

Freedom camping regulations

Submission to the Ministry of Business, Innovation and Employment

October 2022



What is Taituarā?

Taituarā — Local Government Professionals Aotearoa thanks the Ministry of Business, Innovation and Employment for the opportunity to submit on the Freedom Camping Regulations Discussion Document (the Consultation).

Taituarā — Local Government Professionals Aotearoa is a professional society of approximately 950 members made up of local government chief executives, senior managers, and council staff.¹ We are an apolitical organisation that can provide a wealth of knowledge about the local government sector, and in particular knowledge of the technical, practical, and managerial implications of legislation and policy.

Our vision is:

To enhance professional local government management, leading staff and enabling communities to shape their future.

Our primary role is to help local authorities perform their roles and responsibilities as effectively and efficiently as possible. We have an interest in all aspects of the management of local authorities from the provision of advice to elected members, to the planning and delivery of services, and other important support activities such as election management and the collection of rates.

Our Regulations and Bylaws Reference Group (RBRG) provides a practitioner's view on freedom camping. We would like to thank the RBRG and members for their input into this submission and we stand ready and able to assist MBIE as requested.

¹ As at September 2022.

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Part One: Specific Comments

We welcome the Freedom Camping Regulations consultation and the opportunity to submit on it. We have provided comment on self-containment documentation, infringement fees, and exclusions from regulatory requirements. We have not commented on technical plumbing requirements, certification authorities, vehicle inspectors or levies and fees which is outside local government regulation.

Self-containment warrant

We support the proposal to have a *green self-containment warrant* that contains the following information:

- the licence plate details of the vehicle
- the date the warrant was issued
- the date the warrant expires (which would be four years from the date of issue, as long as no major modifications are made to the vehicle)
- the name of the certification authority that issued the warrant
- the maximum number of people for which the vehicle has been certified as self-contained
- a scannable QR code or barcode included to access the above information.

The above points are the same as that provided in the Consultation with the exclusion of “a unique number to identify the vehicle”. The unique number appears to be a secondary vehicle identifier in addition to the number plate and we are unsure why it is required.

The provision of the information would enable enforcement officers to accurately link the vehicle to the information in the national register. The accuracy will support enforcement officers and improve public trust and transparency in the regulatory system.

We do not support continuing with the generic blue self-containment stickers. The current sticker has not been working well for regulators because it is a voluntary standard and has been difficult for enforcement officers to work with. A change of colour would reinforce that there is new legislation and there has been a break away from the voluntary standard. The self-containment warrant and the certificate should be the regulatory documents that supersede and replace the old sticker.

Infringement fines and fees

We support Option 2 to increase infringement fees in a scaled approach to fit different offences from \$200 up to \$1000. We support the higher infringement of \$1,000 over \$800 for the reason that a higher penalty is a better deterrent and fits

the more serious offences such as interfering or damaging an area, its flora and fauna, or any structures in the area. The infringement fee is not to cover the cost of the damage.

The current infringement fee is set at \$200 and does not have a scale of penalties for different offences. A \$200 penalty is not sufficient for offences where there is damage to property, an intent to deceive or a breach of bylaw. The introduction of higher infringements in the setting of a national register will provide a strong disincentive for breaching bylaws and encourage compliance.

Exclusions from regulatory requirements

We strongly support Option 1, that there are no exclusions from the new regulatory requirements. If there were exclusions for smaller freedom camping vehicles or vintage vehicles to be self-contained it would undermine the purpose of the reforms. Councils that have significant issues from freedom campers need the strengthened legislation to function well without exceptions for particular motor-vehicles. Alternatively, those councils without significant issues will be able to make bylaws which are more permissive and allow non-self contained vehicles to freedom camp. We support councils having local control and making decisions with their communities which work for them.

Owners of smaller vehicles and vintage vehicles will be able to decide whether to retro-fit a self-contained toilet or not. If they do not proceed with a decision to comply with the new standard they will have the options to camp at campgrounds, areas where there are permissible bylaws, and on private property.

Part Two: Recommendations

Recommendations

1. **Self containment documentation:** We support the Option to have a *green self-containment warrant* that contains the following information, as set out in the Consultation:

- the licence plate details of the vehicle
- the date the warrant was issued
- the date the warrant expires (which would be four years from the date of issue, as long as no major modifications are made to the vehicle)
- the name of the certification authority that issued the warrant
- the maximum number of people for which the vehicle has been certified as self-contained
- a scannable QR code or barcode included to access the above information.

(NB: We do not support having a “unique number to identify the vehicle”. We are unsure why it is required in addition to the number plate.)

We recommend that the warrant be changed to green to associate it with the new legislative standard and divorce it from the current blue warrant card which has not worked well for enforcement officers.

2. **Infringement fees:** We support Option 2 to increase infringement fees in a scaled approach as proposed in the consultation document, from \$200 up to \$1000 to fit different offences. We support the higher infringement of \$1,000 over \$800, for the reason that a higher penalty is a better deterrent for more serious offences such as interfering or damaging an area, flora and fauna, or any structures in the area. The infringement fee is not to cover the cost of the damage.

3. **Exclusions from regulatory requirements:** We strongly support Option 1, that there be no exclusions for small or vintage vehicles from the new regulatory requirements for the reason that it will undermine the purpose of the reforms.



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