

House of Representatives

Supplementary Order Paper

Thursday, 11 August 2011

Freedom Camping Bill

Proposed amendments

Hon Kate Wilkinson, in Committee, to move the following amendments:

Clause 4

Definition of **conservation Acts**: to omit this definition (line 36 on page 4 to line 3 on page 5) and substitute the following definition:

conservation Acts means the following Acts:

- (a) the Conservation Act 1987:
- (b) the National Parks Act 1980:
- (c) the Reserves Act 1977:
- (d) the Wildlife Act 1953

Clause 12

Subclause (5)(c): to omit “83 of that Act” (line 7 on page 10) and substitute “11(2) of this Act”.

Subclause (6): to omit “date” in the first place that it appears (line 10 on page 10) and substitute “day”.

Clause 18

Subclause (1A)(b): to omit “and” (line 32 on page 15) and substitute “or”.

New clauses 28A and 28B

To insert the following clauses after *clause 28* (after line 20 on page 21):

28A Rental service agreement may provide for payment of infringement fee

- (1) A hirer of a motor vehicle may, in a rental service agreement with a rental company, agree to pay any infringement fee and any costs that may become payable because of an infringement notice served on the rental company for an infringement offence (in this section and in **section 28B** referred to as the **particular offence**) that is alleged to have been committed—

- (a) in circumstances involving the use of the vehicle hired under the agreement; and
 - (b) during the period of hire.
- (2) The hirer may, in the rental service agreement, also authorise the rental company to debit the hirer's credit card with the infringement fee and any costs payable because of an infringement notice for a particular offence and, in that case, the agreement must—
- (a) set out the liability of the parties to the agreement for any particular offences:
 - (b) require the rental company to send to the permanent address provided by the hirer copies of any infringement notices and any reminder notices that may be served on the rental company for any particular offences:
 - (c) indicate that representations may be made to the issuing enforcement authority to challenge or query an infringement notice:
 - (d) set out the hirer's right to seek a court hearing for the particular offence.
- (3) This section and **section 28B** have effect despite anything to the contrary in the rental service agreement.
- (4) In this section and **section 28B**,—
- costs** includes the administration fee that is, as permitted by **section 28B(4)**, specified in a rental service agreement
- credit card** includes a debit card
- rental company** means the holder of a rental service licence under the Land Transport Act 1998.

28B Charging hirer for infringement fee

- (1) In any case where a rental company receives an infringement notice for a particular offence, the rental company may not exercise an authority under a rental service agreement to debit the hirer's credit card unless, within 5 working days of receipt of the infringement notice, the rental company—
- (a) sends a copy of the infringement notice and the rental service agreement to the permanent address provided by the hirer in the rental service agreement; and
 - (b) notifies the hirer that if the rental company receives a reminder notice for that offence, the rental company will debit the hirer's credit card for the amount of the infringement fee and costs.
- (2) If the rental company does not receive an infringement notice for the particular offence, but receives a reminder notice for that offence, the rental company may not exercise the authority

- to debit the hirer’s credit card unless, within 5 working days of the receipt of the reminder notice, the rental company—
- (a) sends a copy of the reminder notice and the rental service agreement to the permanent address provided by the hirer in the rental service agreement; and
 - (b) notifies the hirer that the rental company will debit the hirer’s credit card with the fee and costs payable because of the infringement notice.
- (3) Except where the hirer has been separately served by an enforcement officer with an infringement notice for the particular offence, the infringement notice sent to the hirer under **subsection (1)(a)** or the reminder notice served under **subsection (2)(a)** is deemed to have been served on the hirer by the enforcement officer and the hirer has, in respect of the infringement notice or the reminder notice, all the rights and obligations under the Summary Proceedings Act 1957 of a person so served.
- (4) The rental service agreement may specify an administration fee that the rental company may charge to cover the cost of debiting the hirer’s credit card.
- (5) Any infringement fee for a particular offence that the rental company receives as a result of debiting the hirer’s credit card must be paid to the issuing enforcement authority without delay.
- (6) The rental company must refund the hirer any infringement fee for the particular offence that the hirer has received as a result of debiting the hirer’s credit card if—
- (a) the issuing enforcement authority decides not to continue the proceeding for the particular offence; or
 - (b) the reminder notice filed or deemed to have been filed in a District Court is withdrawn; or
 - (c) at a court hearing, the hirer is not found to be liable for the particular offence; or
 - (d) the fine for the particular offence is set aside by a determination of a court.

Clause 30

Subclause (2)(c): to omit “the infringement offences and other offences may be enforced” (lines 6 to 8 on page 22) and substitute “they may act”.

Subclause (2)(d): to omit “the infringement offences and other offences may be enforced” (lines 9 and 10 on page 22) and substitute “they may act”.

Subclause (2)(d): to omit “the officer” (line 12 on page 22) and substitute “officers”.

Clause 31

Subclause (2)(c): to omit “the infringement offences and other offences may be enforced” (lines 22 and 23 on page 22) and substitute “they may act”.

Subclause (2)(d): to omit “the infringement offences and other offences may be enforced” (lines 24 and 25 on page 22) and substitute “they may act”.

Subclause (2)(d): to omit “the officer” (line 27 on page 22) and substitute “officers”.

Clause 33

Subclause (1)(a): to omit “and residential address” (lines 9 and 10 on page 23) and substitute “full address, telephone number, and occupation”.

Subclause (1)(b): to omit “residential address,” (line 11 on page 23) and substitute “date of birth, full address, telephone number, occupation,”.

Clause 38

Subclause (1): to omit “its” (line 34 on page 25) and substitute “the local authority’s or the Director-General’s”.

Subclause (2): to omit “it” (line 37 on page 25) and substitute “the local authority or Director-General”.

Subclause (5): to omit “(4)” (line 17 on page 26) and substitute “(3)”.

Subclause (5): to omit “bank account” (line 20 on page 26) and substitute “Bank Account”.

Clause 41

Paragraph (d): to omit “notices” (line 26 on page 27) and substitute “notice forms”.

Schedule 1

Omit “Lake Waikaremoana Track” (line 4 on page 31) and substitute “Lake Waikaremoana Great Walk”.

Schedule 2: form 1

Paragraphs 11 and 12: to omit these paragraphs (line 36 on page 37 to line 13 on page 38).

Paragraph 11(a) (the second-numbered 11): to omit “fine,” (line 24 on page 38) and substitute “fine”.

Paragraph 17: to omit “**sections 21, 23, and 25 to 28**” (lines 15 and 16 on page 39) and substitute “**sections 21 to 28**”.

Schedule 2: form 2

Item relating to Enforcement officer: to omit this item (line 7 on page 40).

Item relating to Signature: to omit this item (lines 28 and 29 on page 40) and substitute the following item:

Issued by [full name], being a person authorised by the [enforcement authority].

Paragraphs 7 and 8: to omit these paragraphs (lines 10 to 23 on page 44).

Paragraph 9(a): to omit “fine,” (line 34 on page 44) and substitute “fine”.

Paragraph 13: to omit “**sections 21, 23, and 25 to 28**” (lines 28 and 29 on page 45) and substitute “**sections 21 to 28**”.

Schedule 2: form 3

Paragraph 3: to omit this paragraph (lines 19 to 24 on page 46) and substitute the following paragraph:

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

Schedule 3

Description in the fourth column of the item relating to Buller District Council bylaw provision 4.1: to omit “3 day” and substitute “3-day”.

Description in the fourth column of the item relating to Buller District Council bylaw provision 4.3: to omit “nights” and substitute “days”.

Description in the fourth column of the item relating to Buller District Council bylaw provision 4.4: to omit “council approved” and substitute “council-approved”.

Description in the second column of the item relating to Clutha District Council: to omit “Services Bylaw” and substitute “Service Bylaws”.

Description in the fourth column of the item relating to Clutha District Council bylaw provision 203.1(a): to omit “3 day” and substitute “3-day”.

Description in the fourth column of the item relating to Clutha District Council bylaw provision 203.1(c): to omit “council approved” and substitute “council-approved”.

Item 23.5.1 in the third column of the item relating to Dunedin City Council: to add “, 23.5.2”.

Description in the fourth column of the item relating to Dunedin City Council bylaw provision 23.5.2(b): to add “or within 50 m of more than 1 other self-contained vehicle”.

Description in the second column of the item relating to Far North District Council bylaw provision 2005.1: to omit this description and substitute “Chapter 20 ‘Parking and Traffic Control’ of the Far North District Council General Bylaws”.

Item relating to Gisborne District Council: to add the following item:

Public Places Bylaw 2008	8.1(b)	Camps other than in area set aside under Freedom Camping Bylaw 2008
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Description in the fourth column of the item relating to Hurunui District Council bylaw provision 4.4: to omit “waste” and substitute “toilet waste and greywater”.

Description in the second column of the item relating to Kapiti Coast District Council: to insert “Kapiti Coast District Council” after “with”.

Item relating to Marlborough District Council: to insert the following item after the item relating to bylaw provision 203.2:

203.3	Camps in breach of conditions
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Description in the second column of the item relating to Nelson City Council: to omit this description and substitute “Camping Bylaw No. 220”.

Description in the fourth column of the item relating to South Waikato District Council bylaw provision 5.2: to add “other than as specified in subclause 5.4”.

Item relating to South Waikato District Council bylaw provision 5.4: to omit this item.

Item relating to Tasman District Council bylaw provision 4, 5, 6.1, 6.2: to omit this item and substitute, in their appropriate numerical order, the following items:

5	Camps in self-contained vehicle in prohibited area
6	Camps in self-contained vehicle for more than 2 nights in any calendar month or consecutive 4-week period, or fails to move more than 1 km if camping more than 2 nights
9	Fails to comply with enforcement officer’s request to move on
11(a)	Fails to comply with enforcement officer’s direction to provide name and address
11(b)	Fails to comply with enforcement officer’s direction to provide name, address, and whereabouts of any other person connected with alleged offence

Description in the fourth column of the item relating to Tasman District Council bylaw provision 7.1: to omit “grey water” and substitute “greywater”.

Item relating to Waitaki District Council: to omit this item.

Item relating to Westland District Council bylaw provision 5.3: to omit “consecutive”.

Schedule 4

Heading: to omit “47”.

Description in the fourth column of the item relating to Auckland City Council: to add “or without permission”.

Item relating to Central Hawke’s Bay District Council: to add to the second column “Bylaws—Part 2—Public Places”.

Description in the fourth column of the item relating to Central Hawke’s Bay District Council: to omit “or camps other than in designated area without prior permission of Council”.

Description in the second column of the item relating to Central Otago District Council: to omit “Bylaws 2008—Part 2” and substitute “Bylaw: Part 2”.

Description in the fourth column of the item relating to Central Otago District Council: to omit “or camps other than in designated area without prior permission of Council”.

Description with no provision number in the item relating to Christchurch City Council: to insert in the third column “11(1)(b)”.

Descriptions in the fourth column of the items relating to Greater Wellington Regional Council: to omit “signposted” in each place it appears and substitute in each case “designated”.

Description in the second column of the item relating to Hamilton City Council: to omit this description and substitute “Parks, Domains, and Reserves Bylaws 2007”.

Description in the second column of the item relating to Hauraki District Council: to omit “2007:”.

Description in the second column of the item relating to Hutt City Council bylaw provision 17.1(b): to omit this description and substitute “2006 Public Places”.

Description in the second column of the item relating to Hutt City Council bylaw provision 11: to omit this description and substitute “2007 Parks and Reserves”.

Description in the fourth column of the item relating to Hutt City Council bylaw provision 11: to insert “overnight” after “on reserve”.

Description in the fourth column of the item relating to Invercargill City Council: to omit “Camps” and substitute “Parks and occupies vehicle”.

Item relating to Mackenzie District Council: to omit this item and substitute the following item:

Mackenzie District Council	Roadways and Reserves Camping By-law 2009	2	Camps other than in designated area
		3	Fails to move on from designated area when requested by Council officer

Descriptions in the second column of the item relating to Manawatu District Council: to omit “District” wherever it appears.

Item in the third column of the item relating to Matamata–Piako District Council Public Safety Bylaw 2008: to omit this item and substitute “2.5(b)”.

Description in the fourth column of the item relating to Matamata–Piako District Council Public Safety Bylaw 2008: to omit “public amenity”.

Description in the fourth column of the item relating to New Plymouth District Council bylaw provision 23.4: to insert “in campervan” after “Camps”.

Description in the second column of the item relating to North Shore City Council: to omit this description and substitute “2000 Part 2—Public Places”.

Description in the fourth column of the item relating to Opotiki District Council bylaw provision 12.1(h): to add “without Council permission”.

Item relating to Rotorua District Council: to omit this item and substitute the following item:

Rotorua District Council	Traffic Bylaw 2008	21.1	Parks a caravan, camper vehicle, house bus, or mo- bile home on road for period exceed- ing 7 days
		21.2	Parks caravan, camper vehicle, house bus, or mo- bile home on road for use as accom- modation

Description in the second column of the item relating to Stratford District Council: to omit this description and substitute “General Bylaw 1993—Chapter 2—Public Places”.

Item relating to Thames–Coromandel District Council: to omit this item and substitute the following item:

Thames–Coroman- del District Council	Consolidated Bylaw 2004: Part 2 Activ- ities in Public Places 2004	203.4(b)	Camps in public place other than in designated area
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Description in the second column of the item relating to Timaru District Council: to omit “Bylaw” and substitute “By-law”.

Description in the fourth column of the item relating to Waikato District Council: to omit “council controlled” and substitute “council-controlled”.

Description in the second column of the item relating to Wairoa District Council: to omit this description and substitute “Public Safety Bylaw 2007”.

Description in the fourth column of the item relating to Western Bay of Plenty District Council: to omit this description and substitute “Uses vehicle for temporary living accommodation on any part of a reserve”.

Description in the second column of the item relating to Wanganui District Council: to omit this description and substitute “Wanganui District Consolidated Bylaw 1995: Part 20—Public Places, Parks and Reserves”.

Explanatory note

This Supplementary Order Paper amends the Freedom Camping Bill in 2 respects.

First, it makes a number of minor or technical amendments or corrections to both the body of the Bill and its schedules, the majority being amendments that update and correct the references to the bylaws specified in *Schedules 3 and 4*.

Secondly, it inserts *new clauses 28A and 28B* into the Bill. These clauses authorise a vehicle rental company that has been served with an infringement notice for an infringement offence to debit the credit card of the hirer of the vehicle with the amount of the infringement fee and any costs payable, provided the rental company complies with certain procedural steps.
