relates was necessary in the circumstances; 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 available under section 133A(3) and (4) of the Land Transport Act 1998 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** 30 35

Form 1—*continued*

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

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: <i>[name]</i>	
Enforcement officer: <i>[name]</i>	
To <i>[full name, full address, other identifying details, if known; for example, date of birth]</i>	
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 <i>[date infringement notice was delivered personally or posted or attached to vehicle]</i> .	20
The infringement fee remains payable to the enforcement authority at <i>[full address at which fee may be paid]</i> .	
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**:
 - (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 30

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 or omission after the offence occurred.
- 5 The defence in **paragraph 4** does not apply unless— 5
- (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 against **section 18(1)(b)(ii), (d), (h)(ii), or (j)**. 25
- 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 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 action or event after the offence occurred. 35
- 9 **Paragraph 10** describes a defence additional to the defences described in **paragraphs 4 and 8**. This defence is available if

Form 2—*continued*

you are charged with an infringement offence against **section 18(1)(b)(ii), (d), (h)(ii), or (j) of the Freedom Camping Act 2011**.

- 10 You must prove the following to have the defence referred to in **paragraph 9**: 5
- (a) that the act giving rise to the offence to which the infringement notice relates was necessary in the circumstances; and
 - (b) your conduct was reasonable in the circumstances; and
 - (c) you adequately remedied or mitigated the effects of the action after the offence occurred. 10
- 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
- 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—
- (a) the infringement notice number; and 25
 - (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— 30
- (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
 - (d) your full address for replies. 35

Form 2—*continued*

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.

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. 5

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**ss 45(1), 47****Bylaws breach of which are deemed infringement offence**

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

Local Authority	Bylaw	Provision	Description of offence
Gisborne District Council	Freedom Camping Bylaw 2008	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
		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
Kapiti Coast District Council	Public Places Bylaw 2010 in conjunction with Freedom Camping Policy 2010	17	Fails to keep camping site clean and tidy
		18	Disregards or refuses to comply with any direction or notice of authorised officer
		21	Acts other than in accordance with provision while camping
		20.3	Camps other than in designated place

Local Authority	Bylaw	Provision	Description of offence
Kawerau District Council	General Bylaw 2009: Part 2—Public Places	8.1	Camps other than in designated area
		8.3	Camps in geothermal area or in the vicinity of the Ron Hardie Recreation Centre
Marlborough District Council	General Bylaw 2010: Part 2—Public Places	203.2	Camps other than in designated area

Schedule 4

ss 46(1), 47

Bylaws breach of which deemed infringement offence if resolution passed

Local Authority	Bylaw	Provision	Description of offence
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) and 6.3	Camps without prior approval of Council
Central Hawkes Bay District Council		202.3(b)	Camps other than in designated area or camps other than in designated area without prior permission of Council
Central Otago District Council	General Bylaws 2008—Part 2—Public Places	202.5(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	10	Camps other than in designated area or camps other than in designated area without prior permission of Council
			Camps in designated area, or other area with permission of Council, without paying fees
Franklin District Council (now Auckland Council)	Public Places Bylaw 2007	5(5)(b)	Camps other than in designated area

Freedom Camping Bill

Schedule 4

Local Authority	Bylaw	Provision	Description of offence
Greater Wellington Regional Council	Parks Forests and Reserves Bylaw 2009	4.5	<p>Fails to comply with conditions when camping in designated area</p> <p>Camps other than with prior permission of Council or within sign-posted area</p> <p>Fails to comply with conditions when camping with prior permission of Council or within sign-posted area</p>
Hamilton City Council	Parks, Domain & Reserves Bylaw 2007	7.18	<p>Camps other than in designated area</p> <p>Camps in designated area in breach of conditions or without paying fees</p>
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
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

Local Authority	Bylaw	Provision	Description of offence
		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
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	Camps other than in designated area
Manawatu District Council	District Bylaw 2008: Part 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
		2.17.4	Fails to leave camping site clean and tidy
		2.17.5	Fails to comply with enforcement officer request to move on
		13.39.1(a)	Camps in controlled catchment area or water reserve without permission of Water Supply Authority

Local Authority	Bylaw	Provision	Description of offence
Manukau City Council (now Auckland City)	Consolidated Bylaw 2008: Chapter 9	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—General restrictions on conduct in public amenities	3.3.2(a)	Camps other than in designated area
		Public Safety Bylaw 2008: Part 2—Safety in Public Places	2.5b
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
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

Local Authority	Bylaw	Provision	Description of offence
North Shore City Council (now Auckland Council)	Public Places Bylaw 2000	2.3.1(g)	Camps other than in designated area
Opotiki District Council	Public Places Bylaw 2008	5.4(a), 12(1)(h)	Camps in public place other than in designated area
		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
Rangitikei District Council	Public Places Bylaw 2007	6.3(b)	Camps in public place other than in designated area
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
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	Public Places Bylaw 2007	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

Local Authority	Bylaw	Provision	Description of offence
		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	General Bylaws 2008	223.1(b)	Camps in public place without permission or in breach of conditions
Tararua District Council	Public Places Bylaw 2006	202.3(b)	Camps other than in designated area (except if complying with camping policy)
Taupo District Council	General Bylaw No 1. 2008	202.3(b)	Camps in public place other than in designated area
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: Part 2—Public Places	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

Local Authority	Bylaw	Provision	Description of offence
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) While camping fails to vacate designated area by specified time
Waimate District Council	Consolidated Bylaw 2008: Chapter 7—Parks and Reserves, Beaches and Tracks	716	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
Waitakere 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	3.13 and 3.31	Camps in reserve without permission or in breach of conditions
Whakatane District Council	Public Places Bylaw 2008	3.9.1 (h)	Camps in public place other than in designated area or without permission or in breach of conditions
Whanganui District Council	Consolidated Bylaw 2005	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

