

13 October 2022

Committee Secretariat
Economic Development, Science and Innovation Committee
Parliament Buildings
Wellington

Submitted via: [Self-contained Motor Vehicles Legislation Bill Submission - New Zealand Parliament \(www.parliament.nz\)](https://www.parliament.nz)

Dear Members of the Economic Development, Science and Innovation Committee

Submission from the Manawatū District Council on the Self-contained Motor Vehicles Legislation Bill

The Manawatū District Council (MDC) thanks the Committee for the opportunity to make a submission on the Self-contained Motor Vehicles Legislation Bill.

MDC agrees that the draft Bill will enable better management of vehicle-based freedom camping in New Zealand. In particular, the establishment of a regulatory system for the certification of self-contained vehicles will enable MDC to better enforce its Freedom Camping Bylaw 2020 with respect to Local Authority Areas where only freedom camping in a self-contained vehicle is provided for.

Simplifying the meaning of a “self-contained vehicle”

MDC undertook a review of its 2014 Freedom Camping Bylaw in 2020. The definition of “self-contained vehicle” in the 2020 Bylaw is as follows:

***Self-Contained Vehicle** means a Vehicle designed and built for the purposes of camping which has the capability of meeting the ablutionary and sanitary needs of the occupants of that Vehicle for a minimum of three days without requiring any external services or discharging any waste or which complies with the New Zealand Standard 5465:2001 (NZS 5465) and any subsequent amendments.*

The use of “or” within this definition is to recognise that currently, in the absence of a regulatory system, “self-contained” vehicles may have on-board ablutionary or sanitary fixtures that do not comply with NZS 5465. The existing flexibility in the bylaw around what constitutes a “self-contained vehicle” is primarily in recognition of the voluntary nature of the standard.

Once the new Bill is enacted, this will enable Council to simplify the bylaw with respect to self-contained vehicles by referring to a vehicle that has a valid certificate of self-containment issued in accordance with applicable section of the Plumbers, Gasfitters and Drainlayers Act 2006.

MDC supports the proposed requirement for self-contained vehicles to have a fixed toilet.

The enactment of the Bill will mean that Council has to amend its Freedom Camping Bylaw 2020 ahead of its scheduled statutory review. MDC supports the recommendation in the submission by Taituarā that the legislation should provide adequate tools for local authorities to amend their bylaws to reflect the new provisions as they come into force without the requirement to make a new bylaw and re-consult with their communities. This would enable MDC to amend the definition of self-contained vehicle to replace reference to “self-containment warrants issued under NZS 5465:2001” with “warrants issued by a certification authority.”

Preparing to freedom camp

MDC supports the recommendation in the Taituarā submission that there be a definition of “preparing to freedom camp” in the interpretation section of the Act. In the absence of a definition, it is difficult for local authorities to prove an offence under section 20(1)(c) of the Freedom Camping Act 2011.

Certification of self-contained vehicles

Enforcement Officers are only authorised by section 172 of the Local Government Act 2002 to enter private property when they have reasonable grounds to suspect that a breach of a bylaw or the commission of an offence has occurred or is occurring on the land. Enforcement Officers are therefore forced to rely on external identifiers such as the current blue sticker to verify whether a vehicle is self-contained.

MDC strongly supports the proposal for an online register that enforcement officers can access as a means of verifying whether a vehicle is certified as self-contained. MDC also supports the retention of self-containment warrants for display on certified self-contained vehicles. The new regulatory system provides a much higher level of certainty for enforcement.

Changes to infringement offences

MDC supports the proposal to strengthen the infringement regime. In particular, Council supports the proposal that enforcement authorities can email infringement notices to owners of vehicles involved in the commission of an infringement offence. As noted in the explanatory note, this will enable infringement notices to be received sooner and will assist rental companies in recovering infringement fees from rental vehicle hirers.

MDC considers that the \$1000 maximum fine for an infringement offence in section 20E(a) is too high. However, MDC supports the proposed tiered approach for infringement fees in the Freedom Camping Regulations being consulted on by the Ministry of Business, Innovation and Employment. In particular, option 1 – with a maximum fine of \$800.

MDC supports clause 20G – offence to interfere with enforcement officer.

Amendments to the Freedom Camping Act 2011

Council notes that the draft Bill proposes to amend section 5 (meaning of freedom camp) and section 10 (Where freedom camping permitted) in the Freedom Camping Act 2011. The current default position in the Act to provide for freedom camping (in all its forms) unless otherwise restricted or prohibited by a bylaw made section 11, or any other enactment. The proposed amendments have the effect of narrowing the scope to only allow for freedom

camping in a non-self-contained motor vehicle where permitted in accordance with a bylaw, or other legislation.

MDC is generally comfortable with the changes, however, we question the rationale behind restricting freedom camping in self-contained vehicles but not in tents or other temporary structures. In MDC's view, in the absence of ablution facilities, the risk to the environment from freedom camping in a non-self-contained motor vehicle or in a tent or other temporary structure would be the same.

MDC supports proposed clause 10(3) in the Freedom Camping Act 2011. This clause is necessary if Council is to enforce limits imposed on certified self-contained vehicles, in the absence of any other restrictions imposed by a bylaw or other enactment.

Extending the scope to apply to Waka Kotahi and LINZ land

Council supports in principal the proposal to extend the scope of the Act to apply to Waka Kotahi and LINZ land.

We note that the Bill proposes to enable local authorities to undertake enforcement on Waka Kotahi land that is included as local authority areas within a freedom camping bylaw. This change may potentially increase the workload of MDC's enforcement officers. However, we do not anticipate that the increase in demand will be significant within the Manawatū District.

MDC notes that LINZ will be responsible for both designating where freedom camping is permitted on LINZ-administered land and for enforcing the applicable freedom camping rules. MDC seeks clarification on how these responsibilities will be allocated for land that is owned by LINZ but leased by MDC.

MDC supports the recommendation in the submission by Taituarā that clauses 27 to 32 of the Bill be amended to clarify who freedom camping fines collected in relation to NTZA-owned land are payable to. It is anticipated that they will be payable to local authorities, but this is not clear in the current wording.

MDC also supports the recommendation in the submission by Taituarā that clause 12 be amended to make it clear that a local authority can make one bylaw under sections 10A to 11A.

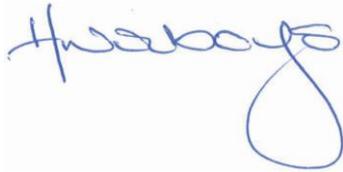
Transitional arrangements

MDC supports the proposed 2-year transition period in the draft Bill for the following reasons:

1. It recognises that it will take time for new certification authorities to become certified and for the national register to be developed.
2. The 2-year transition recognises that it will take time to certify all new and existing vehicles if this to be done within the current pool of people that are likely to have the necessary skills and experience to become certification authorities.
3. The transition provisions prioritise the certification of rental vehicles before privately-owned self-contained vehicles.
4. The 2-year transition period gives the Board sufficient time to educate owners of self-contained vehicles of the new requirements.

MDC agrees with the submission by Taituarā that the transitional provisions in Schedule 1AA do not provide local authorities with certainty about whether current freedom camping bylaws cease after the two-year transition period. We request that this be clarified.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'H. Worboys', with a large, stylized loop at the end.

Helen Worboys
Mayor, JP