

LGOIMA

When releasing responses to previous LGOIMA requests, names of individual requestors may be withheld to protect their privacy.

Information requested by the media, from public sector organisations and MPs will always be published while information specific to an individual or their property will not generally be published.

Request from:

For: Enforcement of Freedom Camping Bylaw

Response by:

Mandy Bishop
Manager Consents and Compliance

Venus Sood

From: Mandy Bishop
Sent: Friday, 13 December 2019 8:16 AM
To: [REDACTED]
Subject: RE: LGOIMA request - Freedom camping fines

Good morning

Please find below the responses to your information requests.

You have the right to seek an investigation and review by the Ombudsman of this response. Information about how to make a complaint is available at www.ombudsman.parliament.nz or Freephone 0800 802 602.

If you wish to discuss this decision please feel free to contact me.

Kind regards
Mandy

1. The numbers since the Bylaw was introduced, year by year.

Freedom Camping Bylaw came into effect 1 December 2017
1 December 2017 – 30 November 2018 = 228 infringements notices issued
1 December 2018 – 30 November 2019 = 185 infringement notices issued

2. The categories of breaches would be useful.

All of the infringements issued during this period are for are for offences against section 20(1)(a) of the Freedom Camping Act 2011 – Freedom Camps in a prohibited or restricted area in breach of bylaw.

3. A “general sense” answer would suffice.

Freedom camping fines are administered no differently to other infringement fines such as speeding or parking tickets. The process is prescribed by law as outlined section 21 of the Summary Proceedings Act 1957. More information on this process can be found here: <https://communitylaw.org.nz/community-law-manual/chapter-31-driving-and-traffic-law/court-processes-how-driving-offences-are-dealt-with/infringement-offences-parking-and-speeding-tickets-and-other-lower-level-offences/>

4. As 3 above

Council sends a reminder notice if a fine has not been paid by the due date and if still not paid the fine is passed on to the Ministry of Justice. They can take action against people who don't pay their fine. More information can be found here: <https://www.justice.govt.nz/fines/about-fines/fines-enforcement/>

5. As 1 above.

1 December 2017 – 30 November 2018 = 114 infringements paid totalling \$22,800
1 December 2018 – 30 November 2019 = 88 infringements paid totalling \$17,600

It does appear to me that the definition given in answer to question 6 seems to rule out a lot of the vehicles used by freedom campers. The definition includes – “...practically configured to meet the ablutionary and sanitary needs of occupants of that vehicle for a minimum of three days, without requiring any external services or discharging any waste...” The smaller vehicles will contravene this – so:

6. Can you tell me why we see so many in laybys at night?

If the laybys referred to are State Highways (New Zealand Transport Agency Land) then the Nelson City Council Freedom Camping Bylaw does not apply (it can only apply to council controlled land).

Alternatively if it is Nelson City Council controlled land, they are not self-contained and they are camping then they will be breaching the bylaw. And liable for enforcement action.

As to the stickers – as Nick Smith, MP told us last week these can be bought cheaply at the Saturday Market and I have heard this from other regions.

7. Do enforcement persons merely accept a sticker?

No, Enforcement Officers are aware that these stickers can be obtained cheaply and easily. Enforcement Officers check for the display of a current self-containment warrant card on the front windscreen, this has a expiry date and can be cross checked to ensure it is valid:

<https://www.nzmca.org.nz/search-for-vehicles>

From: [REDACTED]

Sent: Thursday, 5 December 2019 5:36 p.m.

To: Mandy Bishop <mandy.bishop@ncc.govt.nz>

Subject: RE: LGOIMA request - Freedom camping fines

Hi Mandy,

Thanks for your partial reply which have raised other queries.

I have answered your queries below and added two ancillary questions..

1. The numbers since the Bylaw was introduced, year by year.
2. The categories of breaches would be useful.
3. A “general sense” answer would suffice.
4. As 3 above
5. As 1 above.

It does appear to me that the definition given in answer to question 6 seems to rule out a lot of the vehicles used by freedom campers. The definition includes – “...practically configured to meet the ablutionary and sanitary needs of occupants of that vehicle for a minimum of three days, without requiring any external services or discharging any waste...” The smaller vehicles will contravene this – so:

6. Can you tell me why we see so many in laybys at night?

As to the stickers – as Nick Smith, MP told us last week these can be bought cheaply at the Saturday Market and I have heard this from other regions.

7. Do enforcement persons merely accept a sticker?

Thank you once again.

Kind Regards

Sent from [Mail](#) for Windows 10

From: [Mandy Bishop](#)

Sent: 05 December 2019 10:31

To: [REDACTED]

Subject: LGOIMA request - Freedom camping fines

Hello [REDACTED]

You questions relating to freedom camping fines are very broad and are not easily answered from our database system. Requests for information taking more than one hour staff time are charged at \$78 per hour. Please see my comments in relation to your questions and perhaps refine the questions if you wish to avoid being charged:

1. How many of these people have been issued with an “infringement” notice for a breach of the byelaws? **Can you advise whether you want the numbers since we introduced the Bylaw or over a particular timeframe?**
2. What were the breaches? **This can be answered in a general sense but if you want specific details per infringement notice this will take time to collate**
3. The penalty for a breach is 200 NZD administered by an infringement notice. These people are mostly from overseas and itinerant in NZ – so how are these fines administered? **This can be answered in a general sense, not for each case**
4. How is the money collected should the person attempt to leave NZ? **I can describe the general process but can't give you an answer for each case**
5. How much of the total penalties was collected? **See comment in 1 above**
6. What is the definition of "self-contained" (ie is a bucket with a lid classed as such) ? **This is defined in the Bylaw – “Certified self-contained vehicle: means a vehicle designed and built for the purpose of camping which is practically configured to meet the ablutionary and sanitary needs of occupants of that vehicle for a minimum of three days, without requiring any external services or discharging any waste and complies with New Zealand Standard 5465:2001, as evidenced by the display of a current selfcontainment warrant issued under New Zealand Standard Self Containment of Motor Caravans and Caravans, NZS 5465:2001 and any subsequent amendments.”**

Kind regards

Mandy Bishop

Manager Consents and Compliance

Kaiwhakahaere tautukunga i nga whakaaetanga

Nelson City Council | Te Kaunihera o Whakatū

P 03 545 8740

nelson.govt.nz

Venus Sood

From: no-reply@ncc.govt.nz
Sent: Friday, 29 November 2019 2:15 PM
To: LGOIMA
Subject: Official Information Request

Your Details

First Name

[REDACTED]

Last Name

[REDACTED]

Organisation, if applicable

Postal Address

[REDACTED]

Email

[REDACTED]

Daytime Phone Number

[REDACTED]

Request details

Type of request

LGOIMA (Official information request)

Details of your request

Enforcement of Freedom Camping Byelaw.

Please could you provide the following information:

1. How many of these people have been issued with an "infringement" notice for a breach of the byelaws?
2. What were the breaches?
3. The penalty for a breach is 200 NZD administered by an infringement notice. These people are mostly from overseas and itinerant in NZ – so how are these fines administered?
4. How is the money collected should the person attempt to leave NZ?
5. How much of the total penalties was collected?
6. What is the definition of "self-contained" (ie is a bucket with a lid classed as such) ?

Supporting Document