

Self-contained Motor Vehicles Legislation Bill

Government Bill

Explanatory note

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 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.

Departmental disclosure statement

The Ministry of Business, Innovation, and Employment is required to prepare a disclosure statement to assist with the scrutiny of this Bill. The disclosure statement provides access to information about the policy development of the Bill and identifies any significant or unusual legislative features of the Bill.

A copy of the statement can be found at <http://legislation.govt.nz/disclosure.aspx?type=bill&subtype=government&year=2022&no=158>

Regulatory impact statement

The Ministry of Business, Innovation, and Employment produced a regulatory impact statement on 3 December 2021 to help inform the main policy decisions taken by the Government relating to the contents of this Bill.

A copy of this regulatory impact statement can be found at—

- <https://www.mbie.govt.nz/dmsdocument/18162-reducing-negative-impacts-of-freedom-campers-proactiverelease-pdf>
- <https://treasury.govt.nz/publications/informationreleases/ris>

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 is the commencement clause.

Part 1 of the Bill, which amends the Freedom Camping Act 2011, comes into force on the day after the date on which the Bill receives the Royal assent, as does the related *subpart 2 of Part 3*. *Clauses 48 and 49* enable regulations to be made under the Plumbers, Gasfitters, and Drainlayers Act 2006 and also come into force on that date.

The rest of the Bill comes into force on the day that is 6 months after the date on which the Bill receives the Royal assent.

Part 1

Amendments to Freedom Camping Act 2011

Clause 3 provides that *Part 1* of the Bill amends the Freedom Camping Act 2011 (the Act).

Subpart 1—Amendments to Part 1

Clause 4 updates section 3, which is an outline of the Act, to reflect the amendments made by *Part 1* of the Bill.

Clause 5 amends section 4, which is the interpretation section. The clause inserts several new definitions, including certificate of self-containment, Crown land Acts, motor vehicle, transport Acts, and warrant card. The definition of freedom camping notice is repealed as a result of other amendments in the Bill. Several other definitions in section 4 are amended.

Clause 6 amends the definition of freedom camp in section 5 by referring to a motor vehicle instead of a caravan, car, campervan, housetruck, or other motor vehicle. The Bill provides that motor vehicle has the same meaning as in section 2(1) of the Land Transport Act 1998, which defines a motor vehicle to mean a vehicle drawn or propelled by mechanical power, including a trailer.

Clauses 7 to 9 relate to definitions of different classes of land under the Act.

Clause 7 amends the definition of local authority area in section 6 to include an area of NZTA land declared to be a local authority area in a bylaw made under *new section 10A* (inserted by *clause 10*).

Clause 8 inserts *new section 6A*, which defines NZTA land to mean an area of land that is controlled or managed by the New Zealand Transport Agency (the **NZTA**) under a transport Act.

Clause 9 replaces sections 8 and 9 with *new sections 8, 9, and 9A*. Sections 8 and 9 are spent and no longer required. The new sections provide as follows:

- *new section 8* defines LINZ land to mean an area of land that is controlled or managed by Land Information New Zealand (**LINZ**) under a Crown land Act.
- *new section 9* provides that the transitional, savings, and related provisions set out in *new Schedule 1AA* (inserted by *clause 39*) have effect according to their terms:
- *new section 9A* provides that the Act binds the Crown.

Subpart 2—Amendments to Part 2

Clause 10 replaces section 10 with *new sections 10 and 10A*.

New section 10 provides as follows in respect of freedom camping in any local authority area:

- freedom camping is permitted, unless it is restricted or prohibited in that area, if a self-contained motor vehicle or a tent is used:
- freedom camping using a motor vehicle that is not self-contained may be permitted in that area, including by a bylaw made under *new section 11A* (inserted by *clause 12*):
- freedom camping may be restricted or prohibited, including by a bylaw made under section 11:

- during the transitional period, *subpart 2 of Part 1 of Schedule 1AA* is relevant.
- New section 10A* enables local authorities, with the written consent of the NZTA, to make bylaws declaring an area of NZTA land to be a local authority area for the purposes of the Act.
- Clause 11* amends section 11 to require a local authority making a bylaw under section 11(1) to obtain the NZTA's consent before making a bylaw that applies to an area of NZTA land that has been declared (by a bylaw made under *new section 10A*) to be a local authority area.
- Clause 12* inserts *new sections 11A and 11B* into the Act.
- New section 11A* enables local authorities to make bylaws permitting freedom camping in a motor vehicle that is not self-contained.
- New section 11B* continues the content of existing section 11(3) to (7), which is replaced by *new clause 11(3)*, in an updated form. The existing provisions are updated to reflect the new bylaw-making powers in *new sections 10A and 11A*.
- Clause 13* updates section 13 to reflect the new bylaw-making powers in *new sections 10A and 11A*.
- Clauses 14 to 16* make minor consequential amendments to subpart 2 of Part 2 of the Act, which relates to freedom camping on conservation land.
- Clause 17* inserts *new subpart 3* into Part 2 of the Act. The new subpart is about freedom camping on LINZ land. *New section 19A* in *new subpart 3* states that freedom camping is not permitted on LINZ land except in accordance with a freedom camping notice made under *new section 19B*.
- New section 19B* authorises the making of notices defining LINZ land where freedom camping is permitted and the restrictions and conditions, if any, that apply to freedom camping on that land. Two different office-holders are authorised to make the notices, as follows:
- the Commissioner of Crown Lands may make notices about LINZ land controlled or managed under the Crown Pastoral Land Act 1998 or the Land Act 1948:
 - the chief executive of LINZ may make notices about LINZ land controlled or managed under the Marine and Coastal Area (Takutai Moana) Act 2011 or the Public Works Act 1981.

Notices made under *new subpart 3* are secondary legislation.

New section 19C specifies requirements relating to notices published under *new section 19B*.

Subpart 3—Amendments to Part 3

Clause 18 replaces section 20, which specifies a range of offences, including infringement offences, by inserting *new sections 20 to 20G*.

New sections 20 to 20C set out infringement offences, including infringement offences relating to local authority areas, conservation land, and LINZ land. Many of these infringement offences are in existing section 20. The new offences created by the Bill are in *new sections 20(b), (c), (f), and (g), 20B, and 20C(a) and (b)*. The offence in existing section 20(1)(k) is not included in the Bill.

New section 20D continues the content of existing section 21, in an updated form, which provides that the infringement offences in the Act are strict liability offences.

New section 20E continues the content of existing section 23(1), which sets the penalties for infringement offences, in an updated form. The maximum infringement fee continues to be \$1,000. The maximum fine that a court may impose is set at \$3,000.

New sections 20F and 20G continue the existing offences, and associated penalties, in sections 20(2) and (3) and 23(2) and (3).

Clauses 19 and 21 repeal sections 21 and 23. The content of section 21 is now *new section 20D*, in an updated form, and the content of section 23 is now *new sections 20E, 20F(2), and 20G(3)*, in an updated form.

Clause 20 amends section 22 to update cross-references.

Clause 22 inserts a new cross-heading above section 24.

Clause 23 updates section 24(1) to reflect the addition of LINZ land as a new class of land under the Bill.

Clause 24 replaces section 26(1)(b) to remove an outdated reference to the Transport (Vehicle and Driver Registration and Licensing) Act 1986, which has been repealed.

Clause 25 replaces section 27 with *new sections 27, 27A, and 27B*.

New section 27 continues the content of existing section 27(1). The Bill adds to existing section 27(1) by enabling an enforcement officer to serve an infringement notice on the person who has a motor vehicle registered in their name if the officer believes that the vehicle was used in an infringement offence.

New section 27A specifies how an infringement notice may be served and continues the content of existing section 27(2), (3), and (4). The Bill adds to those existing provisions by enabling an enforcement officer to serve infringement notices via email. It also removes an outdated reference to the Transport (Vehicle and Driver Registration and Licensing) Act 1986, which has been repealed.

New section 27B continues the effect of existing section 27(5) and (6).

Clause 26 amends section 29(4) by repealing the definition of rental company. The definition has been moved to section 4, which is the main interpretation provision in the Act.

Clause 27 updates section 31 by replacing section 31(3) with *new section 31(3) and (4)* to reflect the addition of LINZ land as a new class of land under the Bill.

Clauses 28 and 29 insert *new sections 32(2)(e) and 33(2)(e)* to reflect the addition of LINZ land as a new class of land under the Bill. The effect of these new provisions is

that enforcement officers appointed by either a local authority or by the Director-General of Conservation may be authorised to act in relation to LINZ land.

Clause 30 inserts *new section 33A*, which enables the chief executive of LINZ or the Commissioner of Crown Lands to appoint enforcement officers.

Clause 31 amends section 35 to allow an enforcement officer to direct a person to provide their email address if the officer believes that the person has committed an offence. *Clause 31* inserts *new section 35(1A)*, which authorises an enforcement officer to direct a person to produce the certificate of self-containment that applies to the motor vehicle in which the person is freedom camping.

Clauses 32, 34, and 35 amend sections 36, 39, and 40, respectively, to reflect the addition of LINZ land as a new class of land under the Bill.

Clause 33 amends section 38 to reflect the changes in the definitions of freedom camp (*see clause 6*) and the insertion of a new definition of motor vehicle (*see clause 5*).

Clause 36 amends section 42 to—

- clarify that the Act does not limit or affect the powers of the NZTA or LINZ under their relevant Acts:
- reflect the addition of LINZ land as a new class of land under the Bill.

Clause 37 replaces section 43(1), which authorises the Governor-General to make regulations for specified purposes. *New section 43(1)* continues the content of existing section 43(1) and also—

- clarifies what regulations may prescribe in relation to penalties for infringement offences:
- reflects the current standard wording for provisions empowering the making of secondary legislation.

Clause 38 amends section 45, which is about evidence in proceedings, to reflect the addition of LINZ land as a new class of land under the Bill.

Subpart 4—Amendments to schedules

Clause 39 inserts *new Schedule 1AA*, which sets out transitional, savings, and related provisions arising from the Bill.

Subpart 1 of Part 1 of new Schedule 1AA sets out the applicable standards for self-contained motor vehicles during the transitional period, which is the period of 2 years following the enactment of the Bill. *Clause 2* of the new Schedule breaks that 2-year period into 4 parts, each lasting 6 months, called periods 1, 2, 3, and 4.

Clause 3 modifies NZS 5465:2001 Self-containment of motor caravans and caravans. The standard is modified to require that a self-contained motor caravan or caravan must be equipped with a toilet that is permanently fixed to the motor caravan or caravan.

Clause 4 specifies the standards that a motor vehicle must meet during each of periods 1 to 4 in order to be considered self-contained for the purpose of the Bill.

Clause 5 ensures free public access to the modified standard NZS 5465:2001.

Subpart 2 of Part 1 of new Schedule 1AA specifies the effect of the Bill on current freedom camping bylaws during the transitional period.

Clause 6 provides that *subpart 2 of Part 1 of new Schedule 1AA* applies to any bylaw in force immediately before the Bill's commencement date that authorises, prohibits, permits, restricts, or imposes conditions on freedom camping.

Clause 7 provides that a bylaw to which *subpart 2 of Part 1 of new Schedule 1AA* applies continues in force during the transitional period unless it is earlier revoked, quashed, or replaced.

Clause 40 amends Schedule 2, which sets out the prescribed forms for an infringement notice, a reminder notice, and a seizure and impounding notice. The Bill updates 2 of those forms to reflect that notices can be served via email, remove references to payment by cheque, and update cross-references.

Part 2

Amendments to Plumbers, Gasfitters, and Drainlayers Act 2006

Clause 41 provides that *Part 2* of the Bill amends the Plumbers, Gasfitters, and Drainlayers Act 2006 (the Act).

Subpart 1—Amendments to Part 1

Clause 42 updates section 3, which sets out the purpose of the Act, to reflect the amendments made by *Part 2* of the Bill.

Clause 43 amends section 4, which is the interpretation section. The clause inserts a new definition of self-containment certification authority, and defines motor vehicle and owner as having the same meanings as in section 2(1) of the Land Transport Act 1998. The existing definitions of Minister and register are replaced to accommodate the changes made by the Bill.

Subpart 2—New Part 2A inserted

Clause 44 inserts *new Part 2A*, which contains *new sections 87A to 87ZH*. *New Part 2A* is about self-contained motor vehicles.

Part 2A: Self-contained motor vehicles

New section 87A provides that the purpose of *new Part 2A* is to regulate self-contained motor vehicles in order to manage the effects of freedom camping on the natural environment.

New section 87B defines key terms used in *new Part 2A*, including core functions, enforcement officer, motor vehicle inspection, and motor vehicle inspector.

*Subpart 1: Board appoints and regulates certification authorities**Board may appoint self-containment certification authority*

New section 87C provides that a person may apply to the Plumbers, Gasfitters, and Drainlayers Board (the **Board**) to be appointed as a self-containment certification authority. The Board must appoint the person as a self-containment certification authority if the Board is satisfied that the person will meet the requirements for appointment prescribed by regulations.

New section 87D provides that an appointment as a self-containment certification authority is valid for 5 years from the date on which the Board makes the appointment.

New section 87E provides that a person appointed as a self-containment certification authority may apply to the Board to be reappointed.

Board may prescribe requirements for motor vehicle inspections

New section 87F authorises the Board to make notices prescribing how motor vehicle inspections must be carried out and the principles the Board must be guided by when prescribing requirements.

New section 87G specifies the consultation process that the Board must undertake before making a notice under *new section 87F*.

New section 87H states that any notice that the Board proposes to make under *new section 87F* must first be approved by the Minister, using the process set out in section 34 of the Act.

Board may consider complaints and conduct investigations

New section 87I enables a person to make a complaint to the Board about a self-containment certification authority on the grounds that the authority—

- has allegedly failed without good reason to properly carry out 1 or more of its core functions; or
- has been negligent in carrying out 1 or more of its core functions; or
- has been carrying out 1 or more of its core functions improperly.

New section 87J sets out the procedure that the Board must follow to decide whether to accept or a decline a complaint about a self-containment certification authority.

New section 87K enables the Board to investigate a matter on its own initiative, without a complaint having been made, if the Board believes that any of the grounds for a complaint specified in *new section 87I* applies.

New section 87L specifies the procedure the Board must follow in giving a self-containment certification authority notice that it has decided to investigate a complaint or a matter that it has raised on its own initiative. The Board must give the self-containment certification authority the opportunity to make written submissions on the complaint or matter.

New section 87M provides that, for the purpose of investigating a self-containment certification authority, the Board may—

- authorise a person to inspect premises occupied by the self-containment certification authority; and
- require the self-containment certification authority to produce documents or provide other information.

Before using these powers, the Board must give the self-containment certification authority reasonable notice in writing.

New section 87N places conditions on the Board's exercise of the powers of inspection set out in *new section 87M*.

New section 87O specifies the purposes for which the Board may use information it receives from the Registrar of Motor Vehicles in accordance with section 172 and Schedule 4 of the Privacy Act 2020. The purposes are—

- to assess whether a self-containment certification authority has issued a certificate of self-containment appropriately;
- to investigate a complaint or a matter that the Board has raised on its own initiative.

See clause 51 for a description of the amendment made to the Privacy Act 2020.

Board's enforcement powers

New section 87P authorises the Board to take disciplinary action if the Board is satisfied that the self-containment certification authority has failed without good reason to properly carry out one of its core functions, or has been negligent or guilty of misconduct in doing so. The Board may take the actions specified in *new section 87Q(1)* if any of the conditions specified in *new section 87P(2) or (3)* are satisfied.

New section 87Q specifies the disciplinary action that the Board may take in relation to a self-containment certification authority. The Board may—

- revoke, suspend, or otherwise block an appointment as a self-containment certification authority;
- censure or fine a self-containment certification authority;
- order a self-containment certification authority to take remedial action.

New section 87R requires the Board to inform a self-containment certification authority and give it a reasonable opportunity to be heard before taking any of the disciplinary actions set out in *new section 87Q*.

New section 87S contains miscellaneous provisions relating to disciplinary actions taken by the Board under *new section 87Q*, including the effect of the suspension of a self-containment certification authority on that authority and on motor vehicle inspectors appointed by that authority.

*Subpart 2: Certification authorities**Self-containment certification authority may appoint motor vehicle inspector*

New section 87T enables a self-containment certification authority to appoint motor vehicle inspectors. A person appointed as a motor vehicle inspector must meet the requirements for appointment prescribed by regulations.

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

New section 87U enables a person to apply to a self-containment certification authority for a certificate of self-containment for a motor vehicle. The self-containment certification authority must issue a certificate of self-containment if, following an inspection, it is satisfied that the vehicle meets the requirements for self-containment prescribed by regulations and the owner has paid the required levy.

New section 87V enables a motor vehicle owner who holds a current certificate of self-containment to apply to any self-containment certification authority for a renewal of the certificate.

New section 87W enables a self-containment certification authority to revoke a certificate of self-containment if it is satisfied that—

- the motor vehicle that holds the certificate of self-containment does not meet the requirements for self-containment prescribed by regulations; or
- the authority issued the certificate on the basis of incorrect or incomplete information.

Certificates of self-containment

New section 87X specifies that a certificate of self-containment must be in the form prescribed by regulations and must be accompanied by a warrant card. A certificate is valid for 4 years but may cease to be valid if the motor vehicle to which it applies undergoes a material modification or a self-containment certification authority revokes the certificate.

New section 87Y requires the owner of a motor vehicle issued with a certificate of self-containment to keep the certificate with the vehicle when using the vehicle to freedom camp and display the associated warrant as prescribed by regulations.

*Subpart 3: Register of self-contained motor vehicles**Purpose, contents, and form of register*

New section 87Z requires the Board to establish and maintain a register of self-contained motor vehicles.

New section 87ZA specifies that the purpose of the register is to enable the Board, members of the public, self-containment certification authorities, and enforcement officers appointed under the Freedom Camping Act 2011 to determine certain classes of information.

New section 87ZB specifies, for each motor vehicle issued with a certificate of self-containment, the matters that must be contained on the register and other information that may be contained on the register.

New section 87ZC applies sections 73 and 81 of the Act to the register.

Who may enter information in register

New section 87ZD requires self-containment certification authorities to enter certain information and documentation in the register.

New section 87ZE enables enforcement officers appointed under the Freedom Camping Act 2011 to enter certain information in the register.

Who may access register

New sections 87ZF, 87ZG, and 87ZH specify how the Board, members of the public, self-containment certification authorities, and enforcement officers appointed under the Freedom Camping Act 2011 may access the information contained on the register and the purposes for which the register may be searched. Searching the register for personal information in a way that is not in accordance with those sections 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

Clause 45 makes a consequential amendment to the heading to section 125 arising from the insertion of *new section 125A* by *clause 46*.

Clause 46 inserts *new section 125A*, which creates offences relating to regulating self-contained motor vehicles.

Subpart 4—Amendments to Part 4

Clause 47 amends section 137, which specifies the functions of the Board. The list of functions is updated to include the new functions that the Bill gives to the Board. The Board must—

- promote, monitor, and review the ongoing competency and performance of certification authorities; and
- consider applications for appointment as a self-containment certification authority under *new section 87C*, and appoint persons in proper cases; and
- hear complaints about or investigate on its own initiative, and discipline, persons appointed as certification authorities; and
- institute prosecutions against persons for the breach of any provisions of the Act relating to self-contained motor vehicles.

Clause 48 amends section 172 to reflect the current standard wording for provisions empowering the making of secondary legislation. *Clause 48* inserts *new section 172(1A)*, which authorises the making of regulations providing for anything that *new Part 2A* says may or must be provided for by regulations.

Clause 49 inserts *new sections 172A to 172C*.

New section 172A authorises the making of regulations relating to the payment of prescribed amounts of fees and charges on an application to the Board for appointment as a self-containment certification authority.

New section 172B authorises the making of regulations imposing a levy on an owner of a motor vehicle that has been issued with a certificate of self-containment or has had a certificate of self-containment renewed. Levies must be prescribed on the basis that the following costs should be met fully out of the levies:

- the costs of the Board in performing or exercising those of its functions, powers, and duties that relate to the regulation of self-contained motor vehicles; and
- the costs of collecting the levy money.

New section 172C requires the Minister, before recommending the making of regulations under *new section 172(1A), 172A(1), or 172B(2)*, to—

- consult persons that the Minister considers are likely to be significantly affected by the regulations; and
- satisfy themselves that the regulations facilitate the management of the effects of freedom camping on the natural environment.

Part 3

Amendments to other Acts

Subpart 1—Amendment to Privacy Act 2020

Clause 50 provides that *subpart 1 of Part 3* of the Bill amends the Privacy Act 2020.

Clause 51 amends Schedule 4 to authorise the Board to access the Registrar of Motor Vehicles records.

Subpart 2—Amendment to Summary Proceedings Act 1957

Clause 52 provides that *subpart 2 of Part 3* of the Bill amends the Summary Proceedings Act 1957.

Clause 53 amends the existing definition of infringement notice in section 2(1) to include a notice issued under *new section 27* of the Freedom Camping Act 2011.

Hon Stuart Nash

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Schedule

New Schedule 1AA inserted into Freedom Camping Act 2011

43

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: 5
- (a) **Part 1:**
 - (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. 10

Part 1

Amendments to Freedom Camping Act 2011

3 Principal Act

This Part amends the Freedom Camping Act 2011.

15

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 Roading Powers Act 1989, the Land Transport Management Act 2003, the Public Works Act 1981, or the Railways Act 2005: 5
- (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, or the Public Works Act 1981. 10
- (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: 15
- (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)**. 20
- (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. 25

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 30
- 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: 35
- (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 5
- LINZ land** has the meaning given in **section 8**
- motor vehicle** has the same meaning as in section 2(1) of the Land Transport Act 1998
- New Zealand Transport Agency** or **NZTA** means the Agency established by section 93 of the Land Transport Management Act 2003 10
- 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 15
- 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** of the Plumbers, Gasfitters, and Drainlayers Act 2006 (but *see* **subpart 1 of Part 1 of Schedule 1AA** for the meaning of **self-contained** during the transitional period) 20
- transport Act** means any one of the transport Acts
- transport Acts** means the following Acts:
- (a) the Government Roding Powers Act 1989:
- (b) the Land Transport Act 1998:
- (c) the Land Transport Management Act 2003: 25
- (d) the Local Government Act 1974:
- (e) the Public Works Act 1981:
- (f) the Railways Act 2005
- warrant card** means the warrant card referred to in **section 87X(1)(b)** of the Plumbers, Gasfitters, and Drainlayers Act 2006 30
- 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”**. 35
- (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 of the following: 5

- (a) a tent or other temporary structure:
- (b) a motor vehicle.

(2) In section 5(2)(c), delete “caravan or”.

7 Section 6 amended (Meaning of local authority area)

10

(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 15
 - (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— 20
 - (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 25

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 30
- (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 5
- (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 10

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 15

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— 20
 - (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 25
 - (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 30
 - (c) under any other legislation.
- (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)	The local authority must not make a bylaw under subsection (1) without the written consent of the NZTA.	5
11	Section 11 amended (Freedom camping bylaws)	
	Replace section 11(3) to 11(7) with:	
(3)	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.	10
12	New sections 11A and 11B inserted	
	After section 11, insert:	
11A	Bylaws permitting 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	15
(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.	20
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:	25
(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—	30
(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.	35

- (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**, 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)

Replace the heading to section 15 with “**Where freedom camping on conservation land permitted**”.

15 Section 17 amended (Freedom camping notices)

Replace the heading to section 17 with “**Freedom camping notices about 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**”.
- (2) In section 18(1) and (2), replace “freedom camping notice” with “freedom camping notice made 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

Freedom camping is not permitted on LINZ land except in accordance with a freedom camping notice made under **section 19B**.

19B Freedom camping notices applying to LINZ land

5

(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. 10

(3) **Subsection (4)** applies to LINZ land that is controlled or managed under either or both of the following Acts:

- (a) the Marine and Coastal Area (Takutai Moana) Act 2011: 15
- (b) the Public Works 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 under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements). 20

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. 25

(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: 30
- (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:

35

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

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 5
- (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 10
- (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 15
 - (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 20
- (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 25
- (h) fails or refuses to leave a local authority area when required to do so by an enforcement officer acting under section 36.

20A Infringement offences relating to conservation land 30

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
- (b) while freedom camping on conservation land,— 35
 - (i) interferes with or damages the land, its flora or fauna, or any structure on the land; or

<ul style="list-style-type: none"> <li style="margin-left: 40px;">(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. 	5
20B Infringement offences relating to LINZ land	
A person commits an infringement offence if the person—	
<ul style="list-style-type: none"> (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 (c) while freedom camping on LINZ land,— <ul style="list-style-type: none"> (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. 	10 15 20 25
20C Other infringement offences	
A person commits an infringement offence if the person—	
<ul style="list-style-type: none"> (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. 	30 35
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.	
20E	Penalties for infringement offences	
	A person who commits an infringement offence is liable to—	5
(a)	an infringement fee of \$1,000 or any lesser or equal amount prescribed by regulations made under section 43; or	
(b)	a fine imposed by a court not exceeding \$3,000 or any lesser or equal amount prescribed by the regulations.	
	<i>Other offences</i>	10
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—	15
(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.	20
(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—	25
(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	30
(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.	35

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 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 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. 5
- (3) **Subsection (2)** does not limit the generality of **subsection (1)**. 10

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 15
- (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 20
- (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. 25
- (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: 30
- (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. 35
- (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:	5
	(c) the Government Roothing 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:	10
	(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:	15
	(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:	20
	(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)	25
	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.	30
(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.	35

- 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). 5
- 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 only land in respect of which the chief executive or the commissioner has consented to officers exercising enforcement powers). 10
- 30 New section 33A inserted (Appointment of enforcement officers by chief executive or commissioner)**
- After section 33, insert: 15
- 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— 20
- (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 25
- (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). 30
- 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— 35

- (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)** 10
- (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)** 15
- (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, housetruck, or other motor vehicle” with “a boat or motor vehicle”.
- 34 Section 39 amended (Return of property seized and impounded)** 20
- (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)** 35
- (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”.

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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”.

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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.

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38 Section 45 amended (Evidence in proceedings)

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

Subpart 4—Amendments to schedules

- 39 New Schedule 1AA inserted**
- Insert the **Schedule 1AA** set out in the **Schedule** of this Act as the first schedule to appear after the last section of the principal Act.
- 40 Schedule 2 amended** 5
- (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”.”: 10
- (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**”. 15
- (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”.”: 20
- (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**”. 25

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 30
- 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

owner, in relation to a motor vehicle, has the same meaning as in section 2(1) of the Land Transport Act 1998 5

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

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

Minister means,— 10

- (a) for the purposes of
- sections 172(1A) and 172A to 172C**
- ,—

(i) the Minister of Tourism; or

(ii) the Minister who, under the authority of any warrant or with the authority of the Prime Minister, is responsible for the administration of those sections: 15

- (b) for the purposes of any other section,—

(i) the Minister for Building and Construction; or

(ii) the Minister who, under the authority of any 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)** 20

- (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**

Subpart 2—New **Part 2A** inserted 25

44 New Part 2A inserted

After section 87, insert:

Part 2A

Self-contained motor vehicles

87A Purpose of this Part 30

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. 5
- (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**. 10
- 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)**. 15
- (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 20
- (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** 25
- (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: 30
- (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). 35

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: 5
- (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— 10
 - (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**. 15

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

Section 34 applies, with any necessary modifications, as if the notice referred to in that section were a notice made under **section 87F**.

Board may consider complaints and conduct investigations 20

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: 25
- (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: 25
 - (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. 30

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 35
 - (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. 5
- (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 10
 - (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— 15
- (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)**,— 20
- (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** 25
- (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,— 30
- (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 35 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. 5
- 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— 10
- (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— 15
- (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— 20
- (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: 25
- (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: 30
- (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. 35

- (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— 5
- (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. 10

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: 15
- (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: 20
- (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. 25

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— 30
- (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: 35
- (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 5
 - (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 10
 - (d) has, without good reason,—
 - (i) purported to appoint a motor vehicle inspector without complying with **section 87T(1)**; or 15
 - (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— 20
- (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)**. 25

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 30
 - (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— 35
 - (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 an—
- (a) offence for which the person has been convicted by a court; or
 - (b) 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. 5
- 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**— 10
- (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)**. 15

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. 20
- (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 25

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. 30
- (2) The self-containment certification authority 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 35
- (c) consider the findings of the inspection.

- (3) The self-containment certification authority must issue a certificate of self-containment if it is satisfied 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:	5
(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 .	10
87Y	What to do with certificate of self-containment and warrant card	
(1)	This section applies if the owner of a motor vehicle that has been issued with a certificate of self-containment is using the vehicle to freedom camp.	
(2)	The owner must—	
(a)	keep the certificate of self-containment with the vehicle; and	15
(b)	display the warrant card associated with that certificate in accordance with requirements prescribed by regulations.	
	Subpart 3—Register of self-contained motor vehicles	
	<i>Purpose, contents, and form of register</i>	
87Z	Register of self-contained motor vehicles	20
(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—	25
(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:	30
(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	35

- (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: 5
 - (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: 10
 - (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**. 15

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: 20
 - (b) the numbers, letters, and any other distinguishing mark shown on the registration plates 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: 25
 - (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. 30
- (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)**: 35
 - (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**. 5
- (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

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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 15
- (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. 20
- (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

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- (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)**. 30

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)**. 35

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.
- (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:	5
(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.	10
(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 (<i>see</i> Part 3 of the Legislation Act 2019 for publication requirements).	15
(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 (<i>see</i> Part 3 of the Legislation Act 2019 for publication requirements, unless it applies only to 1 or more named persons); and	20
(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:	25
(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.	30
(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	35
(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: 5
 - (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: 10
 - (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. 15
- (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. 20
- (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)**,— 25
- (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. 30

172C Requirements before making certain regulations

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 35
- (b) is satisfied that the regulations facilitate the management of the adverse effects of freedom camping on the natural environment.

Part 3 Amendments to other Acts

Subpart 1—Amendment to Privacy Act 2020

50 Principal Act

This subpart amends the Privacy Act 2020.

5

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

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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

15

Schedule
New Schedule 1AA inserted into Freedom Camping Act 2011

s 39

Schedule 1AA
Transitional, savings, and related provisions

5

s 9

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

- 1 Interpretation of this Part** 10
- 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 15
- transitional period** means the period of time—
- (a) starting on the commencement date; and
- (b) ending the day before the date that is 2 years after the commencement date.
- Subpart 1—Applicable standards for self-contained motor vehicles during transitional period 20
- 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**) 25
- modified standard** means the existing standard as modified by **clause 3**
- period 1** means the period of time starting on the commencement date and ending on the day before the day that is 6 months after the commencement date
- period 2** means the period of time 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 30
- period 3** means the period of time 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

period 4 means the period of time 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.

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)**. 5
- (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. 10

4 When a motor vehicle is self-contained during periods 1 to 4

- (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)**. 15
- (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 20
 - (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 25
 - (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. 30

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— 35
- (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 on the commencement date and ending at the conclusion of period 4. 5
- Subpart 2—Effect of current bylaws during transitional period**
- 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. 10
- 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: 15
- (a) any specified mode of freedom camping:
- (b) freedom camping in any defined area:
- (c) any restrictions or conditions imposed by those bylaws in relation to a specified mode of freedom camping or freedom camping in any defined area. 20
- (3) This subpart overrides **section 11A**.