



COVERSHEET

Minister	Hon Peeni Henare	Portfolio	Tourism
Title of Cabinet paper	Freedom Camping (Penalties for Infringement Offences) Regulations 2023 and Associated Commencement Order	Date to be published	28 August 2023

List of documents that have been proactively released		
Date	Title	Author
June 2023	<i>Freedom Camping (Penalties for Infringement Offences) Regulations 2023 and Associated Commencement Order</i>	<i>Office of Minister of Tourism</i>
8 June 2023	<i>Freedom Camping (Penalties for Infringement Offences) Regulations 2023 and Associated Commencement Order</i> <i>LEG-23-MIN-0089 Minute</i>	<i>Cabinet Office</i>

Information redacted

NO

Any information redacted in this document is redacted in accordance with MBIE's policy on Proactive Release and is labelled with the reason for redaction. This may include information that would be redacted if this information was requested under Official Information Act 1982. Where this is the case, the reasons for withholding information are listed below. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.

Office of the Minister of Tourism
Chair, Cabinet Legislation Committee

Freedom Camping (Penalties for Infringement Offences) Regulations 2023 and Associated Commencement Order

Proposal

- 1 This paper seeks authorisation for submission to the Executive Council of the Freedom Camping (Penalties for Infringement Offences) Regulations 2023 and the Self-contained Motor Vehicles Legislation Act 2023 Commencement Order 2023, after the Self-contained Motor Vehicles Legislation Bill receives the Royal assent.

Policy

- 2 The third reading of the Self-contained Vehicles Legislation Bill (the Bill) took place on 30 May 2023, and the Bill is due to receive the Royal assent shortly.
- 3 Among other things, the Bill amends the Freedom Camping Act 2011 (FCA) and the Plumbers, Gasfitters, and Drainlayers Act 2006.
- 4 The Bill improves 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.
- 5 The Bill inserts a suite of infringement offences into the FCA some of which are based on existing infringement offences in the FCA. These offences are designed to address relatively low-level breaches of freedom camping rules on local authority, conservation, and Land Information New Zealand (LINZ) land. The Bill enables regulations to set the level of infringement fees and fines.¹ The Bill also re-enacts two existing criminal offences from the FCA, to deter, and, if necessary, address serious criminal behaviour.
- 6 This paper, and the associated Regulations and the Order, give effect to the following matters agreed to by Cabinet in October 2021 [DEV-21-MIN-0219] and November 2022 [DEV-22-MIN-0265]:
 - 6.1 the introduction of a tiered system of infringement fees;
 - 6.2 the level of fees and fines associated with each infringement offence in the Bill;
 - 6.3 agreement in principle, subject to the legislative process, for infringement fees and fines Regulations to come into force as soon as practicable after the Bill receives the Royal assent.

¹ Clause 37, Self-contained Motor Vehicles Legislation Bill.

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- 7 The Bill inserts new sections 20 – 20B into the FCA, which prescribe infringement offences relating to local authority areas, conservation, and LINZ land. In addition, the Bill inserts new section 20C, which prescribes other, more general, infringement offences. A person who commits an infringement offence is liable to:
- 7.1 an infringement fee not exceeding \$1,000 that is prescribed by Regulations; or
 - 7.2 if no Regulations have been made, an infringement fee of \$400; or
 - 7.3 a fine imposed by the court not exceeding \$3,000 or any lesser or equal amount prescribed by Regulations.²
- 8 The Regulations prescribe those infringement fees and fines and will be made under the authority of new section 43(1), inserted into the FCA by the Bill.
- 9 This paper seeks agreement to submit a commencement order. The Order that will bring into force the following new sections³ of the FCA:
- 9.1 section 10(3A), an obligation on a person to display a warrant of self-containment in a motor vehicle that is staying on local authority land, unless that land is designated as suitable for non-self-contained vehicles;
 - 9.2 section 15(2), an obligation on a person to display a warrant of self-containment in a motor vehicle that is staying on conservation land on which freedom camping in vehicles is restricted to self-contained vehicles;
 - 9.3 section 19A(2), an obligation on a person to display a warrant of self-containment in a motor vehicle that is staying on LINZ land where freedom camping is permitted on the condition that the vehicle is self-contained;
 - 9.4 section 20(1)(ba), an infringement offence relating to failing to display a warrant of self-containment in a vehicle camping on local authority land;
 - 9.5 section 20A(aa), an infringement offence relating to failing to display a warrant of self-containment in a vehicle camping on conservation land;
 - 9.6 section 20B(ba), an infringement offence relating to failing to display a warrant of self-containment in a vehicle camping on land administered by LINZ.
- 10 Clause 2 of the Self-contained Motor Vehicles Legislation Bill provides for the commencement of these provisions. It enables the sections above to come into force on a date appointed by the Governor-General by Order in Council.

Timing and 28-day rule

- 11 Subject to the Bill receiving the Royal assent, and Cabinet's approval to this Order and these Regulations, I propose that the Order and the Regulations be submitted to

² Section 20E, Freedom Camping Act 2011.

³ The numbering of the sections refers to the bar-2 version of the Bill. Final section numbering is still to be confirmed.

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the Executive Council on 12 June 2023 and be published in the *New Zealand Gazette* on 15 June 2023.

- 12 In compliance with the 28-day rule,—
- the Regulations will come into force on 13 July 2023;
 - the Order will commence new sections⁴ 10(3A), 15(2), 19A(2), 20(1)(ba), 20A(aa), and 20B(ba) of the FCA on 13 July 2023.
- 13 This timeframe will enable the new infringement offences and penalties to be in place prior to the start of the FIFA Women’s World Cup on 20 July 2023.

Compliance

- 14 These Regulations comply with:
- 14.1 the principles of the Treaty of Waitangi;
 - 14.2 the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993;
 - 14.3 the principles and guidelines set out in the Privacy Act 2020;
 - 14.4 the Legislation Guidelines (2021 edition).

Regulations Review Committee

- 15 Officials consider that there are no grounds for the Regulations Review Committee to draw the Regulations to the attention of the House under Standing Order 327.

Certification by Parliamentary Counsel

- 16 The regulations and commencement order have been certified by the Parliamentary Counsel Office as being in order for submission to Cabinet provided they are—
- 16.1 made on the recommendation of the Minister of Tourism; and
 - 16.2 not made until after the Bill has received Royal assent.

Impact Analysis

- 17 A Regulatory Impact Assessment (RIS) was prepared by MBIE in accordance with the necessary requirements and was submitted at the time Cabinet approved policies alongside the paper “*Freedom Camping regulatory policy proposals*” [DEV-22-MIN-0265]. MBIE’s review panel considered the analysis partially meets the quality assurance criteria. This was due to the insufficient description of the likely impacts on the effectiveness of the regime of the regulatory changes in section 2 of the RIS, and

⁴ The numbering of the sections refers to the bar-2 version of the Bill. Final section numbering is still to be confirmed.

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that the RIS would benefit from clearer discussion of the interdependencies between the regulatory options.

Readiness of Local Authorities

- 18 MBIE has been working with local authorities to prepare to implement the new infringement fee and fine tiers. This has included recent engagement with a large number of local authorities who confirmed they had no issues with the timelines and will be ready to implement the new infringement fee and fine tiers within the 28 day New Zealand Gazette period.
- 19 MBIE will be releasing operational guidance for local authorities to support them on the implementation of the Bill and will continue to work closely with local government post Royal Assent of the Bill.

Publicity

- 20 I intend to work with MBIE to publicly announce the new Regulations.

Proactive release

- 21 I propose to proactively release this paper in full at the time the amendment Regulations are notified in the *New Zealand Gazette*.

Consultation

- 22 The following agencies were consulted on the preparation of this paper: Department of Internal Affairs, Ministry of Transport, Ministry of Justice, Department of Conservation, Ministry of Housing and Urban Development, Department of Prime Minister and Cabinet, Treasury, Te Puni Kokiri, Ministry of Social Development, Land Information New Zealand, Kainga Ora, Office for Disability Issues.

Recommendations

I recommend that the Cabinet Legislation Committee:

- 1 note that on 16 November 2022 the Cabinet Economic Development Committee agreed to a series of regulatory policy proposals for freedom camping legislation, including proposals to make infringement fees and fines Regulations and to include new infringement offences in the Self-contained Motor Vehicles Legislation Bill [DEV-22-MIN-0265];
- 2 note that the Freedom Camping (Penalties for Infringement Offences) Regulations 2023 and the Self-contained Motor Vehicles Legislation Act 2023 Commencement Order 2023 will give effect to the decision referred to in paragraph 1 above;
- 3 note that at the time of writing, the Self-contained Motor Vehicles Legislation Bill is awaiting its Third Reading, which is expected to occur on 30 May 2023;
- 4 authorise the submission to the Executive Council of the Freedom Camping (Penalties for Infringement Offences) Regulations 2023 and the Self-contained Motor Vehicles

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Legislation Act 2023 Commencement Order 2023, as soon as practicable after the Self-contained Motor Vehicles Legislation Bill receives the Royal assent;

5 note that—

5.1 the Freedom Camping (Penalties for Infringement Offences) Regulations 2023 come into force on 13 July 2023;

5.2 the Self-contained Motor Vehicles Legislation Act 2023 Commencement Order 2023 will have effect on 13 July 2023.

Authorised for lodgement

Hon Peeni Henare

Minister for Tourism

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