



COVERSHEET

Minister	Hon Peeni Henare	Portfolio	Tourism
Title of Cabinet paper	Self-contained Motor Vehicles Legislation Bill: Approval to Release a Supplementary Order Paper	Date to be published	28 August 2023

List of documents that have been proactively released

Date	Title	Author
May 2023	<i>Self-contained Motor Vehicles Legislation Bill: Approval to Release a Supplementary Order Paper</i>	<i>Office of Minister of Tourism</i>
4 May 2023	<i>Self-contained Motor Vehicles Legislation Bill: Approval to Release a Supplementary Order Paper</i> <i>LEG-23-MIN-0047 Minute</i>	<i>Cabinet Office</i>

Information redacted

NO

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[In Confidence]

Office of the Minister of Tourism

Cabinet Legislation Committee

Self-contained Motor Vehicles Legislation Bill: Approval to Release a Supplementary Order Paper

Proposal

- 1 I propose that the attached Supplementary Order Paper (SOP) to amend the Self-Contained Motor Vehicles Legislation Bill (the Bill) be approved for release.
- 2 The SOP will:
 - 2.1 introduce the ability to extend the transition period by up to 24 months, by Order in Council, if necessary;
 - 2.2 create a legislative exemption from the freedom camping rules and requirements for those that are experiencing homelessness; and
 - 2.3 progress changes recommended through the Ministry of Business, Innovation and Employment's (MBIE) Departmental Report to the Economic Development, Science and Innovation Committee (Select Committee).

Relation to government priorities

- 3 Improving the freedom camping system relates to the Government's priorities as set out in the Speech from the Throne to support our tourism sector in its transition to a sustainable, low carbon, high skill and high wage industry. It also aligns with the Government's direction for tourism – in particular, rebuilding tourism on a sustainable model, mitigating the negative impacts associated with tourism.

Executive summary

Policy

- 4 Since the Bill was introduced, it has become clear that there are a number of changes that could strengthen the Bill, which are outlined below.

Ability to extend transition period

- 5 On 29 March 2023, Cabinet Economic Development Committee (DEV) agreed that the ability to extend the current two-year transition period in the Bill, by Order in Council, for a maximum of 24 months be progressed, via Supplementary Order Paper, through the Committee of the whole House stage [DEV-23-MIN-0037].

- 6 DEV invited the Minister of Tourism to issue drafting instructions to the Parliamentary Counsel Office (PCO) to give effect to the policy decisions (The Supplementary Order Paper drafted by PCO is attached at Annex One).
- 7 This extension would apply to what is known in the Bill as “period 4”. During period 4, certain vehicles are deemed to be “self-contained.” These are vehicles that were already certified under the existing standard before commencement, and those vehicles that are certified under the modified standard in the first 12 months following commencement. However, period 4 does not apply to rental vehicles, and neither would the proposed extension.
- 8 Rental vehicles would still have to be certified 18-months after enactment, as there are a comparatively modest number of rental vehicles (approximately 5,000). In addition, rental companies have standing relationships with issuing authorities (under the existing self-containment system) and greater purchasing power than individuals. As such, I expect rental vehicles will be able to have their vehicles certified in the required timeframe.
- 9 Before recommending the transition be extended the Minister must be satisfied that extension is necessary to allow sufficient time for vehicle owners to have their vehicles certified. The Minister must consult with any persons the Minister considers necessary or desirable to assist in making an assessment on whether the extension is necessary.
- 10 This amendment is necessary because there are substantial risks about whether the new freedom camping regulatory system will have sufficient capacity to cope with the approximately 73,000 self-contained vehicles that will need to be certified during the transition period. This amendment will enable some flexibility if the risk of insufficient capacity materialises, while still enabling the reforms to be progressed as planned if the risk does not materialise.

Homelessness exemption

- 11 On 29 March 2023, DEV agreed that a legislative exemption for those who reside in New Zealand and are living in a motor vehicle or tent out of necessity be progressed, via Supplementary Order Paper, through the Committee of the whole House stage [DEV-23-MIN-0037].
- 12 The Freedom Camping Act 2011 (the Act) definition of freedom camping covers the living conditions of those experiencing homelessness.¹ The Bill, as currently drafted, would not change this. Currently enforcement authorities are encouraged to use their discretion to avoid issuing infringement notices to people experiencing homelessness and instead direct them to appropriate social support services. This is as recommended by Local Government New Zealand (LGNZ) guidance.²
- 13 There are a range of factors that justify the inclusion of a legislative exemption. These include:

¹ Note, the definition of freedom camping would not cover those experiencing homelessness who are staying at commercial campgrounds.

² Local Government New Zealand, Good practice guide for freedom camping (April 2018) 22-23.

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- 13.1 There is a lack of data about the impact of the current system on people experiencing homelessness, which makes it harder to assess how well it is working;
 - 13.2 Those experiencing homelessness are less likely to complain to authorities if they are subject to unwarranted infringements by an enforcement officer;
 - 13.3 The application of freedom camping laws varies widely between regions and providing consistency to this issue may be beneficial; and
 - 13.4 Some local authorities sought greater clarity on this issue through their submissions to the Select Committee.
- 14 The concept of homelessness has not been defined in the New Zealand statute book to date and freedom camping legislation is not the natural place to define it. As such, the exemption does not explicitly define homelessness but rather creates a carve-out that will protect people experiencing homelessness, in the context of freedom camping.
- 15 The proposed exemption will cover people residing in New Zealand, who are staying in a motor vehicle or tent because they are unable to live in appropriate residential accommodation. This will encompass the broad range of circumstances that may lead to someone experiencing homelessness.
- 16 As a result, the legislative exemption will protect the interests and welfare of this vulnerable group. The Bill will also mandate a review of the impact of the reforms on those experiencing homelessness, which is described in detail in the following section.

Reversing the burden of proof

- 17 The SOP, as drafted, requires a defendant who challenges an infringement notice to prove they are not in New Zealand on a visitor's visa if they wish to rely on the homelessness exemption. This requirement was drafted because it was thought that it would be easier for the defendant to prove they are not on a visitor visa, than it would be for the Crown.
- 18 Through consultation, Ministry of Justice raised concerns that this may be a breach of the New Zealand Bill of Rights Act 1990, as it cuts across the principle that someone is innocent until proven guilty. It is unreasonable to require a person experiencing homelessness to prove they are not on a visitor visa in order to rely on the homelessness exemption as they may lack the necessary documentation.
- 19 As such, I propose to remove the provision that presumes a defendant is a person who is in New Zealand on the basis of a visitor visa, which will move the burden of proof back to the Crown.

Departmental Report Recommendations

- 20 There were a number of recommendations in MBIE's Departmental Report to the Select Committee) that were not progressed through the Select Committee process.

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- 21 The Select Committee was a split committee (with three Members of Parliament from the Labour and National Parties respectively). The Select Committee could not agree to propose amendments to the Bill, nor could it agree to a Bill commentary prior to the report-back date. As such, the Bill was discharged from the Select Committee.
- 22 However, I am proposing to progress all of the changes recommended in the Departmental Report via a SOP. Only two of these recommendations required Cabinet approval as the rest were not significant policy changes. The two recommendations below were approved by Cabinet on 16 November 2022 [DEV-22-MIN-0265]:
- 22.1 A new offence for failing to display the warrant card; and
- 22.2 That certifying plumbers be deemed to be certification authorities and vehicle inspectors during the Bill’s transition period.
- 23 The main changes recommended in the Departmental Report and their policy rationale are outlined below:

Recommended change	Rationale
<i>Homelessness</i>	
Including a provision that mandates a review of the impact of the reforms on homelessness two years from enactment. The review will be undertaken by the Minister of Tourism with support from relevant Ministers and agencies with outcomes reported to the House.	To assess the impact of the freedom camping reforms on people experiencing homelessness. This will ensure that if there are any unintended consequences, they can be mitigated.
<i>Offences and penalties</i>	
Setting the default infringement fee at \$400 until the Regulations come into force.	The Bill as introduced had a default infringement fee of \$1000. This is disproportionate given the relative seriousness of the offending.
Introducing a new offence for failing to display the self-contained warrant card, with a fee of \$200.	The new offence incentivises people to adhere to the requirement to display a warrant card, which provides enforcement officers and the public with quick, readily accessible evidence of self-containment.
Including a definition of ‘making preparations’ in relation to the ‘making preparations to freedom camp’ offences.	To provide greater clarity to enforcement officers and the public about the nature of these existing offences.
<i>Slide-on campers</i>	

<p>Bring slide-on campers³ under the self-containment regulatory regime by amending the definition of ‘motor vehicle’ so as to include them.</p>	<p>Because slide-on campers are not motor vehicles,⁴ they will be unable to be certified as self-contained even if the slide-on camper theoretically meets the technical requirements for self-containment, such as having a fixed toilet. A broader definition of motor vehicle that encompasses slide-on campers will ensure slide-on campers can be certified if they meet the technical requirements.</p>
<p><i>Deeming certifying plumbers</i></p>	
<p>That certifying plumbers are deemed as certification authorities and vehicle inspectors for the duration of the transition period.</p>	<p>This will help improve capacity in this system as it may take some time for people / organisations to be approved as vehicle inspectors and certification authorities. This will help mitigate some of the risks associated with the transition period highlighted at paragraph 10.</p>

- 24 The remaining changes are more technical in nature (See Appendix One for table outlining the changes and rationale).

Impact analysis

- 25 Cabinet has previously agreed to provide the ability to extend the transition period by up to 24 months by Order in Council if required and provide a legislative exemption from freedom camping rules and requirements for those that are experiencing homelessness [DEV-23-MIN-0037].
- 26 No exemption was sought at the time when policy decisions were made. However, the Treasury has now determined that these proposals would have been eligible for an exemption from Cabinet's regulatory impact analysis requirements on the basis that relevant issues had already been addressed by existing impact analysis.

Compliance

- 27 The SOP complies with the Treaty of Waitangi; the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993.
- 28 A departmental disclosure statement has been prepared which is attached to this Cabinet paper.

³ A slide-on camper is a camper that is mounted on the back of a ute or flat-bed truck, which can be removed at any time and used when it is detached from the vehicle.
⁴ They are not motor vehicles based on the definition of motor vehicle in the Land Transport Act 1998.

Consultation

- 29 MBIE has consulted with the following agencies: Waka Kotahi NZ Transport Agency, Ministry of Justice, Toitū Te Whenua Land Information New Zealand, Whaikaha Ministry of Disabled People, Department of Internal Affairs, Ministry of Transport, Department of Prime Minister and Cabinet, Housing and Urban Development, Te Puni Kōkiri, Ministry of Social Development, Kāinga Ora, the Plumbers, Gasfitters and Drainlayers Board, and the Treasury.

Binding on the Crown

- 30 The SOP does not itself specify whether it binds the Crown. However, the provisions in the SOP will be binding on the Crown once the Bill is enacted because the relevant parts of the Bill (including the sections to be amended by the SOP) will be binding on the Crown.

Associated regulations

- 31 Two sets of Regulations will be required to support the implementation of the Bill:
- 31.1 Regulations made under the Freedom Camping Act 2011, to set infringement fees and fines;
 - 31.2 Regulations made under the Plumbers, Gasfitters, and Drainlayers Act 2006 to prescribe technical requirements for self-containment, criteria for approval as a certification authority, the competency requirements for vehicle inspectors, format of certification documentation issued to vehicle owners, and an application fee and monitoring levy.
- 32 DEV agreed to policy recommendations for regulations on 16 November 2022 [DEV-22-MIN-0265].
- 33 I anticipate bringing infringement fee and fine regulations to LEG shortly after the Bill receives Royal assent. I would like these regulations to be in force prior to the FIFA Women's World Cup, which kicks off on 20 July 2023. I anticipate bringing the remaining regulations to LEG prior to the 2023 general election.

Definition of Minister/department

- 34 The Bill includes a definition of Minister for the Freedom Camping Act 2011 and Plumbers, Gasfitters, and Drainlayers Act 2006 (PGDA). The relevant definitions of Minister have been amended to enable the Minister of Tourism to have certain powers, such as setting Regulations under the Freedom Camping Act 2011 and setting freedom camping-related Regulations under the PGDA.

Commencement of legislation

- 35 All of the amendments to the Freedom Camping Act 2011 will come into effect the day after Royal assent, except for the new offence for failing to display the warrant card.

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- 36 Amendment to the Plumbers, Gasfitters, and Drainlayers Act 2006 will come into force 6 months after enactment or sooner by Order in Council.
- 37 The Order in Council is necessary because, as highlighted earlier, I would like the infringement fee and fine regulations to be in force prior to the FIFA Women's World Cup, which kicks off on 20 July 2023.

Parliamentary stages

- 38 The Bill should be passed in May 2023 in order for the Act to be in force and the Regulations that set the infringement fee and fine levels to be in force prior to the FIFA Women's World cup in July 2023.

Proactive Release

- 39 I will make a determination about when to proactively release this Cabinet paper and the associated minute to the public based on how the Bill progresses through the House.

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Recommendations

I recommend that the Cabinet Legislation Committee:

- 1 note that DEV agreed to progress an SOP that would introduce a legislative exemption for those experiencing homelessness and enable the transition period to be extended by Order in Council;
- 2 agree to remove the provisions that presumes a defendant is a person who is in New Zealand on the basis of a visitor visa;
- 3 note that MBIE's Departmental Report recommended a number of changes to the Bill that were not progressed at the time and are instead being progressed through this SOP;
- 4 approve the attached SOP (subject to any minor editorial changes) for release; and
- 5 note that the Bill should be enacted in May 2023 in order for the Act to be in force and the Regulations that set the infringement fee and fine levels are in force prior to the FIFA Women's World cup in July 2023.

Authorised for lodgement

Hon Peeni Henare

Minister of Tourism

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Appendix One – Technical changes recommended through Departmental Report

Recommended change	Rationale
<i>Bylaws</i>	
Enable local authorities to amend existing bylaws in order to align with the Bill, and only to the extent that those bylaws are inconsistent with the Bill, without needing to consult.	Avoid unnecessary consultation for local authorities and ensure clarity about the rules for the public.
Explicitly state that a reference to self-contained in a bylaw made before the commencement of this Act has the same effect as a reference to self-contained within the meaning of section 4.	Ensure alignment between bylaws and the primary legislation.
Enable local authorities, during the transitional period, to be able to make bylaws defining areas where freedom camping in a non-self-contained motor vehicle is permitted without needing to comply with the consultation requirements, to the extent that the new bylaw applies only to areas where an existing bylaw already designate areas as suitable for non-self-contained vehicles.	Avoid unnecessary consultation for local authorities.
Stipulate that written consent for NZTA land which is to be included in a local bylaw must be provided by the Chief Executive of NZTA.	Create certainty for local authorities about what is required before they can incorporate NZTA land.
<i>Regulations Review Committee recommendations</i>	
Instruct PCO to modify the terminology around “freedom camping notices”	To avoid possible confusion.
LINZ is required to consult when issuing freedom camping notices.	To ensure the views of people who will be directly impacted by a potential freedom camping notice are considered.
LINZ consultation requirements are waived if LINZ issue notices in relation to the 5 existing freedom camping sites, provided the rules that relate to those sites are not altered.	To avoid unnecessary consultation as LINZ has already consulted in these instances.
Amendment to the levy-setting power to enable the levies in the first financial year to which levy applies to take into account the cost of setting up the Plumbers, Gasfitters and Drainlayers Board to undertake its new functions under the Bill.	To make it clear that levies can take into account set up costs for the regulator.
Local authorities should be satisfied of certain criteria before making a bylaw declaring NZTA land as local authority land for the purposes of the Act.	To ensure consistency in terms of what criteria decision-makers should be satisfied of.

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<i>Miscellaneous recommendations</i>	
Replace references to the Minister of Conservation and Local Government with a reference to the Minister responsible for the administration of the Act under a warrant from the Prime Minister.	
Consultation performed prior to the commencement of ss 172(1A), 171A(1), or 172B(2) must be treated as the consultation required for the purposes of s 172C(a). It will need to be clear that this is a one-off treatment that applies only for the first occasion on which regulations are made.	
New s 172C(b) only applies to regulations made under new s 172(1A) and not regulations made under new s 172A(1) and 172B(2).	
Clarifying that certification authorities have the discretion to refuse to arrange the inspection of a motor vehicle upon receiving an application for a certificate of self-containment in respect of that vehicle.	To make it clear that certification authorities can choose whether or not they will arrange an inspection or not.

Revised Departmental Disclosure Statement

Self-contained Motor Vehicles Legislation Bill

A revised departmental disclosure statement for a Bill the government is proposing to amend seeks to bring together in one place a range of information to support and enhance the Parliamentary and public scrutiny of that Bill in amended form.

It highlights material changes to previous disclosures relating to:

- the general policy intent of the Bill and other background policy material;
- some of the key quality assurance products and processes used to develop and test the content of the Bill;
- the presence of certain significant powers or features in the Bill that might be of particular Parliamentary or public interest and warrant an explanation.

The original disclosure statement for the Self-contained Motor Vehicles Legislation Bill, dated 12 August 2022, can be found at this link [bill-government-2022-158.pdf \(legislation.govt.nz\)](#)

This revised disclosure statement was prepared by the Ministry of Business, Innovation and Employment.

The Ministry of Business, Innovation and Employment certifies that, to the best of its knowledge and understanding, the information provided is complete and accurate at the date of finalisation below.

27 April 2023.

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The Main Areas of Change to the Original Disclosures

This is a revised disclosure statement for the Self-contained Motor Vehicles Legislation Bill.

A revised disclosure statement incorporates the content of the original disclosure statement for the Bill, but also includes and highlights the changes needing to be made to the original disclosure statement to accurately reflect the Bill with the proposed government amendments incorporated. These substantive changes made to the original are highlighted using underlined text.

The main areas of change to the original disclosure statement include:

- the ability to extend the transition period by up to 24 months, by Order in Council, if necessary; and
- a legislative exemption from the freedom camping rules and requirements for those that are experiencing homelessness.

Part One: General Policy Statement

The Freedom Camping Act 2011 (the **Act**) defines freedom camping as staying for free in a vehicle or tent within 200 metres of a place where you can drive, the coast, or a Great Walks Track. Such camping is a small but highly visible part of both domestic and international tourism. Freedom campers travel widely, spending money in New Zealand communities, and some contribute in other ways, such as participating in the seasonal workforce and volunteering. In 2019, international visitors who freedom-camped at some point during their trip spent an estimated \$645 million. That year, an estimated 245,000 people freedom-camped, 63% of whom were international visitors.

The Act enables local authorities and the Department of Conservation (**DOC**) to manage freedom camping through local bylaws and notices. About half of New Zealand's territorial authorities have made freedom camping bylaws.

Steadily increasing numbers of freedom campers over recent years have, however, generated concern in some communities about freedom campers' cumulative impact on the environment and on local communities. Of particular concern are freedom campers who stay in cars or vans that are not self-contained and the current unmonitored voluntary standard for self-contained vehicles.

The Self-contained Motor Vehicles Legislation Bill (the **Bill**) is a Government Bill that will amend the Act and the Plumbers, Gasfitters, and Drainlayers Act 2006.

The Bill is an omnibus Bill introduced under Standing Order 267(1)(a). That Standing Order provides that an omnibus Bill that amends more than 1 Act may be introduced if the amendments deal with an interrelated topic that can be regarded as implementing a single broad policy. That policy is to improve the management of vehicle-based freedom camping by creating a robust regulatory system that central and local government can rely on to reduce the negative effects of freedom camping on communities and the environment.

It is not intended that the Bill will penalise people who are staying in tents or vehicles because they are homeless. The Bill is aimed at people who are freedom camping out of choice, and not those who are staying in their vehicles or tents out of necessity. To avoid penalising those people who are experiencing homelessness, the Bill introduces an exemption so that those experiencing homelessness are not considered to be freedom camping.

The Bill introduces the following measures:

- a national requirement for freedom campers staying in a vehicle on land managed by a local authority to use a certified self-contained vehicle, unless staying at a site designated by the local authority as suitable for freedom camping in motor vehicles that are not self-contained:
- a regulatory system for certifying self-contained vehicles, with the Plumbers, Gasfitters, and Drainlayers Board (the **Board**) providing regulatory oversight (moving away from reliance on the current unmonitored voluntary standard):
- a requirement for self-contained vehicles to have a fixed toilet:
- strengthening the infringement regime and extending it to other Crown land.

The Bill also provides for a 2-year transition period.

Requirement for freedom camping on land managed by local authorities to be in self-contained vehicles

The Bill requires freedom campers staying in a vehicle on land managed by a local authority to use a certified self-contained vehicle, unless staying at a site designated by the local authority

as suitable for freedom camping in motor vehicles that are not self-contained. Local authorities would designate such sites in their freedom camping bylaws.

The Bill includes offences for infringements against the new rule, enforceable by enforcement officers appointed under the Act. Offences include freedom camping, or preparing to do so, in breach of the rule. The Bill also includes offences and infringement offences relating to the vehicle's self-containment certification, such as camping in a motor vehicle that is not self-contained, and having more campers staying in a vehicle than it is certified for.

The rule will establish a baseline expectation that freedom campers who are staying on land managed on behalf of ratepayers will stay in certified self-contained vehicles that have facilities enabling them to be self-supporting for several days.

However, the Bill also provides flexibility for local authorities to determine how tourism is managed, by providing for bylaws to designate sites where freedom camping in motor vehicles that are not self-contained may occur, particularly where the local authority has identified sites that have suitable infrastructure to host such vehicles. This may be of particular benefit in districts that are seeking to attract a broader range of tourists.

Regulatory system for self-containment of vehicles

The Bill establishes a regulatory system for the certification of self-contained vehicles, including a register of certified self-contained vehicles. The Board will be the regulator. Key aspects include the following:

- the Board will approve organisations and individuals as self-contained vehicle certification authorities. The authorities will appoint vehicle inspectors to inspect vehicles, and will themselves certify vehicles, in accordance with technical requirements set out in regulations:
- the Board will establish and maintain a register of self-contained vehicles. Parts of the register will be accessible by enforcement authorities and the public to confirm whether a vehicle is certified as self-contained. The Board will also be entitled to obtain, upon request, current ownership and contact information in relation to a specific vehicle as recorded on the motor vehicle register maintained by the New Zealand Transport Agency (**Waka Kotahi**) for auditing and compliance purposes:
- certification authorities will issue 4-year warrant cards and certificates of self-containment for vehicles that pass checks. Certification details will be entered in the new register. Over time, certification under the existing self-contained vehicle standard (NZS 5465:2001) will become invalid for the purposes of certifying vehicles as self-contained for freedom camping:
- the Board will monitor and audit certification authorities to ensure that the certification process is robust. It will be able to take disciplinary action against certification authorities.

The new regulatory system will aim to provide greater consistency in the certification of self-contained vehicles, increased public trust in the certification system, and certainty for enforcement officers verifying whether vehicles are certified.

Requiring self-contained vehicles to have fixed toilet

The Bill strengthens the regulatory requirements for self-contained vehicles. Immediately after the Bill becomes law, a vehicle will not be able to be certified or recertified as self-contained under NZS 5465:2001 unless it has a fixed toilet.

Requiring certified self-contained vehicles to have a fixed toilet will help to raise the standard of certified self-contained vehicles, encourage increased usage of toilets on board vehicles, and build public confidence in the regulatory system.

Six months after the Bill becomes law, regulations prescribing the requirements for self-containment will come into force. For a vehicle to be certified as self-contained 2 years after the Bill becomes law, it will need to be self-contained in accordance with requirements prescribed in regulations. The requirements that a vehicle may meet to be self-contained for the purposes of the Bill during the 2-year transitional period are specified below in the description of the Bill's transitional arrangements.

Strengthening infringement regime and extending it to other Crown land

Emailing freedom camping infringements

The Bill enables enforcement authorities to email infringement notices to owners of vehicles involved in the commission of an infringement offence. An infringement notice will be received sooner. This will assist rental companies in recovering infringement fees from rental vehicle hirers. It is also consistent with enforcement practices under other regulatory regimes.

Extending Freedom Camping Act 2011 to land administered by Waka Kotahi and LINZ

Currently, the Act is limited in application to land administered by local authorities and DOC. In recent years there has been an increase in freedom camping on Crown land administered by either Waka Kotahi or Land Information New Zealand (**LINZ**), particularly in popular areas of the South Island. Those agencies have flexibility within their own legislation to put in place management arrangements, but do not have access to an offences and penalties regime to enforce compliance with any requirements they have put in place. They currently rely on issuing and enforcing trespass orders when campers' behaviour is problematic.

To improve management of freedom camping, and reduce the adverse effects on communities, the Bill extends the scope of the Act to apply to Waka Kotahi and LINZ land. The mechanisms introduced are as follows:

- for Waka Kotahi-administered land, the relevant local authority will be empowered to define in a freedom camping bylaw areas of land that are deemed to be local authority areas for the purpose of the Act, subject to Waka Kotahi approval:
- for LINZ-administered land, a notice will designate where freedom camping is permitted and LINZ will be able to appoint officers to enforce the applicable freedom camping rules on the land. This will enable LINZ and local authorities to be partners in enforcement.

Extending the application of the Act to other Crown land in this way will provide additional management tools through the ability to prescribe restrictions on freedom camping, as well as access to the offences and penalties regime. Local authorities will be able to choose whether they wish to extend their freedom camping enforcement efforts to include sites on land administered by Waka Kotahi or LINZ.

Transitional arrangements

The Bill provides for a 2-year transition period, with various provisions coming into force during that period, as follows:

- the new rule requiring use of certified self-contained vehicles on land managed by local authorities will come into effect as soon as the Bill is passed:
- regulations will come into effect 6 months after the Bill's enactment. This will enable—
 - certification authorities to be approved and to start certifying vehicles under the new technical requirements for self-contained vehicles; and
 - establishment and operation of the national register of self-contained vehicles:

- after 12 months, certifications will have to be carried out by approved certification authorities:
- eighteen months after the Bill's enactment, rental vehicles will be considered self-contained under the Act only if they have been certified by approved certification authorities:
- twenty-four months after the Bill's enactment, only vehicles that have been certified by an approved certification authority will be considered self-contained under the Act.

The Bill also includes the ability to extend the transition period by up to 24 months, by Order in Council, if necessary. This will enable the transition to be extended if there is insufficient capacity in the system to certify self-contained vehicles during the transition period. Importantly, this extension will only be recommended if the Minister is satisfied of certain criteria.

Part Two: Background Material and Policy Information

Published reviews or evaluations

2.1. Are there any publicly available inquiry, review or evaluation reports that have informed, or are relevant to, the policy to be given effect by this Bill?	YES
Responsible Camping Research 2019/20 (Fresh Info, published April 2020) https://www.mbie.govt.nz/dmsdocument/11909-responsible-camping-research-2019-20-pdf Research to inform the Responsible Camping discussion document and regulatory impact analysis – Final Report (Allen + Clarke, published 5 February 2021) https://www.mbie.govt.nz/dmsdocument/13859-research-to-inform-discussion-document-and-regulatory-impact-analysis-5-february-2021 Supporting Sustainable Freedom Camping in Aotearoa New Zealand (MBIE, published April 2021) https://www.mbie.govt.nz/dmsdocument/13853-discussion-document-supporting-sustainable-freedom-camping-in-aotearoa-new-zealand	

Relevant international treaties

2.2. Does this Bill seek to give effect to New Zealand action in relation to an international treaty?	NO
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Regulatory impact analysis

2.3. Were any regulatory impact statements provided to inform the policy decisions that led to this Bill?	YES
Reducing negative impacts of freedom campers (MBIE, published 3 December 2021) https://www.treasury.govt.nz/system/files/2021-12/ria-mbie-rni-oct21.pdf The panel considered that the regulatory impact statement partially met the criteria. This rating was due to the limited evidence of the degree of harm from vehicle-based freedom camping compared to other causes. <u>In regard to the Supplementary Order Paper, the Treasury determined that these proposals were eligible for an exemption from Cabinet's regulatory impact analysis requirements on the basis that relevant issues had already been addressed by existing impact analysis.</u>	

2.3.1. If so, did the RIA Team in the Treasury provide an independent opinion on the quality of any of these regulatory impact statements?	NO
The MBIE Regulatory Impact Analysis Panel reviewed the regulatory impact statement (RIS) because the RIS did not meet the threshold for Treasury RIA Team assessment	

2.3.2. Are there aspects of the policy to be given effect by this Bill that were not addressed by, or that now vary materially from, the policy options analysed in these regulatory impact statements?	NO
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Extent of impact analysis available

2.4. Has further impact analysis become available for any aspects of the policy to be given effect by this Bill?	NO
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2.5. For the policy to be given effect by this Bill, is there analysis available on:	
(a) the size of the potential costs and benefits?	YES
(b) the potential for any group of persons to suffer a substantial unavoidable loss of income or wealth?	YES
<p>Section 3 of the RIS (https://www.mbie.govt.nz/dmsdocument/13856-impact-statement-reducing-negative-impacts-of-freedom-campers) provides an analysis on costs and benefits of the Bill. It determines that the primary costs from these changes will fall on owners of vehicles used for freedom camping.</p> <p>The appointment of the Board as the regulator of self-contained vehicle certification will require vehicle owners to pay a levy to fund the costs of the Board's regulatory oversight, including the establishment and maintenance of a national register of self-contained vehicles.</p> <p>The requirement for freedom camping on local authority land to be carried out in self-contained vehicles (unless otherwise designated in bylaws) will require owners of non-self-contained vehicles to either get their vehicles certified, or instead freedom camp on Department of Conservation land (unless prohibited). There is a high level of uncertainty on which option vehicle owners will choose.</p> <p>The requirement that only vehicles with fixed toilets will be able to be certified as self-contained will require owners of vehicles with portable toilets to either get a fixed toilet installed or instead only freedom camp on land where non-self-contained vehicles are permitted, such as Department of Conservation land (unless prohibited) or designated local authority areas. There is a high level of uncertainty on which option vehicle owners will choose.</p> <p>There will likely be localised environmental benefits from better management of freedom camping sites, for example less inappropriate waste disposal, but the exact benefit is unknown.</p>	

2.6. For the policy to be given effect by this Bill, are the potential costs or benefits likely to be affected by:	
(a) the level of effective compliance or non-compliance with applicable obligations or standards?	YES
(b) the nature and level of regulator effort put into encouraging or securing compliance?	YES
<p>The Bill contains proposals to facilitate more effective and efficient compliance of the requirements by local authority and Department of Conservation compliance officers:</p> <ul style="list-style-type: none"> • moving away from a standard \$200 infringement fee to a maximum of \$1,000 infringement fee • the establishment of a national register of self-contained vehicles to assist compliance staff to identify whether a vehicle is self-contained • the appointment of the Board as the regulator of self-containment certification to provide greater assurance that the certification system is robust • improving infringement fee collection rates by allowing infringement notices to be emailed to vehicle owners. 	

Part Three: Testing of Legislative Content

Consistency with New Zealand's international obligations

3.1. What steps have been taken to determine whether the policy to be given effect by this Bill is consistent with New Zealand's international obligations?
--

MBIE has worked with other government agencies to consider whether the Bill is in breach of the International Covenant on Economic, Social and Cultural Rights (ICESCR) in relation to homelessness. The assessment is that the Bill is not in breach.
--

Consistency with the government's Treaty of Waitangi obligations

3.2. What steps have been taken to determine whether the policy to be given effect by this Bill is consistent with the principles of the Treaty of Waitangi?

The Bill has been reviewed for consistency with the principles of the Treaty of Waitangi and is confirmed to be consistent.

Consistency with the New Zealand Bill of Rights Act 1990

3.3. Has advice been provided to the Attorney-General on whether any provisions of this Bill appear to limit any of the rights and freedoms affirmed in the New Zealand Bill of Rights Act 1990?	YES
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A copy of the advice can be accessed here: https://www.justice.govt.nz/assets/20220901-Self-Contained-Motor-Vehicles-Legislations-Bill.pdf
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Offences, penalties and court jurisdictions

3.4. Does this Bill create, amend, or remove:	
--	--

(a) offences or penalties (including infringement offences or penalties and civil pecuniary penalty regimes)?	YES
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(b) the jurisdiction of a court or tribunal (including rights to judicial review or rights of appeal)?	YES
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The Bill:

- adds new infringement offences relating to the extension of freedom camping to Waka Kotahi and LINZ land, and the new requirements around self-contained vehicles
- moves away from a standard \$200 infringement fee for all offences with an ability to prescribe a higher infringement fee of up to \$1000 by regulations, to a default infringement fee of \$400 with an ability to prescribe an infringement fee in relation to individual infringement offences by regulations of up to \$1000
- introduces infringement fines for existing and new offences
- provides for decisions of the Board regarding certification authorities to be appealed to the District Court.

3.4.1. Was the Ministry of Justice consulted about these provisions?	YES
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The Ministry of Justice was consulted on the provisions as part of departmental consultation on the Bill.

The Ministry was also consulted during the policy development process on the proposals relating to the infringement process, the proposed changes to infringement fees, and the functionality of the national register of self-contained vehicles.
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Privacy issues

3.5. Does this Bill create, amend or remove any provisions relating to the collection, storage, access to, correction of, use or disclosure of personal information?	YES
Clause 44 creates a new subpart 3. This subpart: <ul style="list-style-type: none">• requires that the Board establish and maintain a register of self-contained motor vehicles• sets out the purpose of the register in relation to different parties• outlines the matters to be contained in the register• outlines who will enter information into the register• outlines who can access specific information in the register.	

3.5.1. Was the Privacy Commissioner consulted about these provisions?	YES
<p>MBIE decided to conduct an initial Privacy Impact Assessment (PIA) focused on the provisions that establish the register of self-contained vehicles, while the Bill was being drafted. The purpose of this assessment was to ensure that Bill as drafted reflected information privacy principles.</p> <p>During this work, we sought feedback from the Office of the Privacy Commissioner. Advice from the Privacy Commissioner was incorporated into the draft PIA. As part of building the register of self-contained vehicles, MBIE will require the PGDB to undertake a PIA to ensure the register reflects information privacy principles.</p>	

External consultation

3.6. Has there been any external consultation on the policy to be given effect by this Bill, or on a draft of this Bill?	YES
<p>During April and May 2021, the Government consulted the public on a set of proposals to support effective management of freedom camping. 5,136 submissions were received, including 40 from local government and 9 from camping organisations. This feedback informed the contents of the Bill and will assist in the development of associated Regulations.</p> <p>In 2018, the Responsible Camping Working Group was established by MBIE to identify ways to better manage the freedom camping system. They recommended long-term policy and regulatory changes to the responsible camping system, and short-term practical actions that could be taken to help councils manage camping in their regions during the 2018/19 peak summer season. The Group's insights also helped inform the content of the Bill.</p> <p>Further consultation on the proposals in the Bill <u>occurred</u> through the Select Committee stage of the Bill. <u>The Committee received 769 written submissions and heard 36 oral submissions.</u></p> <p><u>In regard to the homelessness exemption, there has not been a full public consultation. However, MIBE has consulted with relevant government departments, local authorities and social support agencies.</u></p>	

Other testing of proposals

3.7. Have the policy details to be given effect by this Bill been otherwise tested or assessed in any way to ensure the Bill's provisions are workable and complete?	YES
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Discussions have been ongoing with the Board on the proposals in the Bill to ensure that these are workable and complete from a regulator's perspective.

Part Four: Significant Legislative Features

Compulsory acquisition of private property

4.1. Does this Bill contain any provisions that could result in the compulsory acquisition of private property?	NO
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Charges in the nature of a tax

4.2. Does this Bill create or amend a power to impose a fee, levy or charge in the nature of a tax?	YES
The Bill provides for the making of a new levy, payable by vehicle owners at the time their vehicles are certified as self-contained. The proposed levy will fund the costs of the Board in its role as the regulator of the self-containment certification system. The rate of the levy will be prescribed in regulations.	

Retrospective effect

4.3. Does this Bill affect rights, freedoms, or impose obligations, retrospectively?	NO
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Strict liability or reversal of the burden of proof for offences

4.4. Does this Bill:	
(a) create or amend a strict or absolute liability offence?	YES
(b) reverse or modify the usual burden of proof for an offence or a civil pecuniary penalty proceeding?	NO
The Bill adds new strict liability offences and infringement offences. These new offences relate to the new requirement to use a self-contained vehicle when freedom camping on local authority areas and the extension of the Act to Waka Kotahi and LINZ land.	

Civil or criminal immunity

4.5. Does this Bill create or amend a civil or criminal immunity for any person?	NO
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Significant decision-making powers

4.6. Does this Bill create or amend a decision-making power to make a determination about a person's rights, obligations, or interests protected or recognised by law, and that could have a significant impact on those rights, obligations, or interests?	NO
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Powers to make delegated legislation

4.7. Does this Bill create or amend a power to make delegated legislation that could amend an Act, define the meaning of a term in an Act, or grant an exemption from an Act or delegated legislation?	YES
<p>The Bill includes the ability to extend the transition period by Order in Council. Although this will not directly amend the Act, it does have the effect of amending what is known as “period 4” of the transition period – that is, the point at which all vehicles will need to be certified under the new regulatory system to be considered self-contained.</p> <p>This amendment is needed as there are substantial risks about whether the new freedom camping regulatory system will have sufficient capacity to cope with the number of self-contained vehicles that will need to be certified during the transition period. The ability to extend has in-built safeguards such as the requirement the Minister must be satisfied it is necessary to allow sufficient time for vehicle owners to have their vehicles certified, certification authorities to carry out functions, and the fact the Minister must consult with people to determine whether the extension is necessary.</p>	

4.8. Does this Bill create or amend any other powers to make delegated legislation?	YES
<p>The Bill expands the regulation-making powers in the Plumbers, Gasfitters and Drainlayers Act 2006 to enable the Governor-General, on the advice of the Minister of Tourism, to make regulations in respect of the following matters:</p> <ul style="list-style-type: none"> • prescribing criteria for appointment as a certification authority • prescribing competency requirements for appointment as a vehicle inspector by a certification authority • prescribing requirements that a vehicle must comply with to be certified as self-contained • prescribing the form of the certificate and warrant card of self-containment • prescribing levies to be paid by owners of certified self-contained motor vehicles. <p>The Bill also creates a new notice-making power that enables the Board to make notices prescribing requirements relating to how motor vehicle inspections arranged by certification authorities are carried out.</p>	

Any other unusual provisions or features

4.9. Does this Bill contain any provisions (other than those noted above) that are unusual or call for special comment?	YES
<p>The existing definition of freedom camping in the Act covers the living conditions of those experiencing homelessness, but enforcement officers have been encouraged to apply discretion and not issue infringement notices to people experiencing homelessness. The Bill proposes a different approach that warrants special comment. The Bill includes an exemption that will mean those experiencing homelessness are not covered by the definition of freedom camping. This will protect people experiencing homelessness from receiving infringements for freedom camping offences.</p> <p>The Bill enables enforcement authorities to email infringement notices to vehicle owners such as rental companies. This will speed up the infringement issuing process, and for the likes of rental companies enable them to receive the infringement notice before the hirer departs New Zealand.</p>	

IN CONFIDENCE

House of Representatives

Supplementary Order Paper

Tuesday, 9 May 2023

Self-contained Motor Vehicles Legislation Bill

Proposed amendments for the consideration of the Committee of the whole House

Key:

- **this is inserted text**
- **~~this is deleted text~~**

Note: This Supplementary Order Paper shows amendments to the Bill that are being proposed by the Minister for the purposes of consideration in Committee of the whole House. This document does—

- **NOT have official status in terms of unamended text**
- **NOT have the status of an as-reported version of the Bill.**

Explanatory note

This Supplementary Order Paper amends the Self-contained Motor Vehicles Legislation Bill (the **Bill**). The amendments include minor and technical changes to correct errors, promote consistency, and improve clarity. The substantive amendments to the Bill are as follows:

Clause 2, which provides for the commencement of the Bill, is amended to allow for provisions creating 3 proposed new offences, relating to a failure to display a warrant card, to be commenced by Order in Council. The intention is to commence the offence provisions, and their supporting provisions, when regulations setting infringement fees for specific offences are in place, to ensure that those offences are not subject to a disproportionate infringement fee.

Clause 2 is also amended to enable those parts of the Bill that do not commence on the day after Royal assent to be brought into force by Order in Council. Those provisions commence 6 months after Royal assent, if not earlier commenced by Order in Council.

Part 1

Amendments to Freedom Camping Act 2011

Clause 5, which amends section 4 of the Freedom Camping Act 2011 (the **2011 Act**) relating to interpretation, is amended to include a definition of Minister that enables the Minister of Tourism to carry out certain functions under the Act.

Clause 5 is also amended to include units known as slide-on campers within the definition of motor vehicle. This ensures that the Bill applies to slide-on campers.

Clause 6, which amends section 5 of the 2011 Act relating to the definition of freedom camping, is amended to provide that a person (other than a person who is in New Zealand on a visitor visa) who is living in a tent or motor vehicle because they are unable to live in appropriate residential accommodation is not freedom camping.

Clause 10, which amends section 10 of the 2011 Act relating to where freedom camping is permitted in local authority areas, is amended to require that a person who is using a motor vehicle to freedom camp in a local authority area, other than a local authority area defined in a bylaw made under *new section 11A*, must display a warrant card.

Clause 10 also inserts *new section 10A* into the 2011 Act. *New section 10A* is amended to require a local authority to be satisfied of certain matters before making a bylaw declaring any area of NZTA land to be a local authority area. Those matters are the same as the matters specified in existing section 11(2) of the Act.

Clause 14, which amends section 15 of the Act relating to where freedom camping is permitted on conservation land, is amended to require that a person who is using a motor vehicle to freedom camp on conservation land on which freedom camping in a motor vehicle is restricted to self-contained motor vehicles must display a warrant card.

Proposed amendments to

SOP No 0

Self-contained Motor Vehicles Legislation Bill

Clause 17 inserts *new section 19A* relating to freedom camping on LINZ land into the 2011 Act. *New section 19A* is amended to require that a person who is using a motor vehicle to freedom camp on LINZ land must display a warrant card.

Clause 17 also inserts *new section 19B* into the 2011 Act. *New section 19B* is amended to enable the chief executive of LINZ to permit freedom camping on LINZ land controlled or managed under the New Zealand Railways Corporation Act 1981.

Clause 17 is also amended to insert *new section 19BA*, which sets out the consultation requirements to be met before the Commissioner of Crown Lands or the chief executive of LINZ may publish a notice permitting freedom camping on LINZ land. The consultation requirements do not apply to the areas of land described in *new Schedule 3* (as inserted by *new clause 40A*) if certain conditions are met. That is because freedom camping is already permitted on those areas of land.

Clause 18, relating to offences under the 2011 Act, is amended to—

- make it an offence to fail to display a warrant card in a motor vehicle that is being used to freedom camp—
 - in a local authority area, other than a local authority area in which freedom camping in a motor vehicle that is not self-contained is permitted (*new section 20(1)(ba)*):
 - on conservation land on which freedom camping is restricted to self-contained motor vehicles (*new section 20A(aa)*):
 - on LINZ land on which freedom camping in a motor vehicle is permitted on the condition that the motor vehicle is self-contained (*new section 20B(ba)*):
- provide that, in *new section 20* and *new sections 20A and 20B*, make preparations means erecting a tent or parking a motor vehicle to be used for freedom camping (*new section 20(2)*):
- provides that, in proceedings for certain infringement offences, it must be presumed that the defendant is not a New Zealand citizen or in New Zealand on the basis of any visa other than a visitor visa. The effect of this is that the defendant is required to prove their citizenship or visa status:
- provide that the penalty for committing an infringement offence is \$400 if regulations have not been made under section 43 to prescribe infringement fees (*new section 20E*).

Clause 37 amends the regulation-making power in section 43 of the 2011 Act, which relates to regulations about infringement fees. The amendment replaces references to specific Ministers who must recommend the making of regulations with a reference to the Minister, which is a defined term.

New clause 38A inserts *new section 45A* into the 2011 Act, which requires the Minister, 2 years after the commencement date, to review and report to the House of Representatives on the effect of the Bill on homelessness.

New clause 40A inserts *new Schedule 3* into the 2011 Act, which specifies the LINZ land that is exempt from the *new section 19BA* requirement to consult before making a notice permitting freedom camping.

Schedule 1 inserts *new Schedule 1AA* into the 2011 Act, setting out transitional, savings, and related provisions.

Clause 1 of new Schedule 1AA is amended to provide that, in *Part 1 of Schedule 1AA*, the transitional period ends on the later of the day before the date that is 2 years after the commencement date, or on a date specified by Order in Council. *Clause 2 of new Schedule 1AA* is amended to make an equivalent change to the meaning of period 4.

New clause 2A is inserted into *new Schedule 1AA* to authorise the Governor-General, by Order in Council made on the recommendation of the Minister, to make regulations specifying the end date of period 4. The end date of period 4 may be extended no more than 4 years after the commencement date.

New clause 2B is inserted into *new Schedule 1AA* to specify matters that the Minister must consider and matters of which the Minister must be satisfied before recommending the making of an Order in Council under *new clause 2A*.

Clause 4(1) of new Schedule 1AA is amended to clarify its intended effect and to refer to the transitional period, rather than periods 1 to 4.

New clause 5A is inserted into *Part 1 of Schedule 1AA*. The effect of *new clause 5A* is that, during the transitional period, specified references in the 2011 Act to a warrant card must be read as including a reference to a self containment warrant issued under clause 15.2 of NZS 5465:2001 Self-containment of motor caravans and caravans (both in its existing and modified forms).

Clause 6 of new Schedule 1AA is amended to specify that *subpart 3 of Part 1 of Schedule 1AA* applies only to a bylaw made by a local authority.

Clause 7 of new Schedule 1AA is amended to require a local authority to amend or revoke a bylaw that is inconsistent with the Bill. The local authority may amend or revoke the bylaw without having to satisfy itself of the matters specified in section 11(2) of the 2011 Act and without using the special consultative procedure referred to in the 2011 Act.

New clause 8 of new Schedule 1AA is inserted. *New clause 8* provides that an existing bylaw that designates a local authority area as suitable for freedom camping in a motor vehicle that is not self-contained continues in force during the transitional period. A local authority may amend or revoke such a bylaw, to the extent that the new bylaw is limited to the local authority area to which the old bylaw applied, without using the special consultative procedure referred to in the 2011 Act.

New clause 9 of new Schedule 1AA is inserted, providing that any reference to “self-contained” in an existing bylaw has the same meaning as in section 5 of the Bill.

Schedule 2 inserts *new Schedule 3* into the Act, specifying the LINZ land that is exempt from the consultation requirement in *new section 19BA*.

Part 2

Amendments to Plumbers, Gasfitters, and Drainlayers Act 2006

Clause 43, which amends section 4 of the Plumbers, Gasfitters, and Drainlayers Act 2006 (the **2006 Act**) relating to interpretation, is amended to include units known as slide-on campers within the definition of motor vehicle. This ensures that the Bill applies to slide-on campers.

Clause 43 is also amended to include a definition of Minister that enables the Minister of Tourism to carry out certain functions under the 2006 Act.

New clause 43B inserts *new section 6A* into the 2006 Act, providing for transitional, savings, and related provisions.

Clause 44 inserts *new section 87H*, which requires the Minister to approve notices relating to registration made by the Board under *new section 87F*. *New section 87H* is amended to clarify the application of section 34 of the 2006 Act to those notices.

Clause 44 also inserts *new section 87U*, which relates to the issue of a certificate of self-containment. *New section 87U* is amended to clarify that a self-containment certification authority—

- may accept or decline an application for a certificate of self-containment;
- must issue a certificate of self-containment if satisfied of the specified matters.

Clause 44 also inserts *new section 87Y*, which relates to certificates of self-containment and warrant cards. *New section 87Y* is amended to provide that a person who is freedom camping using a motor vehicle that has been issued with a certificate of self-containment must display the warrant card in accordance with specified sections of the 2011 Act.

Clause 44 also inserts *new section 87ZB*, which sets out the information that must be contained in the register of self-contained motor vehicles. *New section 87ZB* is amended to provide that if a motor vehicle does not have registration plates—as is the case with a slide-on camper—its entry in the register can instead include details about the motor vehicle’s make and model.

Clause 49 inserts *new section 172B*, which enables regulations to be made that prescribe levies to be paid by owners of motor vehicles with self-containment certificates. *New section 172B* is amended to ensure that, in the first year that the Plumbers, Gasfitters, and Drainlayers Board sets levies, it can include in those levies any initial set-up costs incurred after the Bill is enacted but before *Part 2* of the Bill comes into force.

Clause 49 also inserts *new section 172C*, relating to requirements that must be met before making regulations under certain sections of the 2006 Act. *New section 172C* is amended to require the Minister to be satisfied that proposed regulations facilitate the management of the adverse effects of freedom camping on the natural environment only in the case of regulations to be made under *new section 172(1A)*. This amendment is needed because that requirement cannot be sensibly applied to regulations to be made under *new section 172A(1) or 172B(2)*.

Schedule 3 inserts *new Schedule 1AA* into the 2006 Act, setting out transitional, savings, and related provisions.

Clause 1 of new Schedule 1AA is the interpretation clause for *Part 1 of new Schedule 1AA*. It defines key terms, including certifying plumber and transitional period.

Clause 2 of new Schedule 1AA authorises consultation carried out before the commencement date to be treated as consultation for the purpose of *new section 172C*.

Clause 3 of new Schedule 1AA provides that, during the transitional period, a certifying plumber is deemed to be both a self-containment certification authority and a motor vehicle inspector. This transitional provision is intended to reduce the risk of there not being enough certification authorities and vehicle inspectors during the transitional period

Departmental disclosure statement

The Ministry of Business, Innovation, and Employment is required to prepare a disclosure statement to assist with the scrutiny of this Supplementary Order Paper. It provides access to information about any material policy changes to the Bill and identifies any new significant or unusual legislative features of the Bill as amended.

A copy of the statement can be found at <http://legislation.govt.nz/disclosure.aspx?type=sop&subtype=government&year=2023&no=0> (if it has been provided for publication).

The Honourable Peeni Henare, in Committee, to propose the amendments shown in the following document.

Hon Stuart Nash

Self-contained Motor Vehicles Legislation Bill

Government Bill

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Part 3

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Schedule 1 49

New Schedule 1AA inserted into Freedom Camping Act 2011

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New Schedule 3 inserted into Freedom Camping Act 2011

Schedule 3 56

**New Schedule 1AA inserted into Plumbers, Gasfitters, and
Drainlayers Act 2006**

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Self-contained Motor Vehicles Legislation Act **2022**.

2 Commencement

(1) The following provisions of this Act come into force on the day after ~~the date on which this Act receives the Royal assent:~~

(a) **Part 1**, except for the following provisions:

(i) **section 10(3A)** of the Freedom Camping Act 2011 (as inserted by **section 10** of this Act):

(ii) **section 15(2)** of the Freedom Camping Act 2011 (as inserted by **section 14(3)** of this Act):

- (iii) section 19A(2) of the Freedom Camping Act 2011 (as inserted by section 17 of this Act):
- (iv) sections 20(1)(ba), 20A(aa), and 20B(ba) of the Freedom Camping Act 2011 (as inserted by section 18 of this Act):
- (b) **sections 48 and 49:**
- (c) **subpart 2 of Part 3.**
- (2) The rest of this Act comes into force ~~6 months after the date on which this Act receives the Royal assent.~~
 - (a) on a date or dates set by Order in Council; or
 - (b) to the extent not commenced earlier, 6 months after Royal assent.

Part 1 Amendments to Freedom Camping Act 2011

3 Principal Act

This Part amends the Freedom Camping Act 2011.

Subpart 1—Amendments to Part 1

4 Section 3 amended (Outline of Act)

- (1) Replace section 3(2) with:
- (2) This Act regulates freedom camping on the following land:
 - (a) land controlled or managed by local authorities, including, in certain circumstances, land controlled or managed by the New Zealand Transport Agency under the Government Rounding Powers Act 1989, the Land Transport Management Act 2003, the Public Works Act 1981, or the Railways Act 2005:
 - (b) 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:
 - (c) land managed or controlled by LINZ on behalf of the Crown under the Crown Pastoral Land Act 1998, the Land Act 1948, the Marine and Coastal Area (Takutai Moana) Act 2011, the New Zealand Railways Corporation Act 1981, or the Public Works Act 1981.
- (2) In section 3(3), delete “or on all land controlled or managed by the Department”.
- (3) Replace section 3(6) with:
- (6) Part 2 has 3 subparts, which deal with the following matters:
 - (a) subpart 1: freedom camping on land under the control of local authorities, as specified in **subsection (2)(a):**

- (b) subpart 2: freedom camping on land under the control of the Department of Conservation, as specified in **subsection (2)(b)**;
- (c) **subpart 3**: freedom camping on land under the control of LINZ, as specified in **subsection (2)(c)**.
- (6A) In Part 2,—
- (a) subparts 1 and 2 permit freedom camping unless it is restricted or prohibited in accordance with the provisions of each subpart; and
- (b) **subpart 3** does not permit freedom camping unless it is permitted in accordance with the provisions of that subpart.

5 Section 4 amended (Interpretation)

- (1) In section 4, insert in their appropriate alphabetical order:

certificate of self-containment means a certificate of self-containment issued under **section 87U** of the Plumbers, Gasfitters, and Drainlayers Act 2006

chief executive means the chief executive of LINZ

commissioner means the Commissioner of Crown Lands appointed under section 24AA(1) of the Land Act 1948

Crown land Act means any one of the Crown land Acts

Crown land Acts means the following Acts:

- (a) the Crown Pastoral Land Act 1998:
- (b) the Land Act 1948:
- (c) the Marine and Coastal Area (Takutai Moana) Act 2011:
- (d) the New Zealand Railways Corporation Act 1981:
- (e) the Public Works Act 1981

infringement fee, in relation to an infringement offence, means the infringement fee for that infringement offence

LINZ means Land Information New Zealand

LINZ land has the meaning given in **section 8**

Minister means,—

- (a) for the purposes of **sections 43(1) and 45A** and **clause 2A(1) of Schedule 1AA**,—
 - (i) the Minister of Tourism; or
 - (ii) the Minister of the Crown who, under the authority of a warrant or with the authority of the Prime Minister, is responsible for the administration of those provisions;
- (b) for the purposes of any other provision in this Act,—
 - (i) the Minister of Conservation and the Minister of Local Government; or

- (ii) the Minister of the Crown who, under the authority of a warrant or with the authority of the Prime Minister, is responsible for the administration of this Act (other than the provisions specified in **paragraph (a)**)

~~motor vehicle~~ has the same meaning as in section 2(1) of the Land Transport Act 1998

motor vehicle means each of the following:

- (a) a motor vehicle within the meaning of section 2(1) of the Land Transport Act 1998:
- (b) a unit used for camping that is not itself a vehicle but is capable of being—
- (i) transported by means of being loaded onto a vehicle; and
- (ii) used for camping whether or not it is loaded onto a vehicle

New Zealand Transport Agency or **NZTA** means the Agency established by section 93 of the Land Transport Management Act 2003

NZTA land has the meaning given in **section 6A**

owner, in relation to a motor vehicle, has the same meaning as in section 2(1) of the Land Transport Act 1998, and **owned** has a corresponding meaning

rental company means the holder of a rental service licence under the Land Transport Act 1998

self-contained, in relation to a motor vehicle, means that the vehicle has a valid certificate of self-containment issued in accordance with **section 87U(2)(d)** of the Plumbers, Gasfitters, and Drainlayers Act 2006 (but *see sub-part 1 of Part 1 of Schedule 1AA* for the meaning of **self-contained** during the transitional period)

transport Act means any one of the transport Acts

transport Acts means the following Acts:

- (a) the Government Rounding Powers Act 1989:
- (b) the Land Transport Act 1998:
- (c) the Land Transport Management Act 2003:
- (d) the Local Government Act 1974:
- (e) the Public Works Act 1981:
- (f) the Railways Act 2005

vehicle has the same meaning as in section 2(1) of the Land Transport Act 1998

warrant card means the warrant card referred to in **section 87X(1)(b)** of the Plumbers, Gasfitters, and Drainlayers Act 2006

Proposed amendments to

waste receptacle means a receptacle or facility that is provided for the purposes of disposing of waste (for example, a rubbish bin, public toilet, or bulk waste disposal unit)

- (2) In section 4, repeal the definition of **freedom camping notice** or **notice**.
- (3) In section 4, definition of **enforcement officer**, replace “section 32 or 33” with “**section 32, 33, or 33A**”.
- (4) In section 4, definition of **infringement offence**, replace “specified in section 20(1)” with “against **section 20, 20A, 20B, or 20C**”.

6 Section 5 amended (Meaning of freedom camp)

- (1) Replace section 5(1) with:
 - (1) In this Act, **freedom camp** means to camp (other than at a camping ground) within 200 m of an area accessible by motor vehicle or the mean low-water springs line of any sea or harbour, or on or within 200 m of a formed road or a Great Walks Track, using ~~1 or more~~either or both of the following:
 - (a) a tent or other temporary structure:
 - (b) a motor vehicle.
 - (2) In section 5(2)(c), delete “caravan or”.
 - (3) After section 5(2), insert:
 - (2A) In this Act, a person is not **freedom camping** if the person—
 - (a) is a person other than a person who is in New Zealand on the basis of a visitor visa (within the meaning of the immigration instructions); and
 - (b) is unable to live in appropriate residential accommodation; and
 - (c) as a consequence of that inability, is living in either or both of the following:
 - (i) a tent or other temporary structure:
 - (ii) a motor vehicle.
 - (4) In section 5(3), replace “subsection (1)” with “this section”.
 - (5) In section 5(3), definition of **camping ground**, paragraph (a), replace “; and” with “; or”.
 - (6) In section 5(3), insert in their appropriate alphabetical order:

immigration instructions has the same meaning as in section 4 of the Immigration Act 2009

residential accommodation includes accommodation in a dwelling house, flat, hotel, motel, boarding house, or camping ground

7 Section 6 amended (Meaning of local authority area)

- (1) Replace section 6(1)(a) with:
 - (a) means an area of land—

- (i) that is within the district or region of a local authority; and
 - (ii) that is—
 - (A) controlled or managed by or on behalf of the local authority under any enactment; or
 - (B) an area of NZTA land declared to be a local authority area in accordance with a bylaw made under **section 10A**; and
- (2) Replace section 6(2)(a) with:
- (a) means an area of land within Auckland that is—
 - (i) controlled or managed by the Auckland Council under any enactment; or
 - (ii) controlled or managed by Auckland Transport; or
 - (iii) an area of NZTA land declared to be a local authority area in accordance with a bylaw made under **section 10A**; and

8 New section 6A inserted (Meaning of NZTA land)

After section 6, insert:

6A Meaning of NZTA land

In this Act, **NZTA land**—

- (a) means an area of land that is controlled or managed by the New Zealand Transport Agency under a transport Act; and
- (b) includes any part of an area of land referred to in **paragraph (a)**; but
- (c) does not include an area of land referred to in **paragraph (a) or (b)** that is permanently covered by water.

9 Sections 8 and 9 replaced

Replace sections 8 and 9 with:

8 Meaning of LINZ land

In this Act, **LINZ land**—

- (a) means an area of land that is controlled or managed by LINZ under a Crown land Act; and
- (b) includes any part of an area of land referred to in **paragraph (a)**; but
- (c) does not include an area of land referred to in **paragraph (a) or (b)** that is permanently covered by water.

9 Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in **Schedule 1AA** have effect according to their terms.

9A Act binds the Crown

This Act binds the Crown.

Subpart 2—Amendments to Part 2

10 Section 10 replaced (Where freedom camping permitted)

Replace section 10 with:

10 Where freedom camping in local authority area permitted

- (1) Freedom camping is permitted in any local authority area, unless it is restricted or prohibited in that area as specified in **subsection (3)**, if—
 - (a) a tent or other temporary structure is used; or
 - (b) a self-contained motor vehicle is used.
- (2) Freedom camping using a motor vehicle that is not self-contained is permitted in a local authority area only if it is permitted in that area—
 - (a) in accordance with a bylaw made under **section 11A**; or
 - (b) under any other legislation.
- (3) Freedom camping may be restricted or prohibited in a local authority area—
 - (a) by a bylaw made under section 11; or
 - (b) in the case of a self-contained motor vehicle, by the limit placed on the maximum number of people for which the vehicle is certified; or
 - (c) under any other legislation.
- (3A) A person must display a warrant card in a motor vehicle if the person is using the motor vehicle to freedom camp in a local authority area, other than a local authority area defined in a bylaw made under **section 11A**.
- (4) *See **subpart 2 of Part 1 of Schedule 1AA** for the applicable law during the transitional period.*

10A Bylaws declaring NZTA land to be local authority area

- (1) A local authority may make bylaws declaring any area of NZTA land in its district or region to be a local authority area for the purposes of this Act.
- (2) A local authority may make a bylaw under **subsection (1)** only if it is satisfied that—
 - (a) the bylaw is necessary for 1 or more of the following purposes:
 - (i) to protect the area;
 - (ii) to protect the health and safety of people who may visit the area;
 - (iii) to protect access to the area; and
 - (b) the bylaw is the most appropriate and proportionate way of addressing the perceived problem in relation to that area; and

- (c) the bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990.
- (23) ~~The~~ A local authority must not make a bylaw under **subsection (1)** without the written consent of the chief executive of the NZTA.

11 Section 11 amended (Freedom camping bylaws)

Replace section 11(3) to 11(7) with:

- (3) ~~The~~ A local authority must obtain the written consent of the NZTA before making a bylaw under subsection (1) that applies to an area of NZTA land that has been declared, by a bylaw made under **section 10A**, to be a local authority area.

12 New sections 11A and 11B inserted

After section 11, insert:

11A Bylaws permitting freedom camping in motor vehicles that are not self-contained

- (1) A local authority may make bylaws defining—
- (a) the local authority areas, if any, in its district or region where freedom camping in a motor vehicle that is not self-contained is permitted; and
 - (b) the restrictions and conditions, if any, that apply to freedom camping in those areas.
- (2) The local authority must obtain the written consent of the NZTA before making a bylaw under **subsection (1)** that applies to an area of NZTA land that has been declared, by a bylaw made under **section 10A**, to be a local authority area.

11B Requirements relating to bylaws made under **sections 10A to 11A**

- (1) A bylaw made under **section 10A**, 11, or **11A** must define an affected area in either or both of the following ways:
- (a) by a map;
 - (b) by a description of its locality (other than just its legal description).
- (2) 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.
- (3) 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) when—
- (a) making a bylaw under **section 10A**, 11, or **11A**; or
 - (b) amending a bylaw made under any of those sections; or
 - (c) revoking a bylaw made under any of those sections.

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- (4) Despite **subsection (3)(b)**, a local authority may, by resolution publicly notified, make minor changes to, or correct errors in, a bylaw made under ~~**section 10A, 11, or 11A**~~ **section 10A, 11, or 11A**, but only if the changes or corrections do not affect—
- (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.
- (5) In this section,—
- affected area** means the following:
- (a) in the case of a bylaw made under **section 10A**, an area of NZTA land declared to be a local authority area;
 - (b) in the case of a bylaw made under section 11, an area where freedom camping is restricted or prohibited;
 - (c) in the case of a bylaw made under **section 11A**, an area where camping in a motor vehicle that is not self-contained is permitted
- publicly notified**, in relation to a resolution, means a resolution given in accordance with the requirements of the definition of public notice in section 5(1) of the Local Government Act 2002.

13 Section 13 amended (Review of bylaws)

- (1) In section 13(1) and (2), replace “section 11” with “**section 10A, 11, or 11A**”.
- (2) In section 13(3), replace “bylaw” with “bylaw made by it under section 11 and”.
- (3) In section 13(4)(a), replace “section 11(5)” with “**section 11B(3)**”.

14 Section 15 amended (Where freedom camping permitted)

- (1) Replace the heading to section 15 with “**Where freedom camping on conservation land permitted**”.
- (2) In section 15(b), delete “freedom camping”.
- (3) In section 15, insert as subsection (2):
- (2) A person must display a warrant card in a motor vehicle if the person is using the motor vehicle to freedom camp on conservation land on which freedom camping in a motor vehicle is restricted to self-contained motor vehicles.

15 Section 17 amended (Freedom camping notices)

Replace the heading to section 17 with “**Freedom camping notices about conservation land Notices restricting or prohibiting freedom camping on conservation land**”.

16 Section 18 amended (Public notification of freedom camping notices)

- (1) Replace the heading to section 18 with “~~Public notification of freedom camping notices applying to conservation land~~Public notification of notices restricting or prohibiting freedom camping on conservation land”.
- (2) In section 18(1) and (2), replace “freedom camping notice” with “~~freedom camping notice made published~~ notice published under section 17”.

17 New subpart 3 of Part 2 inserted

After section 19, insert:

Subpart 3—Freedom camping on LINZ land

19A Where freedom camping on LINZ land permitted

- (1) Freedom camping is not permitted on LINZ land except in accordance with a ~~freedom camping notice made under **section 19B**~~.
- (2) A person must display a warrant card in a motor vehicle if the person is using the motor vehicle to freedom camp on LINZ land on which freedom camping in a motor vehicle is permitted on the condition that the motor vehicle is self-contained.

19B ~~Freedom camping notices applying to LINZ land~~Notices permitting freedom camping on LINZ land

- (1) **Subsection (2)** applies to LINZ land that is controlled or managed under either or both of the following Acts:
 - (a) the Crown Pastoral Land Act 1998;
 - (b) the Land Act 1948.
- (2) The commissioner may, by notice published in accordance with **section 19C**, define LINZ land where freedom camping is permitted and the restrictions and conditions, if any, that apply to freedom camping on that land.
- (3) **Subsection (4)** applies to LINZ land that is controlled or managed under ~~either or both~~1 or more of the following Acts:
 - (a) the Marine and Coastal Area (Takutai Moana) Act 2011;
 - (b) the Public Works Act 1981;
 - (c) the New Zealand Railways Corporation Act 1981.
- (4) The chief executive may, by notice published in accordance with **section 19C**, define LINZ land where freedom camping is permitted and the restrictions and conditions, if any, that apply to freedom camping on that land.
- (5) A notice published under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

19BA Commissioner and chief executive must consult before making notice

- (1) Before making a notice under **section 19B(2)**, the commissioner must consult persons that the commissioner considers are likely to be significantly affected by the notice or persons that the commissioner considers to be representatives of those persons.
- (2) Before making a notice under **section 19B(4)**, the chief executive must consult persons that the chief executive considers are likely to be significantly affected by the notice or persons that the chief executive considers to be representatives of those persons.
- (3) The requirements in **subsections (1) and (2)** do not apply to an area of LINZ land described in **Schedule 3** if—
 - (a) any restriction or condition in a notice made under **section 19B** that applies to the area of LINZ land is the same as a restriction or condition that applied to the area of LINZ land before the notice was made; and
 - (b) a notice applying to the area of LINZ land has not previously been made under **section 19B(2) or (4)**.

19C Requirements relating to notices published under section 19B

- (1) This section applies to any notice published under **section 19B**.
- (2) A notice may not permit freedom camping on any LINZ land that is held by a person under a lease or licence granted to the person by the Crown.
- (3) A notice must specify any restrictions and conditions that apply.
- (4) Sections 17(3)(a) and (c) and (4) and 18 apply with any necessary modifications, including the following:
 - (a) in section 18(1)(b)(ii), the reference to the Director-General must be read as a reference to the chief executive or the commissioner, as applicable;
 - (b) in section 18(2)(c) and (3), the references to the Department must be read as references to LINZ.

Subpart 3—Amendments to Part 3

18 Section 20 replaced (Offences)

Replace section 20 with:

*Infringement offences***20 Infringement offences relating to local authority areas**

- (1) A person commits an infringement offence if the person—
 - (a) freedom camps in a local authority area in breach of any prohibition or restriction specified in a bylaw made under section 11 or **11A** that applies to the area; or

- (b) freedom camps in a local authority area, other than a local authority area defined in a bylaw made under **section 11A** as permitting motor vehicles that are not self-contained, using a motor vehicle that is not self-contained; or
 - (ba) fails to display a warrant card in a motor vehicle that the person is using to freedom camp in a local authority area, other than a local authority area defined in a bylaw made under **section 11A**; or
 - (c) freedom camps in a local authority area in a self-contained motor vehicle with more people than the vehicle is certified for; or
 - (d) 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 in or on the area (other than into an appropriate waste receptacle); or
 - (e) makes preparations to freedom camp in a local authority area in breach of any prohibition or restriction specified in a bylaw made under section 11 or **11A** that applies to the area; or
 - (f) makes preparations to freedom camp in a local authority area, other than a local authority area defined in a bylaw made under **section 11A** as permitting motor vehicles that are not self-contained, using a motor vehicle that is not self-contained; or
 - (g) makes preparations to freedom camp in a local authority area in a self-contained motor vehicle with more people than the vehicle is certified for; or
 - (h) fails or refuses to leave a local authority area when required to do so by an enforcement officer acting under section 36.
- (2) In this section and in **sections 20A and 20B**, to **make preparations** means to do either or both of the following:
- (a) erect a tent to use it for freedom camping;
 - (b) park a motor vehicle to use it for freedom camping.

20A Infringement offences relating to conservation land

A person commits an infringement offence if the person—

- (a) freedom camps on conservation land in breach of any prohibition or restriction specified in a ~~freedom camping~~-notice made under section 17 that applies to the land; or
- (aa) fails to display a warrant card in a motor vehicle that the person is using to freedom camp on conservation land on which freedom camping is restricted to self-contained motor vehicles; or
- (b) while freedom camping on conservation land,—

- (i) interferes with or damages the land, its flora or fauna, or any structure on the land; or
- (ii) deposits waste in or on the land (other than into an appropriate waste receptacle); or
- (c) makes preparations to freedom camp on conservation land in breach of any prohibition or restriction specified in a ~~freedom camping~~ notice made under section 17 that applies to the land; or
- (d) fails or refuses to leave conservation land when required to do so by an enforcement officer acting under section 36.

20B Infringement offences relating to LINZ land

A person commits an infringement offence if the person—

- (a) freedom camps on LINZ land, except to the extent that freedom camping is permitted on the land in accordance with a ~~freedom camping~~ notice made under **section 19B**; or
- (b) freedom camps on LINZ land in breach of any restriction or condition specified in a ~~freedom camping~~ notice made under **section 19B** that applies to the land; or
- (ba) fails to display a warrant card in a motor vehicle that the person is using to freedom camp on LINZ land on which freedom camping in a motor vehicle is permitted on the condition that the motor vehicle is self-contained; or
- (c) while freedom camping on LINZ land,—
 - (i) interferes with or damages the land, its flora or fauna, or any structure on the land; or
 - (ii) deposits waste in or on the land (other than into an appropriate waste receptacle); or
- (d) makes preparations to freedom camp on LINZ land, except where freedom camping is permitted on the land in accordance with a ~~freedom camping~~ notice made under **section 19B**; or
- (e) makes preparations to freedom camp on LINZ land in breach of any restriction or condition in a ~~freedom camping~~ notice made under **section 19B** that applies to the land; or
- (f) fails or refuses to leave LINZ land when required to do so by an enforcement officer acting under section 36.

20C Other infringement offences

A person commits an infringement offence if the person—

- (a) displays in a motor vehicle an altered or a fraudulent warrant card; or

- (b) presents an altered or a fraudulent certificate of self-containment to an enforcement officer acting under this Act; or
- (c) refuses to give information when required to do so by an enforcement officer under section 35, or gives false or misleading information.

20D Strict liability offences

In prosecuting an infringement offence, 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, conservation land, or LINZ land.

20DA Proceedings for certain offences

- (1) This section applies to any proceedings for an offence under any of the following sections:
 - (a) **section 20(1)(a) to (g):**
 - (b) **section 20A(a) to (c):**
 - (c) **section 20B(a) to (e).**
- (2) It must be presumed, unless the contrary is proved, that the defendant is a person who is in New Zealand on the basis of a visitor visa (within the meaning of the immigration instructions).
- (3) In this section, **immigration instructions** has the same meaning as in section 4 of the Immigration Act 2009.

20E Penalties for infringement offences

A person who commits an infringement offence is liable to—

- (a) ~~an infringement fee of not exceeding \$1,000 or any lesser or equal amount that is prescribed by regulations made under section 43; or~~
- (aa) if no regulations have been made under section 43 prescribing infringement fees, an infringement fee of \$400; or
- (b) a fine imposed by a court not exceeding \$3,000 or any lesser or equal amount prescribed by the regulations.

Other offences

20F Offence to discharge certain substances

- (1) A person commits an offence if the person discharges a substance in or on a local authority area, conservation land, or LINZ land in circumstances where the discharge of the substance is likely to be noxious, dangerous, offensive, or objectionable to such an extent that it—

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- (a) has, or is likely to have, a significant adverse effect on the environment; or
- (b) has caused, or is likely to cause, significant concern to—
 - (i) residents living on or near the area or land; or
 - (ii) other users of the area or land.
- (2) A person who commits an offence against **subsection (1)** is liable on conviction to a fine not exceeding \$10,000.

20G Offence to interfere with enforcement officer

- (1) A person commits an offence if, while an enforcement officer is carrying out the officer's functions and duties under this Act, the person—
 - (a) intentionally prevents the officer from carrying out those functions and duties; or
 - (b) obstructs or impedes the officer; or
 - (c) assaults, threatens, or intimidates the officer; or
 - (d) uses language that is abusive or threatening to the officer; or
 - (e) behaves in a threatening manner towards the officer.
- (2) A person who incites any other person to do any act referred to in **subsection (1)** commits an offence.
- (3) A person who commits an offence against **subsection (1) or (2)** is liable on conviction to a fine not exceeding \$5,000.

Defences to offences

19 Section 21 repealed (Strict liability offences)

Repeal section 21.

20 Section 22 amended (Defences to offences)

In section 22(3), replace “section 20(1)(b)(ii), (d), (h)(ii), or (k)” with “**section 20(d)(ii), 20A(b)(ii), or 20B(c)(ii)**”.

21 Section 23 repealed (Penalties)

Repeal section 23.

22 New cross-heading above section 24 inserted

After section 23, insert:

Cost of damage

23 Section 24 amended (Offenders liable for cost of damage)

Replace section 24(1) with:

- (1) A person who commits an offence (including an infringement offence) may, in addition to, or instead of, incurring a penalty for the offence, be ordered to pay any of the following costs:
 - (a) the costs incurred by the local authority in repairing any damage done to a local authority area as a result of the offence:
 - (b) the costs incurred by the NZTA in repairing any damage done to NZTA land as a result of the offence:
 - (c) the costs incurred by the Department in repairing any damage done to conservation land as a result of the offence:
 - (d) the costs incurred by LINZ in repairing any damage done to LINZ land as a result of the offence.

24 Section 26 amended (Who proceedings may be commenced against)

Replace section 26(1)(b) with:

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

25 Section 27 replaced (Issue of infringement notices)

Replace section 27 with:

27 Who may serve 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.
- (2) An enforcement officer who believes on reasonable grounds that a motor vehicle was used or is being used in the commission of an infringement offence may serve an infringement notice on the person who, at the time of the alleged offence, was the registered person in respect of the motor vehicle under Part 17 of the Land Transport Act 1998.
- (3) **Subsection (2)** does not limit the generality of **subsection (1)**.

27A How to serve infringement notices

- (1) An infringement notice may be served—
 - (a) by delivering it, or a copy of it, to the person—
 - (i) who appears to have committed the infringement offence; or
 - (ii) who, at the time of the alleged offence, was the registered person in respect of the motor vehicle under Part 17 of the Land Transport Act 1998; or

- (b) by sending it, or a copy of it, by email to the person at an email address that is used by the person; or
 - (c) 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
 - (d) 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 their last address provided for the purposes of that document; or
 - (e) 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.
- (2) For the purposes of the Summary Proceedings Act 1957,—
- (a) an infringement notice sent to a person by email under **subsection (1)(b)** is to be treated, unless the contrary is shown, as being served on the person at the time the email first enters an information system that is outside the control of the enforcement officer:
 - (b) an infringement notice sent to a person by post under **subsection (1)(c) or (d)** is to be treated as having been served on the person when it would have been delivered in the ordinary course of the post:
 - (c) an infringement notice attached to a vehicle under **subsection (1)(e)** is to be treated as having been served when it is attached to the vehicle.
- (3) In this section,—
- information system** means a system for producing, sending, receiving, storing, displaying, or otherwise processing electronic communications
- land transport document** means a licence, permit, approval, authorisation, exemption, certificate, or similar document issued under one of the following Acts:
- (a) the Land Transport Act 1998:
 - (b) the Road User Charges Act 2012:
 - (c) the Government Roding Powers Act 1989.

27B Form of infringement notices

- (1) An infringement notice must be in the prescribed form and contain all of the following particulars:
- (a) sufficient detail to inform the defendant of the time, place, and nature of the alleged offence:
 - (b) the amount of the infringement fee:
 - (c) the place where the infringement fee may be paid:
 - (d) the time within which the infringement fee must be paid:
 - (e) a summary of how section 21(10) of the Summary Proceedings Act 1957 applies to the alleged offence:

- (f) a statement that the defendant has a right to request a hearing:
 - (g) a statement of the consequences if the defendant does not pay the infringement fee or request a hearing:
 - (h) a statement of what will happen if the person served with the notice does not pay the infringement fee or request a hearing:
 - (i) any other particulars that are prescribed by regulations.
- (2) If there is no prescribed form for the purposes of **subsection (1)**, an infringement notice must be in the form set out in Schedule 2.

26 Section 29 amended (Rental service agreement may provide for payment of infringement fee)

In section 29(4), repeal the definition of **rental company**.

27 Section 31 amended (Entitlement to infringement fees)

Replace section 31(3) with:

- (3) All infringement fees resulting from infringement notices issued by enforcement officers appointed by the chief executive or the commissioner under **section 33A** must be paid into a Crown Bank Account.
- (4) To avoid doubt, subsections (1) to **(3)** apply irrespective of whether the fees are for offences committed in relation to a local authority area, conservation land, or LINZ land.

28 Section 32 amended (Appointment of enforcement officers by local authorities)

After section 32(2)(d), insert:

- (e) the LINZ land in relation to which they may act (being only land in respect of which the chief executive or the commissioner has consented to officers exercising enforcement powers).

29 Section 33 amended (Appointment of enforcement officers by Director-General)

After section 33(2)(d), insert:

- (e) the LINZ land in relation to which they may act (~~being~~which is only land in respect of which the chief executive or the commissioner has consented to officers exercising enforcement powers).

30 New section 33A inserted (Appointment of enforcement officers by chief executive or commissioner)

After section 33, insert:

33A Appointment of enforcement officers by chief executive or commissioner

- (1) The chief executive or the commissioner may appoint persons to be enforcement officers for the purposes of this Act.
- (2) The chief executive or the commissioner, as applicable, 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
 - (c) the LINZ land in relation to which they may act; and
 - (d) the local authority areas in relation to which they may act (being only areas in respect of which the relevant local authority has consented to officers exercising enforcement powers); and
 - (e) the conservation land in relation to which they may act (being only land in respect of which the Director-General has consented to officers exercising enforcement powers).

31 Section 35 amended (Enforcement officers may require certain information)

- (1) In section 35(1), after “full address,”, insert “email address,” in each place.
- (2) After section 35(1), insert:
 - (1A) An enforcement officer may direct a person to produce the certificate of self-containment that applies to the motor vehicle in which the person is freedom camping if the officer believes on reasonable grounds that—
 - (a) the person has committed or is committing an offence under **section 20(b), (c), (f), or (g)**; or
 - (b) the person—
 - (i) has committed or is committing an offence under **section 20A(a) or (c) or 20B(b) or (e)**; and
 - (ii) has breached or is breaching a prohibition, restriction, or condition relating to self-contained motor vehicles.

32 Section 36 amended (Enforcement officers may require certain persons to leave local authority area or conservation land)

- (1) In the heading to section 36, replace “**local authority area or conservation land**” with “**local authority area, conservation land, or LINZ land**”.
- (2) In section 36, replace “local authority area or conservation land” with “local authority area, conservation land, or LINZ land”.

33 Section 38 amended (Requirements relating to seizure and impoundment of boats, caravans, and motor vehicles)

- (1) In the heading to section 38, replace “boats, caravans, and motor vehicles” with “boats and motor vehicles”.
- (2) In section 38, replace “a boat, a caravan, or a car, campervan, houstruck, or other motor vehicle” with “a boat or motor vehicle”.

34 Section 39 amended (Return of property seized and impounded)

- (1) In section 39(1), replace “the local authority concerned or the Director-General” with “the local authority concerned, the Director-General, the chief executive, or the commissioner”.
- (2) In section 39(2),—
 - (a) replace “The local authority or the Director-General” with “The local authority, the Director-General, the chief executive, or the commissioner”; and
 - (b) replace “the local authority or the Department” with “the local authority, the Department, or LINZ”.
- (3) In section 39(3) to (5), replace “the local authority or the Director-General” with “the local authority, the Director-General, the chief executive, or the commissioner” in each place.

35 Section 40 amended (Disposal of property seized and impounded)

- (1) In section 40(1) and (2), replace “local authority or the Director-General” with “local authority, the Director-General, the chief executive, or the commissioner” in each place.
- (2) In section 40(1), replace “local authority’s or the Director-General’s” with “local authority’s, the Director-General’s, the chief executive’s, or the commissioner’s”.
- (3) In section 40(5), replace “the Director-General” with “the Director-General, the chief executive, or the commissioner”.

36 Section 42 amended (Relationship of this Act with other enactments)

- (1) Replace section 42(2) with:
- (2) This Act does not limit or affect the following powers:
 - (a) the powers of the Department under the conservation Acts:
 - (b) the powers of the NZTA under the transport Acts:
 - (c) the powers of LINZ under the Crown land Acts.
- (2) In section 42(3), replace “local authority area or conservation land” with “local authority area, conservation land, or LINZ land”.

37 Section 43 amended (Regulations)

Replace section 43(1) with:

- (1) 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—
 - (a) prescribing penalties for infringement offences, which,—
 - (i) in the case of infringement fees, must not be more than \$1,000; and
 - (ii) in the case of fines, must not be more than \$3,000;
 - (b) prescribing different penalties for different infringement offences or classes of infringement offences, defined in any way (including by the seriousness of the offence or whether it is a repeat offence);
 - (c) prescribing the form of—
 - (i) infringement notices and reminder notices, and the information to be included in the notices; and
 - (ii) seizure and impounding notices, and the information to be included in the notices;
 - (d) providing for anything that this Act says may or must be provided for by regulations;
 - (e) providing for anything incidental that is necessary for carrying out, or giving full effect to, this Act.

38 Section 45 amended (Evidence in proceedings)

In section 45, replace “a local authority or the Director-General” with “a local authority, the Director-General, the chief executive, or the commissioner”.

38A New section 45A inserted (Review of effect on homelessness of Self-contained Motor Vehicles Legislation Act 2022)

After section 45, insert:

45A Review of effect on homelessness of Self-contained Motor Vehicles Legislation Act 2022

- (1) The Minister must—
 - (a) review the effect of the amendment Act on homelessness; and
 - (b) prepare a report on that review, including recommendations (if any) for amendments to this Act.
- (2) The Minister must—
 - (a) start the review 2 years after the commencement date; and
 - (b) complete the review within 6 months after the commencement date; and

- (c) present the report to the House of Representatives as soon as practicable after it has been completed.
- (3) In this section,—
amendment Act means the Self-contained Motor Vehicles Legislation Act **2022**
commencement date means the date on which **Part 1** of the amendment Act (except the provisions specified in **section 2(1)(a)(i) to (iv)** of the amendment Act) comes into force.

Subpart 4—Amendments to schedules

39 New **Schedule 1AA** inserted

Insert the **Schedule 1AA** set out in the ~~**Schedule 1**~~ of this Act as the first schedule to appear after the last section of the principal Act.

40 **Schedule 2** amended

- (1) In Schedule 2, form 1,—
- (a) replace “*Section 27(6)*” with “*Section 27B(2)*”;
 - (b) under the heading “**Payment of infringement fee**”,—
 - (i) after “*date notice is delivered personally*”, insert “*or emailed*”;
 - (ii) delete “Payments by cheque should be crossed “Not transferable.””;
 - (c) in paragraph 10, replace “section 20(1)(b)(ii), (d), (h)(ii), or (k)” with “**section 20(d)(ii), 20A(b)(ii), or 20B(c)(ii)**”;
 - (d) after paragraph 12, replace “sections 22 to 28” with “**sections 20E** and 22 to 28”.
- (2) In Schedule 2, form 2,—
- (a) under the heading “**Payment of infringement fee**”,—
 - (i) after “*date infringement notice was delivered personally*”, insert “*or emailed*”;
 - (ii) delete “Payments by cheque should be crossed “Not transferable.””;
 - (b) in paragraph 5, replace “section 20(1)(b)(ii), (d), (h)(ii), or (k)” with “**section 20(d)(ii), 20A(b)(ii), or 20B(c)(ii)**”;
 - (c) after paragraph 8, replace “sections 22 to 28” with “**sections 20E** and 22 to 28”.

40A **New Schedule 3** inserted

After Schedule 2, insert the **Schedule 3** set out in **Schedule 2** of this Act.

Part 2

Amendments to Plumbers, Gasfitters, and Drainlayers Act 2006

41 Principal Act

This Part amends the Plumbers, Gasfitters, and Drainlayers Act 2006.

Subpart 1—Amendments to Part 1

42 Section 3 amended (Purposes of this Act)

After section 3(b), insert:

- (c) to appoint and regulate certification authorities.

43 Section 4 amended (Interpretation)

- (1) In section 4, insert in their appropriate alphabetical order:

~~**motor vehicle** has the same meaning as in section 2(1) of the Land Transport Act 1998~~

motor vehicle means each of the following:

- (a) a motor vehicle within the meaning of section 2(1) of the Land Transport Act 1998:
- (b) a unit used for camping that is not itself a vehicle but is capable of being—
- (i) transported by means of being loaded onto a vehicle; and
- (ii) used for camping whether or not it is loaded onto a vehicle

owner, in relation to a motor vehicle, has the same meaning as in section 2(1) of the Land Transport Act 1998

self-containment certification authority means a person appointed as a self-containment certification authority under **section 87C**:

~~**vehicle** has the same meaning as in section 2(1) of the Land Transport Act 1998~~

- (2) In section 4, replace the definition of **Minister** with:

Minister means,—

- (a) for the purposes of **sections 87H, 172(1A), and 172A to 172C**,—
- (i) the Minister of Tourism; or
- (ii) the Minister of the Crown who, under the authority of ~~any a~~ warrant or with the authority of the Prime Minister, is responsible for the administration of those sections:
- (b) for the purposes of any other section,—
- (i) the Minister for Building and Construction; or

- (ii) the Minister of the Crown who, under the authority of ~~any a~~ warrant or with the authority of the Prime Minister, is responsible for the administration of this Act other than the sections specified in **paragraph (a)**

- (3) In section 4, replace the definition of **register** with:

register means the register kept under subpart 3 of Part 2 or, as the context requires, the register kept under **subpart 3 of Part 2A**

43A Section 5 amended (Meaning of gasfitting)

In section 5(1)(b), delete “caravan,”.

43B New section 6A inserted (Transitional, savings, and related provisions)

After section 6, insert:

6A Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in **Schedule 1AA** have effect according to their terms.

Subpart 2—New **Part 2A** inserted

44 New Part 2A inserted

After section 87, insert:

Part 2A

Self-contained motor vehicles

87A Purpose of this Part

The purpose of this Part is to regulate self-contained motor vehicles in order to manage the adverse effects of freedom camping on the natural environment.

87B Interpretation of this Part

In this Part, unless the context otherwise requires,—

core functions, in relation to a self-containment certification authority, means the following functions:

- (a) appointing a motor vehicle inspector under **section 87T**;
- (b) issuing a certificate of self-containment for a motor vehicle under **section 87U**;
- (c) making an entry in the register of self-contained motor vehicles under **sections 87ZB and 87ZD**

enforcement officer has the same meaning as in section 4 of the Freedom Camping Act 2011

freedom camp has the same meaning as in section 5 of the Freedom Camping Act 2011

motor vehicle inspection means an inspection of a motor vehicle for the purpose of assessing whether the vehicle meets the requirements for self-containment prescribed by regulations

motor vehicle inspector means a person appointed as a motor vehicle inspector in accordance with **section 87T**

Registrar of Motor Vehicles has the same meaning as Registrar in section 233(1) of the Land Transport Act 1998

registration plate has the same meaning as in section 233(1) of the Land Transport Act 1998.

Subpart 1—Board appoints and regulates certification authorities

Board may appoint self-containment certification authority

87C Board may appoint self-containment certification authority

- (1) A person may apply to the Board to be appointed as a self-containment certification authority.
- (2) A person who makes an application must—
 - (a) apply using the form prescribed by regulations (if any); and
 - (b) pay the fee prescribed by regulations (if any).
- (3) The Board—
 - (a) must appoint the person as a self-containment certification authority if the Board is satisfied that the person will meet the requirements prescribed by regulations for appointment as a self-containment certification authority; and
 - (b) must follow any process prescribed by regulations for appointing a person as a self-containment certification authority.
- (4) **Subsection (3)(a)** is subject to any action taken by the Board under **section 87Q** that precludes a person from being appointed as a self-containment certification authority.

87D Duration of appointment as self-containment certification authority

- (1) An appointment as a self-containment certification authority is valid for 5 years.
- (2) An appointment begins on the date on which the Board appoints the person as a self-containment certification authority.
- (3) The Board may revoke or suspend an appointment in accordance with **section 87Q**.

87E Board may reappoint self-containment certification authority

- (1) A person appointed as a self-containment certification authority may apply to the Board to be reappointed as a self-containment certification authority.
- (2) **Sections 87C(2) to (4) and 87D** apply with any necessary modifications.
- (3) A person whose existing appointment as a self-containment certification authority is currently revoked or suspended in accordance with **section 87Q** may not make an application under **subsection (1)**.
- (4) If a person has applied under **subsection (1)** but the Board has not granted or declined the application before the person's existing appointment ends, then—
 - (a) the existing appointment continues in force until the Board has dealt with the application; and
 - (b) any renewal must take effect from the date on which the existing appointment would (but for the reappointment) have ended.

Board may prescribe requirements for motor vehicle inspections

87F Board may prescribe requirements for motor vehicle inspections

- (1) The Board may, by notice, prescribe requirements relating to how motor vehicle inspections arranged by certification authorities under **section 87U(2)** must be carried out.
- (2) In prescribing the requirements, the Board must be guided by the following principles:
 - (a) the requirements must be necessary to provide for motor vehicle inspections to be carried out to a consistently high standard;
 - (b) the requirements may not impose undue costs on certification authorities or motor vehicle inspectors, or on the public.
- (3) A notice made under **subsection (1)** is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

87G Board must consult before making notices

- (1) The Board must consult in accordance with this section before making a notice under **section 87F**.
- (2) The Board must consult the following persons about its proposal for the contents of the notice:
 - (a) any person whom the Board considers able to represent the views of either or both of the following:
 - (i) certification authorities;
 - (ii) motor vehicle inspectors;
 - (b) any organisation—

- (i) that the Board considers will be substantially affected by the proposal; or
 - (ii) whose members the Board considers will be substantially affected by the proposal.
- (3) A failure to comply with this section does not affect the validity of any notice made under **section 87F**.

87H Notices under section 87F must be approved by Minister

- (1) Section 34 applies, with any necessary modifications, as if the notice referred to in that section were a notice made under **section 87F**.
- (2) In applying section 34,—
- (a) the references to section 28 or 30 must be read as references to **section 87F**:
 - (b) **Minister** must be read as having the meaning given in **paragraph (a)** of the definition of **Minister** in section 4.

Board may consider complaints and conduct investigations

87I Complaining about self-containment certification authority

- (1) A person may complain to the Board about a self-containment certification authority.
- (2) A complaint must be made on 1 or more of the following grounds:
- (a) the self-containment certification authority has allegedly failed, or is failing, without good reason to properly carry out 1 or more of its core functions:
 - (b) the self-containment certification authority has been, or is, negligent in carrying out 1 or more of its core functions:
 - (c) the self-containment certification authority has been, or is, carrying out 1 or more of its core functions improperly.

87J Procedure if Board deciding whether to accept or decline complaint

- (1) The Board must, as soon as practicable after receiving a complaint,—
- (a) inform the self-containment certification authority concerned of the complaint; and
 - (b) decide whether to accept or decline the complaint.
- (2) If the Board has received a complaint but has not yet decided whether to accept or decline the complaint, then—
- (a) the Board is not required to seek any information or submission from the self-containment certification authority; and
 - (b) the self-containment certification authority is not entitled to submit any information or submission, unless requested to do so by the Board.

- (3) The Board must, immediately after making a decision under **subsection (1)**,—
 - (a) give written notice of the decision to the person who made the complaint and the self-containment certification authority concerned; and
 - (b) if the Board decides to accept the complaint, investigate the complaint.
- (4) The Board may decline to accept, and is not required to investigate, a complaint that it considers vexatious or frivolous.

87K Board may conduct investigation on own initiative

- (1) If the Board considers that there are reasonable grounds for believing that any of the grounds specified in **section 87I(2)** applies, the Board may decide to investigate the matter—
 - (a) on its own initiative; and
 - (b) without a complaint under **section 87I** being made.
- (2) The Board must, immediately after making a decision under **subsection (1)**,—
 - (a) give written notice of the decision to the self-containment certification authority concerned; and
 - (b) investigate the matter.

87L Procedure if Board investigates complaint or matter

- (1) This section applies if the Board investigates—
 - (a) a complaint under **section 87I**; or
 - (b) a matter on its own initiative under **section 87K**.
- (2) The Board must, in the notice to the self-containment certification authority given under **section 87J(3) or 87K(2)**, as applicable,—
 - (a) state that the Board has reason to believe that 1 or more grounds exist entitling it to exercise the disciplinary powers under **section 87Q**; and
 - (b) provide particulars that will clearly inform the self-containment certification authority of the ground or grounds; and
 - (c) give the self-containment certification authority a reasonable opportunity to make written submissions on the complaint or matter.
- (3) The Board must consider any written submissions that the self-containment certification authority makes.
- (4) A self-containment certification authority's failure to make written submissions after being given a reasonable opportunity to do so does not limit the Board in investigating or determining the complaint or matter.

87M Powers of inspection to investigate complaint*Use of powers of inspection*

- (1) The Board may use the powers in this section for the purpose of investigating a self-containment certification authority if—
 - (a) the Board has accepted a complaint made under **section 87I** about the self-containment certification authority; or
 - (b) the Board is conducting an investigation on its own initiative under **section 87K**.
- (2) The Board must, before using the powers in this section, give reasonable notice in writing to the self-containment certification authority concerned of—
 - (a) the Board's intention to use the powers; and
 - (b) the reasons why the Board intends to use the powers.

Powers of inspection

- (3) The Board may authorise a person—
 - (a) to inspect, at any reasonable time, any premises (not being a dwelling-house or marae) occupied by the self-containment certification authority; and
 - (b) to enter and re-enter any place for the purpose of conducting the inspection authorised by **paragraph (a)**.
- (4) The Board may do 1 or more of the following:
 - (a) require the self-containment certification authority to produce for inspection, within a reasonable period that the Board may specify, a document or class of document in the possession or under the control of the self-containment certification authority;
 - (b) take copies of, or extracts from, any documents produced;
 - (c) require the self-containment certification authority to provide, within any reasonable period that the Board specifies, any information or class of information that the Board requires.

87N Conditions on use of powers of inspection

- (1) The powers specified in **section 87M(3) and (4)** may be exercised only for the purpose of ensuring that the self-containment certification authority is meeting the requirements prescribed by regulations for appointment as a self-containment certification authority.
- (2) A person must give reasonable notice of that person's intention to enter any premises under **section 87M(3)** to the self-containment certification authority, unless the giving of the notice would defeat the purpose of the entry.
- (3) A person must, on entering any premises under **section 87M(3)**, and when requested at any subsequent time, produce—

- (a) evidence of that person's authority to enter the premises; and
 - (b) evidence of that person's identity.
- (4) Nothing in **section 87M** authorises any person to enter or search any restricted area within a defence area (within the meaning of the Defence Act 1990) unless the person entering that area has a security clearance approved by the person in charge of the area.

87O Information received from Registrar of Motor Vehicles

- (1) This section applies to information the Board receives from the Registrar of Motor Vehicles in accordance with the following provisions of the Privacy Act 2020:
- (a) section 172:
 - (b) Schedule 4.
- (2) The Board may use the information for 1 or more of the following purposes:
- (a) to assess whether a self-containment certification authority has issued a certificate of self-containment appropriately, in respect of a specific motor vehicle:
 - (b) to investigate—
 - (i) complaints received under **section 87I**:
 - (ii) a matter on the Board's own initiative under **section 87K**.
- (3) The Board may direct the Registrar to update the register of self-contained motor vehicles as a result of any information received from the Registrar of Motor Vehicles.

Board's enforcement powers

87P When Board may take disciplinary action under section 87Q

- (1) This section applies if the Board, after conducting an investigation and considering the submissions made by a self-containment certification authority (if any), is satisfied that the self-containment certification authority—
- (a) has failed without good reason to properly carry out 1 or more of the self-containment certification authority's core functions:
 - (b) has been negligent in carrying out 1 or more of those core functions:
 - (c) has been guilty of misconduct in carrying out 1 or more of those core functions.
- (2) The Board may take any of the actions referred to in **section 87Q(1)** if it is satisfied that the self-containment certification authority—
- (a) obtained an appointment as a self-containment certification authority by making a false or misleading representation or declaration (whether oral or written); or

- (b) was not, at the times of its appointment as a self-containment certification authority, entitled to be appointed as a self-containment certification authority; or
 - (c) has failed to ensure that a motor vehicle inspection done by a motor vehicle inspector appointed by that self-containment certification authority complied with requirements prescribed by regulations and notices issued by the Board under **section 87F**; or
 - (d) has, without good reason,—
 - (i) purported to appoint a motor vehicle inspector without complying with **section 87T(1)**; or
 - (ii) purported to issue a certificate of self-containment without complying with **section 87U**; or
 - (iii) provided a warrant card without complying with **section 87X(1)(b)**.
- (3) The Board may take any of the actions referred to in **section 87Q(1)** if a self-containment certification authority—
- (a) obstructs or prevents the Board from exercising its powers under **section 87M(3)**; or
 - (b) fails to comply with a requirement imposed on the self-containment certification authority by the Board under **section 87M(4)(a) or (c)**.

87Q Disciplinary action Board may take in relation to self-containment certification authority

- (1) In any case to which **section 87P** applies, the Board may—
- (a) do both of the following things:
 - (i) order that the appointment as a self-containment certification authority be revoked; and
 - (ii) order that the person may not apply to be appointed as a self-containment certification authority before the expiry of a specified period:
 - (b) order that the appointment as a self-containment certification authority be suspended—
 - (i) for any period that the Board thinks fit; or
 - (ii) until the person does any things that the Board specifies:
 - (c) order that the self-containment certification authority be censured:
 - (d) order the self-containment certification authority to pay a fine not exceeding \$10,000:
 - (e) order the self-containment certification authority to take remedial action—

- (i) within a specified period of time; and
 - (ii) subject to any conditions that the Board specifies:
- (f) make no order under this subsection.
- (2) The Board may take only 1 type of action in **subsection (1)** in relation to a case, except that it may impose a fine under **subsection (1)(d)** in addition to taking the action under **subsection (1)(b) or (c)**.
- (3) The Board may not impose a fine under **subsection (1)(d)** in relation to an act or omission that constitutes—
- (a) an offence for which the person has been convicted by a court; or
 - (b) an infringement offence for which the person has been issued with an infringement notice and has paid an infringement fee.
- (4) The Board may take an action under this section whether or not the person still holds a current appointment as a self-containment certification authority.

87R Board must give self-containment certification authority reasonable opportunity to be heard

Before taking any of the actions referred to in **section 87Q**, the Board must—

- (a) inform the self-containment certification authority concerned that it may take any of those actions, and why; and
- (b) give that person a reasonable opportunity to make written submissions and be heard on the question, either personally or through that person's representative.

87S Miscellaneous provisions concerning actions under section 87Q

- (1) Every fine imposed under **section 87Q** is recoverable in any court of competent jurisdiction as a debt due to the Board.
- (2) An order under **section 87Q** takes effect on the day after the date on which the order was made.

Effect of suspension of self-containment certification authority on that authority

- (3) If a person's appointment as a self-containment certification authority is suspended under **section 87Q**, the person may not—
 - (a) appoint any person as a motor vehicle inspector in accordance with **section 87T**; or
 - (b) arrange for a motor vehicle inspector to carry out a motor vehicle inspection under **section 87U(2)**; or
 - (c) issue a certificate of self-containment in accordance with **section 87U(3)**.
- (4) At the end of a period of suspension, the person's appointment as a self-containment certification authority is immediately revived.

- (5) **Subsection (4)** does not apply if there is some other ground to suspend or revoke that person’s appointment as a self-containment certification authority.

Effect of suspension of self-containment certification authority on motor vehicle inspectors

- (6) A motor vehicle inspector appointed by a self-containment certification authority that has been suspended under **section 87Q**—
- (a) may be appointed as a motor vehicle inspector under **section 87T** by a person holding an existing appointment as a self-containment certification authority; and
 - (b) if so appointed, may carry out a motor vehicle inspection under **section 87U(2)**.

Subpart 2—Certification authorities

Self-containment certification authority may appoint motor vehicle inspector

87T Appointing motor vehicle inspectors

- (1) A self-containment certification authority may appoint as a motor vehicle inspector any person who meets the requirements prescribed by regulations for appointment as a motor vehicle inspector.
- (2) Any requirements prescribed by regulations in accordance with **subsection (1)** must include requirements that relate to the competence of a motor vehicle inspector.

Self-containment certification authority may issue, renew, or revoke certificate of self-containment

87U Self-containment certification authority may issue certificate of self-containment

- (1) A person may apply to a self-containment certification authority for a certificate of self-containment for a motor vehicle.
- (1A) The self-containment certification authority may accept or decline the application.
- (2) The ~~If the~~ self-containment certification authority accepts the application, it must—
 - (a) arrange for a motor vehicle inspector appointed by the authority to carry out a motor vehicle inspection of the vehicle; and
 - (b) ensure that the inspection is carried out in accordance with requirements prescribed by regulations and notices issued by the Board under **section 87F**; and
 - (c) consider the findings of the inspection; and

- (d) issue a certificate of self-containment if it is satisfied of the specified matters.
- (3) ~~The self-containment certification authority must issue a certificate of self-containment if it is satisfied~~ In this section, the **specified matters** are that—
- (a) the vehicle is equipped with a toilet that is—
 - (i) permanently fixed to the vehicle; and
 - (ii) usable within the vehicle; and
 - (b) the vehicle meets the requirements for self-containment prescribed by regulations; and
 - (c) the person applying for the certificate has paid any required levy prescribed by regulations.

87V Self-containment certification authority may renew certificate of self-containment

- (1) A person may apply to any self-containment certification authority to renew a current certificate of self-containment.
- (2) The self-containment certification authority must—
 - (a) follow the process specified in **section 87U(2)**; and
 - (b) renew the certificate of self-containment if it is satisfied that the criteria specified in **section 87U(3)** are met.

87W Self-containment certification authority may revoke certificate of self-containment

- (1) A self-containment certification authority may revoke a current certificate of self-containment that it has previously issued if the authority is satisfied of 1 or more of the following:
 - (a) the motor vehicle that holds the certificate of self-containment does not meet the requirements for self-containment prescribed by regulations;
 - (b) the authority issued the certificate on the basis of incorrect or incomplete information.
- (2) The self-containment certification authority must notify in writing the owner of the motor vehicle of the authority's decision to revoke a certificate of self-containment.

Certificates of self-containment

87X Form of certificate of self-containment

- (1) A certificate of self-containment—
 - (a) must be in the form prescribed by regulations; and
 - (b) must be accompanied by a warrant card that—

- (i) states that the motor vehicle has been issued with a certificate of self-containment; and
 - (ii) is in the form prescribed by regulations.
- (2) A certificate of self-containment is valid for a period not exceeding 4 years and expires on the expiry date specified on the certificate.
- (3) However, a certificate of self-containment ceases to be valid if 1 or more of the following circumstances applies:
- (a) the motor vehicle to which the certificate applies undergoes a material modification to 1 or more of the critical self-containment elements prescribed by regulations;
 - (b) a self-containment certification authority revokes a certificate in accordance with **section 87W**.

87Y What to do with certificate of self-containment and warrant card

- (1) This section applies if ~~the owner of a person is using~~ a motor vehicle that has been issued with a certificate of self-containment ~~is using the vehicle to~~ freedom camp.
- (2) ~~The owner person must—~~
- (a) keep the certificate of self-containment with the vehicle; and
 - (b) display the warrant card associated with that certificate in accordance with ~~requirements prescribed by regulations. —~~
 - (i) **sections 10(3A), 15(2), and 19A(2)** of the Freedom Camping Act 2011; and
 - (ii) requirements prescribed by regulations.

Subpart 3—Register of self-contained motor vehicles

Purpose, contents, and form of register

87Z Register of self-contained motor vehicles

- (1) The Board must establish and maintain, in accordance with this subpart, a register of self-contained motor vehicles.
- (2) The register must be kept by the Registrar.

87ZA Purpose of register

The purpose of the register is—

- (a) to enable the Board to determine any of the information contained on the register; and
- (b) to enable members of the public to determine the following information about a specific motor vehicle:

- (i) whether the motor vehicle holds a current certificate of self-containment:
 - (ii) whether the motor vehicle has previously held a certificate of self-containment that has subsequently expired or been revoked:
 - (iii) the expiry date of the motor vehicle's current, expired, or revoked certificate of self-containment; and
- (c) to enable a self-containment certification authority to determine the following information:
- (i) the information specified in **paragraph (b)**:
 - (ii) the details of all certificates of self-containment issued by that self-containment certification authority:
 - (iii) all the information contained in a motor vehicle's certificate of self-containment:
 - (iv) the details of any motor vehicle inspection of the vehicle carried out in accordance with **section 87U(2)**; and
- (d) to enable an enforcement officer to determine the following information about a specific motor vehicle:
- (i) the information specified in **paragraphs (b) and (c)(iii) and (iv)**:
 - (ii) information recorded by an enforcement officer about the vehicle under **section 87ZE**.

87ZB Matters to be contained in register

- (1) The register must contain all of the following information, to the extent that the information is relevant, for each motor vehicle issued with a certificate of self-containment:
- (a) the name and address of the owner of the motor vehicle:
 - (b) the numbers, letters, and any other distinguishing mark shown on the registration plates of the motor vehicle or, if the motor vehicle does not have registration plates, details about the make and model of the motor vehicle:
 - (c) the name of the self-containment certification authority that issued the certificate of self-containment:
 - (d) the date on which the self-containment certification authority issued the certificate of self-containment:
 - (e) the expiry date of the certificate of self-containment:
 - (f) the maximum number of people for which the motor vehicle is certified for use as a self-contained motor vehicle:
 - (g) the unique ~~identifying~~ number shown on the certificate of self-containment and warrant card issued to the motor vehicle.

- (2) The register may contain the following information for each motor vehicle issued with a certificate of self-containment:
- (a) details of the motor vehicle inspection of the vehicle carried out in accordance with **section 87U(2)**;
 - (b) information recorded by an enforcement officer about the vehicle under **section 87ZE**;
 - (c) any other information or documentation that the Registrar considers necessary or desirable for the purposes of the register.

87ZC Application of certain sections about register of plumbers, gasfitters, and drainlayers

- (1) Sections 73 and 81 apply, with any necessary modifications, as if the register referred to in those sections were the register of self-contained motor vehicles established under **section 87Z**.
- (2) In applying section 81, the reference to section 74 must be read as a reference to **section 87ZB**.

Who may enter information in register

87ZD Self-containment certification authority must enter matters in register

A self-containment certification authority that issues, renews, or revokes a certificate of self-containment must—

- (a) enter in the register the information and documentation referred to in **section 87ZB(1)**; and
- (b) make any other entries in the register that may be required, permitted, or directed to be entered by or under this Act.

87ZE Enforcement officer may enter matters in register

- (1) This section applies if a motor vehicle has been used in the commission of an offence under **section 20, 20A, 20B, or 20C** of the Freedom Camping Act 2011.
- (2) An enforcement officer may enter in the register any information about the vehicle that the officer considers relevant.

Who may access register

87ZF Access to information on register

- (1) This section specifies who may access the information contained on the register.

Board

- (2) The Board may access the register for the purpose specified in **section 87ZA(a)**.

Public access

- (3) Any person may access the register for the purpose specified in **section 87ZA(b)**.

Certification authorities

- (4) Any self-containment certification authority may access the register for the purpose specified in **section 87ZA(c)**.

Enforcement officers

- (5) Any enforcement officer may access the register for the purpose specified in **section 87ZA(d)**.

87ZG Searching the register

The register may be searched only—

- (a) for a purpose specified in **section 87ZA**; and
(b) by reference to the different classes of information specified in **section 87ZB**.

87ZH When search constitutes interference with privacy of individual

A search of the register for personal information that has not been carried out in accordance with **sections 87ZF and 87ZG** constitutes an action that is an interference with the privacy of an individual under section 69 of the Privacy Act 2020.

Subpart 3—Amendments to Part 3

45 Section 125 amended (Other offences)

Replace the heading to section 125 with “**Other offences related to sanitary plumbing, drainlaying, or gasfitting**”.

46 New section 125A inserted (Offences relating to regulating self-contained motor vehicles)

After section 125, insert:

125A Offences relating to regulating self-contained motor vehicles

- (1) A person commits an offence if the person, knowing that they are acting without proper authority, issues any of the following:
- (a) a certificate of self-containment;
- (b) a warrant card.
- (2) A person commits an offence if the person, knowing that they are acting without proper authority, falsely represents, expressly or by implication, that the person is a self-containment certification authority when the person is not.

Proposed amendments to

- (3) A person commits an offence if the person intentionally obstructs any authorised person in the exercise of any powers conferred by or under **section 87M**.
- (4) A person who commits an offence against **subsection (1) or (2)** is liable on conviction to a fine not exceeding \$10,000.
- (5) A person who commits an offence against **subsection (3)** is liable on conviction to a fine not exceeding \$50,000 in the case of an individual, or \$250,000 in the case of a body corporate.

Subpart 4—Amendments to Part 4

47 Section 137 amended (Functions of Board)

- (1) Replace section 137(k) with:
 - (k) to promote, monitor, and review—
 - (i) the ongoing competency and safe work practices of registered persons, provisional licence holders, and employer licence holders; and
 - (ii) the ongoing competency and performance of certification authorities:
- (2) Replace section 137(o) and (p) with:
 - (na) to consider applications for appointment as a self-containment certification authority under **section 87C**, and to appoint persons in proper cases:
 - (o) to hear complaints about, and discipline, persons to whom subpart 1 of Part 3 applies:
 - (oa) to hear complaints about or investigate on its own initiative, and discipline, persons appointed as certification authorities in accordance with **section 87C**:
 - (p) to institute prosecutions against persons for—
 - (i) the breach of any legislation relating to sanitary plumbing, gasfitting, or drainlaying:
 - (ii) the breach of any provisions in this Act relating to self-contained motor vehicles:

48 Section 172 amended (Regulations)

- (1) Replace section 172(1)(m) with:
 - (m) providing for anything incidental that is necessary for carrying out, or giving full effect to, this Act.
- (2) After section 172(1), insert:

(1A) The Governor-General may, by Order in Council made on the recommendation of the Minister, make regulations providing for anything that **Part 2A** of this Act says may or must be provided for by regulations.

(3) In section 172(2), replace “subsection (1)” with “subsection (1) or **(1A)**”.

49 New sections 172A to 172C inserted

After section 172, insert:

172A Regulations relating to fees and charges for appointment as self-containment certification authority

(1) The Governor-General may, by Order in Council made on the recommendation of the Minister, make regulations for all or any of the following purposes:

(a) requiring the payment to the Board of fees and charges on an application to the Board to be appointed as a self-containment certification authority;

(b) prescribing the amounts of those fees and charges or the manner in which those fees and charges are to be calculated.

(2) Regulations under **subsection (1)** may authorise the Board to refund or waive, in whole or in part and on any conditions that may be prescribed, payment of any fee or charge payable in relation to any person or class of persons.

(3) Any fee, charge, or cost payable to the Board is recoverable by the Board in any court of competent jurisdiction as a debt due to the Board.

(4) Regulations made under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

(5) If the regulations authorise the Board under **subsection (2)** to grant a refund or waiver,—

(a) an instrument granting a refund or waiver is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements, unless it applies only to 1 or more named persons); and

(b) the regulations must contain a statement to that effect.

172B Levy of owners of motor vehicles with certificate of self-containment

(1) The following persons must pay to the Crown, or a prescribed person on behalf of the Crown, a levy prescribed by regulations:

(a) a person applying under **section 87U(1)** for a certificate of self-containment for a motor vehicle;

(b) a person applying under **section 87V(1)** for a renewal of a certificate of self-containment for a motor vehicle.

(2) The Governor-General may, by Order in Council made on the recommendation of the Minister, make regulations providing for the levies.

Proposed amendments to

- (3) Levies must be prescribed on the basis that the following costs should be met fully out of the levies:
 - (a) the costs of the Board in performing or exercising those of its functions, powers, and duties under this Act and any other enactment that relate to the regulation of self-contained motor vehicles; and
 - (b) the costs of collecting the levy money.
- (4) Levies may be prescribed on the basis that any actual cost that could have been, but has not been, recovered as a levy shortfall for a year may be recovered (along with any financing charge) over any period of up to 5 years.
- (5) The regulations may—
 - (a) specify the amount of levies, or method of calculating or ascertaining the amount of levies:
 - (b) include in levies, or provide for the inclusion in levies of, any shortfall in recovering the actual costs:
 - (c) refund, or provide for refunds of, any over-recovery of the actual costs:
 - (d) provide for the payment and collection of levies:
 - (da) specify the financial year or part financial year to which a levy applies, and apply that levy to that financial year or part financial year and each subsequent financial year until the levy is revoked or replaced:
 - (db) for the first financial year to which a levy applies, include in a levy amount or method the costs of the Board in establishing its functions under **section 137(k)(ii), (na), (oa), and (p)(ii)**:
 - (dc) require payment of a levy for a financial year or part financial year, irrespective of the fact that the regulations may be made after that financial year has commenced:
 - (e) provide for waivers or refunds of the whole or any part of a levy for any case or class of cases.
- (6) The amount of any unpaid levy is recoverable in any court of competent jurisdiction as a debt due to the Board, or to any other person prescribed for the purposes of this subsection, on behalf of the Crown.
- (7) The Board, or any other person prescribed for the purposes of this subsection, must ensure that—
 - (a) each levy payment is paid into a Crown Bank Account and is separately accounted for; or
 - (b) by the 20th day of the month after the month in which the Board or other person receives a levy payment, the levy payment is paid into a Crown Bank Account.
- (8) Regulations made under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

- (9) If regulations authorise a person to grant waivers or refunds referred to in **subsection (5)(e)**,—
- (a) an instrument granting a waiver or refund is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), unless it applies only to 1 or more named persons; and
 - (b) the regulations must contain a statement to that effect.

172C Requirements before making certain regulations

- (1) The Minister may recommend the making of regulations under **section 172(1A), 172A(1), or 172B(2)** only if the Minister—
- (a) has consulted persons that the Minister considers are likely to be significantly affected by the regulations or persons that the Minister considers to be representatives of those persons; and
 - (b) is satisfied that the regulations facilitate the management of the adverse effects of freedom camping on the natural environment.
- (2) The Minister may recommend the making of regulations under **section 172A(1) or 172B(2)** only if the Minister has consulted persons that the Minister considers are likely to be significantly affected by the regulations or persons that the Minister considers to be representatives of those persons.

Subpart 5—Amendments to schedules

49A New **Schedule 1AA** inserted

Insert the **Schedule 1AA** set out in **Schedule 3** of this Act as the first schedule to appear after the last section of the principal Act.

Part 3 Amendments to other Acts

Subpart 1—Amendment to Privacy Act 2020

50 **Principal Act**

This subpart amends the Privacy Act 2020.

51 **Schedule 4 amended**

In Schedule 4, under the cross-heading *Registrar of Motor Vehicles records*, third column, after the item relating to an enforcement authority under the Land Transport Management Act 2003, insert:

Plumbers, Gasfitters, and Drainlayers Board (access is limited to name and address details of persons who are or were previously registered in respect of a specified vehicle for the purposes of the Board carrying out the functions conferred on the Board by **sections 87J(3)(b) and 87K(2)(b)** of the Plumbers, Gasfitters, and Drainlayers Act 2006)

Subpart 2—Amendment to Summary Proceedings Act 1957

52 Principal Act

This subpart amends the Summary Proceedings Act 1957.

53 Section 2 amended (Interpretation)

In section 2(1), definition of **infringement notice**, after paragraph (jh), insert:

(ji) **section 27** of the Freedom Camping Act 2011; or

Schedule 1
New Schedule 1AA inserted into Freedom Camping Act 2011

s 40 39

Schedule 1AA
Transitional, savings, and related provisions

s 9

Part 1
Provisions relating to Self-contained Motor Vehicles Legislation Act 2022

1 Interpretation of this Part

In this Part,—

Amendment Act means the Self-contained Motor Vehicles Legislation Act **2022**

commencement date means the day after ~~the date on which~~ the Amendment Act receives the Royal assent

existing standard means NZS 5465:2001 Self-containment of motor caravans and caravans (as it read before it was modified by **clause 3**)

modified standard means the existing standard as modified by **clause 3**

transitional period means the period of time ~~that—~~

- (a) ~~starting starts~~ on the commencement date; and
- (b) ~~ending ends on the later of the following: the day before the date that is 2 years after the commencement date.~~
 - (i) the day before the date that is 2 years after the commencement date;
 - (ii) the latest date specified as the end date of period 4 by an Order in Council made under **clause 2A**.

Subpart 1—Applicable standards for self-contained motor vehicles during transitional period

Interpretation

2 Interpretation of this subpart

In this subpart,—

existing standard means NZS 5465:2001 Self-containment of motor caravans and caravans (as it read before it was modified by **clause 3**)

~~modified standard~~ means the existing standard as modified by ~~clause 3~~

~~period 1~~ means the period of time ~~that—starting on the commencement date and ending on the day before the day that is 6 months after the commencement date~~

- (a) starts on the commencement date; and
- (b) ends on the day before the date that is 6 months after the commencement date

~~period 2~~ means the period of time ~~that—starting on the day that is 6 months after the commencement date and ending on the day before the day that is 1 year after the commencement date~~

- (a) starts 6 months after the commencement date; and
- (b) ends on the day before the date that is 1 year after the commencement date

~~period 3~~ means the period of time ~~that—starting on the day that is 1 year after the commencement date and ending on the day before the day that is 18 months after the commencement date~~

- (a) starts 1 year after the commencement date; and
- (b) ends on the day before the date that is 18 months after the commencement date

~~period 4~~ means the period of time ~~that—starting on the day that is 18 months after the commencement date and ending on the day before the day that is 2 years after the commencement date.~~

- (a) starts 18 months after the commencement date; and
- (b) ends on the later of the following:
 - (i) the day before the date that is 2 years after the commencement date;
 - (ii) the latest date specified as the end date of period 4 by an Order in Council made under **clause 2A**.

Extension of period 4

2A Regulations extending period 4 of transitional period

- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister, make regulations specifying the end date of period 4.
- (2) The end date of period 4 may be extended to a date that is no more than 4 years after the commencement date.
- (3) Regulations made under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

2B Matters Minister must be satisfied of before recommending regulations be made

- (1) Before recommending that an Order in Council be made under **clause 2A(1)**, the Minister must—
- (a) consider, if relevant,—
 - (i) the number of persons who have to date been appointed as self-containment certification authorities under **section 87C(3)** of the Plumbers, Gasfitters, and Drainlayers Act 2006;
 - (ii) the number of persons who have to date been appointed as motor vehicle inspectors under **section 87T(1)** of that Act;
 - (iii) the number of motor vehicles that have to date been issued with a certificate of self-containment under **section 87U(2)(d)** of that Act;
 - (iv) any other matters the Minister considers relevant; and
 - (b) consult any persons or groups that the Minister considers necessary or desirable to assist the Minister is making an assessment under **sub-clause (2)**.
- (2) The Minister may recommend that an order be made under **clause 2A(1)** only if the Minister is satisfied that the order is necessary or desirable to allow sufficient time for—
- (a) persons (other than rental companies) who own a motor vehicle that has not yet been issued with a certificate of self-containment to apply for a certificate of self-containment under **section 87U(1)** of the Plumbers, Gasfitters, and Drainlayers Act 2006; and
 - (b) self-containment certification authorities to carry out their functions under **section 87U(1A) and (2)** of that Act.

Applicable standards for self-contained motor vehicles during transitional period

3 Existing standard modified

- (1) For the purposes of this Act, the existing standard is modified on the commencement date as specified in **subclause (2)**.
- (2) Clause 6.1 of the existing standard is replaced with the following text:

6.1 Minimum requirements

The motor caravan or caravan shall be equipped with a toilet that is permanently fixed to the motor caravan or caravan, in accordance with the manufacturer's instructions.

- 4** **When a motor vehicle is self-contained during periods 1 to 4**~~transitional~~
period
- (1) ~~During periods 1 to 4, and despite section 4, a motor vehicle is self-contained within the meaning of this Act if it meets the standards specified in **subclause (2)**.~~
- (1) During the transitional period, a motor vehicle is self-contained within the meaning of this Act if it is **self-contained** as that term is defined in—
- (a) **section 4**; or
- (b) **subclause (2)**.
- (2) A motor vehicle is **self-contained** if,—
- (a) during periods 1 to 3, the vehicle was certified, before the commencement date and in accordance with the requirements of the existing standard, as having met the existing standard; or
- (b) during periods 1 and 2, the vehicle is certified, in accordance with the requirements of the modified standard, as having met the modified standard; or
- (c) during period 3, the vehicle was certified, in period 1 or 2 and in accordance with the requirements of the modified standard, as having met the modified standard; or
- (d) during period 4, the vehicle is not owned by a rental company and—
- (i) was certified, before the commencement date and in accordance with the requirements of the existing standard, as having met the existing standard; or
- (ii) was certified, in period 1 or 2 and in accordance with the requirements of the modified standard, as having met the modified standard.
- 5** **Free public access to modified standard**
- (1) The Ministry of Business, Innovation, and Employment (the **Ministry**) must ensure that an up-to-date version of the modified standard is—
- (a) publicly available free of charge on an Internet site maintained by or on behalf of the Ministry; and
- (b) available for inspection free of charge at the office of the Ministry during business hours; and
- (c) for sale at a reasonable price at the office of the Ministry during business hours.
- (2) This clause applies during the period of time ~~starting that starts~~ on the commencement date and ~~ending ends~~ at the conclusion of period 4.

Subpart 2—Self containment sticker during transitional period

5A How certain references to warrant card are to be read during transitional period

During the transitional period, a reference to a warrant card in **section 10(3A), 15(2), 19A(2), 20(1)(ba), 20A(aa), or 20B(ba)** must be read as a reference to whichever of the following is applicable to the self-contained motor vehicle that is being used to freedom camp:

- (a) a warrant card;
- (b) a self containment warrant issued under clause 15.2 of the existing or the modified standard.

Subpart 23—Effect of ~~current~~ bylaws during transitional period amendment Act on bylaws

6 Application of this subpart

This subpart applies to any bylaw ~~in force immediately before the commencement date~~ that authorises, prohibits, permits, restricts, or imposes conditions on freedom camping, provided that the bylaw is—

- (a) made by a local authority; and
- (b) in force immediately before the commencement date.

7 Bylaws continue in force during transitional period

- (1) A bylaw to which this subpart applies ~~continues in force during the transitional period unless it is earlier revoked, quashed, or replaced.~~
- (2) In particular, the following matters ~~permitted or authorised by these bylaws continue to be permitted or authorised:~~
 - (a) any specified mode of freedom camping;
 - (b) freedom camping in any defined area;
 - (e) any restrictions or conditions imposed by those bylaws in relation to a specified mode of freedom camping or freedom camping in any defined area.
- (3) This subpart overrides **section 11A**.

7 Local authority must amend inconsistent bylaw

- (1) If a bylaw is inconsistent with the amendment Act,—
 - (a) the amendment Act prevails and the bylaw has no effect to the extent of the inconsistency; and
 - (b) the local authority must amend or revoke the bylaw to remove the inconsistency.

Proposed amendments to

Schedule 1

Self-contained Motor Vehicles Legislation Bill

- (2) The local authority may, despite anything in this Act or any other legislation, amend or revoke the bylaw to remove the inconsistency by resolution publicly notified, without being required to—
- (a) satisfy itself of the matters specified in section 11(2); or
 - (b) use the special consultative procedure set out in **section 11B(3)**.

8 **Local authority may make bylaw permitting freedom camping in motor vehicles that are not self-contained**

- (1) **Subclause (2)** applies to a bylaw—
- (a) to which this subpart applies; and
 - (b) that designates a local authority area as suitable for freedom camping in a motor vehicle that is not self-contained.
- (2) The bylaw continues in force during the transitional period unless it is earlier revoked, quashed, or replaced.
- (3) For the purposes of **section 20(1)(a), (b), (ba), (e), and (f)**, during the transitional period the bylaw must be treated as if it had been made under section 11 or **11A**, as applicable.
- (4) A local authority may, despite anything in this Act or any other legislation, make a bylaw under **section 11A** (the **new bylaw**) revoking and replacing the bylaw to which **subclause (2)** applies (the **old bylaw**) if the application of the new bylaw is limited to the local authority area to which the old bylaw applied.
- (5) The local authority may make the new bylaw by resolution publicly notified, without being required to use the special consultative procedure referred to in **section 11B(3)**.

9 **References to “self-contained” in existing bylaws**

- (1) This clause applies to any reference in a bylaw to “self-contained” or “self contained” in relation to a motor vehicle.
- (2) The reference has the same meaning as **self-contained** in section 4 (as amended by **section 5** of the amendment Act).

Schedule 2
New Schedule 3 inserted into Freedom Camping Act 2011

s 40A

Schedule 3
LINZ land exempt from consultation requirement

s 19BA

<u>Location</u>	<u>Site name</u>	<u>Legal description</u>
<u>Lake Dunstan</u>	<u>Bendigo</u>	<u>Part Section 1 SO 23940</u>
<u>Lake Dunstan</u>	<u>Champagne Gully</u>	<u>Section 3 SO 23940</u>
<u>Lake Dunstan</u>	<u>Jackson's Inlet</u>	<u>Section 3 SO 23940</u>
<u>Lake Dunstan</u>	<u>Lowburn</u>	<u>Part Section 1 SO 23940</u>
<u>Lake Pukaki</u>	<u>Pines Camp</u>	<u>Section 2 SO 497878</u>

Schedule 3
New Schedule 1AA inserted into Plumbers, Gasfitters, and
Drainlayers Act 2006

s 49A

Schedule 1AA
Transitional, savings, and related provisions

s 6A

Part 1
Provisions relating to Self-contained Motor Vehicles Legislation Act
2022

1 Interpretation

In this Part,—

amendment Act means the Self-contained Motor Vehicles Legislation Act **2022**

certifying plumber means a person who is registered as a certifying plumber in accordance with the requirements of the registration notice

commencement date means the day after the date on which the amendment Act receives the Royal assent

registration notice means the notice currently in force that is made by the Board under sections 28 and 30 designating classes of registration for sanitary plumbing and prescribing matters relating to plumbing registration and licensing

transitional period means the period of time that—

- (a) starts 6 months after the date on which the amendment Act receives the Royal assent; and
- (b) ends on the day before the date that is 2 years after the commencement date.

2 Pre-commencement consultation treated as consultation for purpose of section 172C

Consultation carried out by the Minister before the commencement date about proposed regulations to be made under **section 172(1A), 172A(1), or 172B(2)** is treated as consultation for the purpose of **section 172C(1)(a) and (2)**.

3 Certifying plumber deemed to be self-containment certification authority and motor vehicle inspector

During the transitional period, a certifying plumber is deemed to be—

- (a) a self-containment certification authority, as if the certifying plumber had been appointed as such by the Board under **section 87C(3)**; and
- (b) a motor vehicle inspector, as if the certifying plumber had been appointed as such by a self-containment certification authority under **section 87T(1)**.