



**MINISTRY OF BUSINESS,  
INNOVATION & EMPLOYMENT**  
HĪKINA WHAKATUTUKI



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# Self-contained Motor Vehicles Legislation Act

**Guidance for local authorities on key changes to  
freedom camping rules**

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June 2023

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## Purpose

The purpose of this document is to provide guidance on the key changes implemented by the Self-contained Motor Vehicles Legislation Act 2023 (**the Act**) which will impact local authorities.

The Act amends the Freedom Camping Act 2011 (**Freedom Camping Act**) and the Plumbers, Gasfitters and Drainlayers Act 2006 (**the PGD Act**).

In general, this document does not provide guidance on the aspects of the Freedom Camping Act that have not been amended by the Act. Rather, it provides a summary and information on the key changes.

The Act received royal assent on 6 June 2023. This means that the Act is now law.

This document is not legal advice but instead should be used as a reference for local authorities and should be considered alongside the legal requirements set out in the [Freedom Camping Act](#) and [PGD Act](#).

Key messages about the changes to the Act, timelines, and a leaflet that can be provided to freedom campers are available at [Freedom camping changes | Ministry of Business, Innovation & Employment \(mbie.govt.nz\)](#)

### Further questions

If you have any questions, please contact MBIE at [responsiblecamping@mbie.govt.nz](mailto:responsiblecamping@mbie.govt.nz)

# 1. Meaning of “freedom camp”

1. The meaning of “freedom camp” has been slightly amended by the Act, as follows<sup>1</sup>:  

“freedom camp means to camp (other than at a camping ground) within 200 meters of an area accessible by motor vehicle or within 200 meters of the mean low-water springs line of any sea or harbour, or on or within 200 meters of a formed road or a Great Walks Track, using either or both of the following:

  - (a) a tent or other temporary structure:
  - (b) a motor vehicle.”
2. The main changes to this definition are to remove explicit references to caravans, cars, campervans and housetrucks. These vehicles are already covered by the definition of “motor vehicle” so their inclusion is unnecessary.
3. There is also a list of activities that are excluded from the definition of freedom camping<sup>2</sup>. For example, day-trippers or people who are resting to avoid driver fatigue.
4. There are related amendments that impact people experiencing homelessness and slide-on campers that are covered in sections [5](#) and [6](#) respectively.

## *How are roof-top tents treated?*

The definition of freedom camp assumes that someone can use both a motor vehicle and a tent to freedom camp. If someone is freedom camping in a roof-top tent on top of a motor vehicle, then they are using both a tent and a motor vehicle to freedom camp.

As a result, the rules that apply to vehicle-based freedom camping would apply (e.g. the national rule explained in section 2 would apply, as would the self-containment rules explained in section 4).

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<sup>1</sup> Section 5 FCA

<sup>2</sup> Section 5(2) FCA

## 2. National rule

5. The Act introduces a new default position that freedom camping on local authority land in a non-self-contained vehicle is prohibited<sup>3</sup>. In other words, the default position is that freedom camping on local authority land is restricted to self-contained vehicles only. See [section 4](#) for a description of the changes to self-containment rules.
6. Local authorities can diverge from the default position of the national rule by implementing freedom camping bylaws that:
  - Permit freedom camping in non-self-contained vehicles in certain areas<sup>4</sup>, or
  - Prohibit or place restrictions on freedom camping in certain areas (i.e. limiting the amount of consecutive days someone can camp in a self-contained vehicle in a certain area)<sup>5</sup>.
7. Further information on bylaws can be found in section 3.

### *How does the new national rule apply to tents?*

The new national rule only applies to motor vehicles (not tents or other temporary structures). This means that the default position is that freedom camping in a tent on local authority land is permitted.

However, as is currently the case under the Freedom Camping Act, local authorities can implement freedom camping bylaws that place restrictions on tent-based freedom camping.

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<sup>3</sup> Section 10 FCA

<sup>4</sup> Section 11A FCA

<sup>5</sup> Section 11 FCA

### 3. Bylaws

8. There are a number of provisions in the Act that impact freedom camping bylaws. This section outlines the relevant provisions and includes some potential scenarios that local authorities may experience depending on the nature of existing freedom camping bylaws.
9. As highlighted in section 2, the new national rule will mean that the default position is that freedom camping on local authority land is restricted to self-contained vehicles. Bylaws can prohibit freedom camping, place further restrictions, or permit freedom camping in non-self-contained vehicles.

#### **Requirement to remove inconsistencies between freedom camping bylaws and the Act**

10. The Act states that if there is an inconsistency between the Act and an existing bylaw, the bylaw has no legal effect to the extent of the inconsistency with the Act<sup>6</sup>. This means that the requirements in the Act prevail over the inconsistency in the bylaw.
11. The Act also requires local authorities to amend or revoke bylaws to remove any inconsistencies. Examples of potential inconsistencies may include:
  - the definition of “freedom camp”, which the Act has amended
  - the definition of “self-contained”, which the Act has amended
  - the definition of “local authority area”, which the Act has amended
  - provisions in bylaws that contradict the national rule—for example, provisions such as this: “Freedom camping is permitted in any local authority area within the City unless it is prohibited or restricted”.
12. When local authorities are removing or revoking inconsistencies they may do this by resolution publicly notified without being required to use the special consultative procedure or being satisfied of the usual requirements set out in section 11(2) of the FCA<sup>7</sup>.

#### **Ability to make bylaws permitting freedom camping in non-self-contained vehicles**

13. The Act enables local authorities to make bylaws that permit freedom camping in non-self-contained vehicles<sup>8</sup>. This will mean that the national rule restricting freedom camping to only self-contained vehicles does not apply to that particular area.
14. When making a bylaw permitting freedom camping on local authority land the local authority may include restrictions or conditions that apply to that area of land<sup>9</sup>. In

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<sup>6</sup> Schedule 1AA, clause 10, FCA

<sup>7</sup> Schedule 1AA, clause 10, FCA

<sup>8</sup> Section 11A FCA

<sup>9</sup> Section 11A(1) FCA

general, when making, amending, or revoking a bylaw that permits freedom camping in non-self-contained vehicles, the local authority must follow the special consultative procedure<sup>10</sup>.

15. Some local authorities have **existing** freedom camping bylaws that permit freedom camping in non-self-contained vehicles in certain areas. These bylaws continue in force during the transitional period unless they are revoked or replaced<sup>11</sup>. These bylaws will cease to have legal effect at the end of the Act's transitional period.
16. However, local authorities may make a new bylaw revoking and replacing the existing bylaw as long as the new bylaw relates to the same area of land where freedom camping is permitted<sup>12</sup>. This will mean the bylaw has legal effect after the end of the transitional period. In this circumstance, the local authority will not be required to follow the special consultative procedure when revoking and replacing the old bylaw<sup>13</sup>.

### **Bylaws relating to Waka Kotahi land**

17. See section 7 for an explanation of bylaws relating to Waka Kotahi land.

#### *What happens to existing bylaws that prohibit freedom camping in certain areas?*

Existing bylaws that prohibit freedom camping in certain areas will continue in force through and after the transitional period. Note: existing rules around the timeframes for the review of bylaws still apply.

#### *What should a local authority do if their existing bylaw defines "self-contained" with reference to the existing standard?*

The local authority is required to remove the definition of "self-contained" as this is inconsistent with the definition in the Act.

Note: the meaning of "self-contained" changes throughout the 2-year transition period as the new self-containment requirements are phased in slowly.

#### *What happens if a local authority does not have a freedom camping bylaw?*

Without a bylaw in place, the default position created by the national rule is that freedom camping on local authority land is only permitted in a self-contained vehicle. Note, other legislation may still impose limits on camping, such as the Reserves Act 1977.

The local authority is not required to implement a freedom camping bylaw.

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<sup>10</sup> Section 11B FCA

<sup>11</sup> Schedule 1AA, clause 11, FCA

<sup>12</sup> Schedule 1AA, clause 11(4), FCA

<sup>13</sup> Schedule 1AA clause 11(5), FCA

*What happens to existing bylaws that restrict certain areas to self-contained vehicles only, in addition to other conditions (such as conditions around number of consecutive nights or number of vehicles)?*

These bylaws will continue to have legal effect. For example, if the existing bylaw contains a 2-night maximum stay this condition will continue to apply to this area.

In addition, the self-containment requirement will continue to apply. By default, the self-containment requirement will apply to all local authority land. It will be important to ensure that it is clear to the public that the self-containment rule applies to all land (except where explicitly permitted or prohibited).

## 4. The meaning of “self-contained”

18. The Act sets out that in order to be self-contained a vehicle must have a fixed toilet<sup>14</sup>. The remaining technical requirements for self-containment will be set out in Regulations, which will be in force no later than 7 December 2023. These new requirements will be phased in over the 2-year transition period.

*How are the new self-containment rules phased in during the transition period?<sup>15</sup>*

19. Self-containment certificates issued **prior to enactment** continue to be evidence of self-containment until the end of the transition period or when the certificate expires (whichever happens sooner). Note: self-containment certificates relating to rental vehicles will no longer be evidence of self-containment 18-months after enactment.
20. After enactment, there will be two ways for a person to have their vehicle certified:
- blue warrants under the **modified standard** – which is based on the existing voluntary standard but includes a new requirement that the toilet must be fixed, or
  - green warrants under the new requirements set out in Regulations and also include a requirement that the toilet must be fixed.

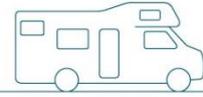
Certification type	When can certification be sought?	When will certification expire?	What are the requirements?
Blue warrants – <b>modified</b> standard	Enactment until 12 months.	End of 2-year transition period for private vehicles and after 18 months for rental vehicles. Unless certificate expires sooner.	The existing voluntary standard <sup>16</sup> with the modification that the toilet must be fixed.
Green warrants – new regulatory requirements	From 6 months post-enactment.	4 years after certification.	The Act includes a requirement that the toilet is fixed. The remaining requirements will be set out in Regulations.

<sup>14</sup> Section 87U(4) PGD Act

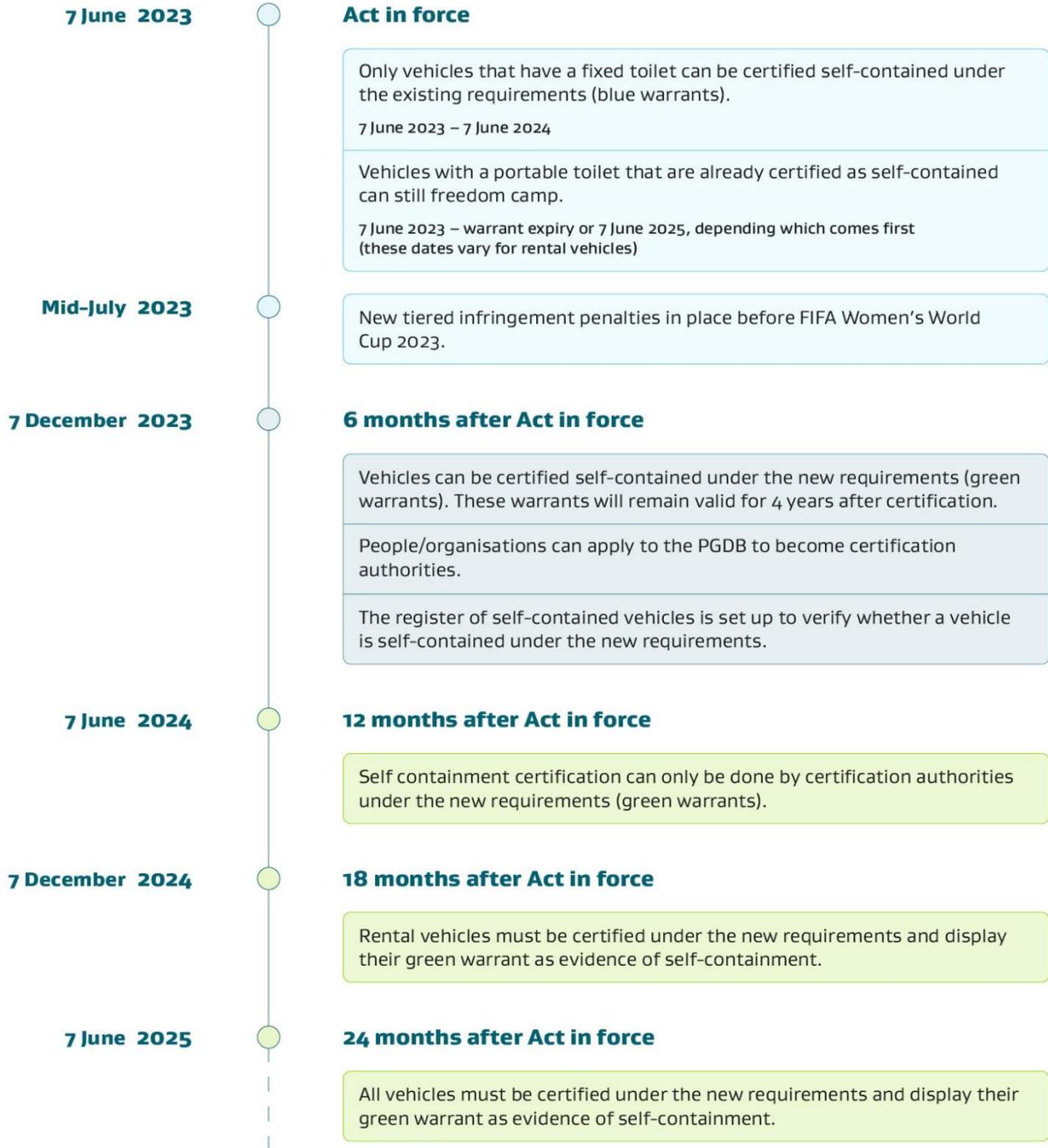
<sup>15</sup> For more information on the legal requirements during the transition period see Schedule 1AA FCA

<sup>16</sup> [NZS 5465:2001 Self containment of motor caravans and caravans](#)

# Freedom Camping Transition Period



Warrants that can be issued as evidence of self-containment: ● blue ● blue and green ● green



## 5. Homelessness

21. The Act introduces two changes related to homelessness in the context of freedom camping, which are outlined below.

### Exemption

22. Previously, people experiencing homelessness *could* be liable for offences under the FCA. However, local authorities were encouraged through Local Government New Zealand (LGNZ) Guidance to apply discretion and to not penalise people experiencing homelessness and instead direct them to appropriate social service agencies.
23. The Act now contains a exemption from the freedom camping rules for those that are experiencing homelessness.
24. The exemption<sup>17</sup> sets out that a person is not “freedom camping” if they are:
  - not in New Zealand on a visitor visa, **and**
  - unable to live in appropriate residential accommodation
25. For the exemption to apply, the person needs to satisfy both elements listed above. If they are in New Zealand on a visitor visa, then the exemption will not apply. Alternatively, even if they aren’t on a visitor visa but they are able to live in appropriate residential accommodation then the exemption will not apply.
26. Because the legislative exemption applies to the definition of “freedom camping”, people who meet the exemption cannot be liable for offences for freedom camping.
27. This legislative exemption largely reinforces the previous recommended approach to homelessness (that people experiencing homelessness should not be penalised and instead directed to appropriate social service organisations). The LGNZ Guidance may still be a useful resource for considering how to interact with people experiencing homelessness<sup>18</sup>.

#### *Which offences are people experiencing homelessness exempt from?*

People experiencing homelessness are not liable for any offences for freedom camping. This includes most offences and penalties provided for in the Freedom Camping Act.

People experiencing homelessness are still liable for other offences, such as those relating to discharging a harmful substance on local authority, conservation or LINZ land and interfering with an enforcement officer while they carry out their duties under the FCA.

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<sup>17</sup> Section 5, FCA

<sup>18</sup> [45954-LGNZ-Freedom-Camping-good-Practice-Guide-WEB2.pdf](#). Please note, this guidance was issued before the enactment of the Act so care must be taken when being informed by it.

This exemption does not limit liability for offences in other legislation, such as the Conservation Act 1987, Reserves Act 1977, or Trespass Act 1980.

#### *What is meant by 'unable to live in appropriate residential accommodation'?*

Freedom camping is a voluntary activity, while being homeless is not. The intent of this exemption is to clarify that people living in tents or vehicles out of necessity (i.e. because they have no other option for safe and secure housing) are not “freedom camping” and should not be liable for offences applied to the activity of freedom camping.

Those who have made the lifestyle choice/prefer to live in motor vehicles are not covered by the exemption. If they are able to live in residential accommodation but prefer to live in their motor vehicles, then they are not covered by the exemption.

The definition of residential accommodation is broad and includes accommodation in a dwelling house, flat, hotel, motel, boarding house, or camping ground. If any of these options are available to someone, then they are able to stay in appropriate residential accommodation and as such, the exemption doesn't apply. However, even if someone owns or rents a house they may not be able to live in it due to safety concerns, for example.

#### *What is meant by a 'visitor visa'?*

The exemption does not apply to people who are in the country on a visitor visa.

Note, that Australians visiting New Zealand are generally not in New Zealand on a visitor visa as they are eligible for a resident visa upon entry. However, those visiting from visa waiver countries are not exempted on the basis they receive visitor visas at the border (unless they have been issued a different visa, such as a work visa).

A visitor visa is defined as per the meaning within the immigration instructions. You can view immigration instructions at: <https://www.immigration.govt.nz/opsmanual/#44919.htm>

## **Review**

28. The Act requires a review on the impact of the reforms on those experiencing homelessness be started two years after enactment and must be completed within a further six months (30 months after enactment)<sup>19</sup>.
29. This review will assist in ensuring that the legislative exemption is not having negative consequences for those experiencing homelessness.
30. The review will be undertaken by the Minister of Tourism with support from relevant Ministers and agencies, with the outcomes reported to the House of Representatives.

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<sup>19</sup> Section 45A FCA

MBIE will work with local authorities and other relevant stakeholders at the time to conduct this review.

## 6. Slide-on campers

31. As highlighted previously, different rules apply to tents / temporary structures and motor vehicles.
32. The Act sets out that the definition of motor vehicle is as follows:
  - A motor vehicle within section 2(1) of the Land Transport Act 1998, or
  - A unit used for camping that is not itself a vehicle but is capable of being:
    - Transported by means of loading onto a vehicle, and
    - Used for camping whether or not it is loaded onto a vehicle.
33. The definition of motor vehicle in the Land Transport Act covers vehicles like caravans, campervans, cars, vans etc.
34. The additional definition is intended to cover slide-on campers. A slide-on camper is a camper that is mounted on the back of a ute or flat-bed truck, which can be removed at any time and used when it is detached from the vehicle. That means the rules that apply to vehicles, such as the national rule, will also apply to slide on campers. Because slide-on campers are considered motor vehicles for the purposes of the Act, they will be able to be certified as self-contained if they meet the requirements.

*Figure 1 Typical example of a slide-on camper (Source: <https://nzmc.co.nz/reviews/fifth-wheelers/cute-campa/>)*



### *How will enforcement officers know if a slide-on camper is self-contained?*

Slide-on campers do not have licence plate numbers. Instead of this, the make and model of the certified slide-on camper will be included in the register of self-contained vehicles.

In addition, enforcement officers can request to see the certificate of self-containment.

## 7. Extension to Waka Kotahi and Land Information New Zealand land

35. The Act extends the Freedom Camping Act to land administered by Waka Kotahi<sup>20</sup> and Land Information New Zealand (LINZ).
36. There are some key differences between the treatment of Waka Kotahi and LINZ land, which are explained below.

### Waka Kotahi land

37. The Freedom Camping Act does not automatically apply to Waka Kotahi land. This means, for example, the national rule or the Freedom Camping Act offences do not automatically apply to Waka Kotahi land.
38. However, local authorities can introduce freedom camping bylaws that set out that Waka Kotahi land is local authority land for the purposes of freedom camping<sup>21</sup>. This means that the national rule would then apply and that the local authority freedom camping bylaw can set out further restrictions if required.
39. There is nothing in the Act that mandates that local authorities must make or consider making freedom camping bylaws in relation to Waka Kotahi land. It is up to local authorities and Waka Kotahi to come to an agreement about whether to introduce a freedom camping bylaw and how it is managed.

### Incorporating Waka Kotahi land via freedom camping bylaw

40. A local authority can only make a bylaw incorporating Waka Kotahi land if it is satisfied that<sup>22</sup>:
  - i. the bylaw is necessary for one or more of the following purposes:
    - to protect the area
    - to protect the health and safety of people who may visit the area
    - to protect access to the area; and
  - ii. the bylaw is the most appropriate and proportionate way of addressing the perceived problem in relation to that area; and
  - iii. the bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990.

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<sup>20</sup> Referred to as "NZTA" in the Act.

<sup>21</sup> Section 10A FCA

<sup>22</sup> Section 10A(2) FCA

41. In addition, the local authority must receive the written consent of the Chief Executive of Waka Kotahi<sup>23</sup>.

#### *How does enforcement work on Waka Kotahi land?*

Waka Kotahi are not empowered to appoint enforcement officers to carry out freedom camping enforcement.

Local authorities can appoint enforcement officers to carry out enforcement activities on Waka Kotahi land (that has been incorporated through a freedom camping bylaw). If local authority appointed enforcement officers issue infringement notices, then the local authority is entitled to retain infringement fees regardless of what land type the infringement is issued on. For example, local authorities enforcing on Waka Kotahi land are entitled to retain those infringement fees.

### **Land Information New Zealand (LINZ) land**

42. The Act stipulates that freedom camping on LINZ land is prohibited<sup>24</sup>.
43. The Act empowers the Commissioner of Crown Lands and Chief Executive of LINZ to permit freedom camping on LINZ land subject to any restrictions or conditions<sup>25</sup>.
44. LINZ advises that they intend to issue notices for LINZ's five campsites and define in detail where freedom camping is allowed and the conditions and restrictions which apply at these sites. These notices will be available on the LINZ "Camping areas" webpage, [available at this link](#).<sup>26</sup>
45. LINZ is able to appoint enforcement officers to carry out enforcement activities<sup>27</sup>. Local authorities are also able to appoint enforcement officers to carry out enforcement activity on LINZ land, in which case the local authority retains infringement fees they issue<sup>28</sup>. Note, there is nothing to require a local authority to appoint enforcement officers to carry out enforcement activity on LINZ land.

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<sup>23</sup> Section 10A(3) FCA

<sup>24</sup> Section 19A(1)

<sup>25</sup> Section 19B and 19C

<sup>26</sup> <https://www.linz.govt.nz/our-work/crown-property-management/types-crown-property/camping-areas>

<sup>27</sup> Section 33A

<sup>28</sup> Section 32

## 8. Offences

46. There are a number of changes to the offences and penalties regime implemented by the Act, which are outlined below.

### Offences on local authority land

47. The below infringement offences apply to local authority land<sup>29</sup>. Some of these infringement offences have been carried over from the FCA and some are new offences introduced by the Act:

New infringement offences	Existing infringement offences carried over from the FCA
Freedom camping in a non-self-contained vehicle in breach of the national rule <sup>30</sup>	Freedom camping in breach of a bylaw <sup>31</sup>
Failing to display a warrant card in a motor vehicle when freedom camping (unless the area is permitted for non-self-contained vehicles) <sup>32</sup>	While freedom camping a person: <ul style="list-style-type: none"> <li>interferes or damages the area, its flora or fauna, or any structure, or</li> <li>deposits waste in or on the area (other than into an appropriate waste receptacle)<sup>33</sup></li> </ul>
Freedom camping in a self-contained vehicle with more people than the vehicle is certified for <sup>34</sup>	Making preparations to freedom camp in breach of a bylaw <sup>35</sup>
Making preparations to freedom camp in a non-self-contained vehicle in breach of the national rule <sup>36</sup>	Failing or refusing to leave a local authority area when required to do so by an enforcement officer <sup>37</sup>
Making preparations to freedom camp in a self-contained vehicle with more people than the vehicle is certified for <sup>38</sup>	

48. There are infringement offences that apply regardless of land type<sup>39</sup> such as displaying an altered or fraudulent warrant card or presenting an altered or fraudulent certificate of self-containment to an enforcement officer.

<sup>29</sup> Section 20 FCA.

<sup>30</sup> Section 20(1)(b) FCA

<sup>31</sup> Section 20(1)(a) FCA

<sup>32</sup> Section 20(1)(c) FCA

<sup>33</sup> Section 20(1)(e) FCA

<sup>34</sup> Section 20(1)(d) FCA

<sup>35</sup> Section 20(1)(f) FCA

<sup>36</sup> Section 20(1)(g) FCA

<sup>37</sup> Section 20(1)(i) FCA

<sup>38</sup> Section 20(1)(h) FCA

<sup>39</sup> Section 20C FCA

49. There are criminal offences that apply regardless of the land type<sup>40</sup> and also offences that relate to LINZ and DOC land<sup>41</sup>.

## **Infringement fees and fines**

50. The Act sets out that the infringement fee for all infringement offences is \$400, unless prescribed in Regulations<sup>42</sup>. This means that the default fee for all infringement offences is \$400.
51. The Act empowers the making of Regulations that set out infringement fee and fine levels for each infringement offence. The Government will take a tiered approach to these fines, with the penalty for each offence being proportionate to the harm caused. Once the Regulations have been agreed there will be a 28-day public notice gazetting period before they take effect.
52. The new infringement fee and fine Regulations are intended to be in place before the start of the FIFA Women's World Cup 2023 in July. Once in force, the Regulations can be accessed on the Legislation.govt.nz website.
53. Local authorities can continue to keep all infringement fees resulting from infringement notices issued by enforcement officers within their districts.
54. The Act enables infringement notices to be emailed<sup>43</sup>. To support this enforcement officers are empowered to direct a person to provide their email address if the enforcement officer believes on reasonable grounds that they have committed an offence<sup>44</sup>.

## **Preparing to freedom camp**

55. As is the case with the Freedom Camping Act, the Act includes infringement offences that relate to making preparations to freedom camp. For example, making preparations to freedom camp in breach of the national rule.
56. The Act includes a definition of "make preparations" as follows:
- "to do either or both of the following:
    - (a) erect a tent to use it for freedom camping;
    - (b) park a motor vehicle to use it for freedom camping."

## **Education-first approach**

57. The Act introduces a number of new rules and requirements. It may take some time for the public to become familiar with these new rules, particularly during the

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<sup>40</sup> Section 20F and 20G FCA.

<sup>41</sup> Section 20A and 20B FCA.

<sup>42</sup> Section 20E(aa) FCA

<sup>43</sup> Section 27A FCA

<sup>44</sup> Section 25 FCA

transition period as the new self-containment rules are slowly phased in. We encourage local authorities to take an education-first approach to enforcement where appropriate.