

New Freedom Camping Law - Question and Answers

1. Where are the problems with freedom camping?

The problems are most acute in regions with high tourist numbers, such as Fiordland, Otago, Southland, West Coast, Nelson-Marlborough, Rotorua, Coromandel, and the Bay of Islands, but they have also been reported in major centres like Christchurch.

2. What sort of numbers of problems have councils reported on freedom camping?

Marlborough District complaints over irresponsible freedom camping increased from 80 in 2006, 132 in 2007, 319 in 2008, and 432 in 2009. Most complaints were for non-self-contained vehicles used by overseas visitors.

In Queenstown, Department of Conservation staff monitored six sites with “no camping” signs during February-April 2010. Between one and four vans was found at each site per visit. Human waste and toilet paper was common and widespread.

The Coromandel issued 366 warnings in January for people found freedom camping in prohibited areas. Other councils that have reported similar problems include Nelson, Westland, Buller, Christchurch, Taupo and the Far North.

3. What are the problems with enforcement and how are these being fixed?

First, a prosecution for illegal freedom camping requires a court prosecution and costs around \$3000. Councils cannot justify this cost to the ratepayer nor DOC to the taxpayer except in extreme cases, and therefore there is negligible enforcement. The new instant fine regime will fix this.

The second problem is that only a person can be prosecuted – not a vehicle. It is impractical and costly for a council official to wait around until a person appears or to try and enter a campervan. The new law will allow tickets to be issued to vehicles just like parking tickets.

The third practical problem is differentiating the exact legal boundaries in rural areas between council properties and DOC reserves. The new law has all the same rules for both and enables cross recognition of enforcement officials.

The final problem is rental car companies either not keeping records of people's addresses or refusing to provide them. The new law will require rental car companies to keep the records to enable fines to be collected from offenders.

4. How will these restrictions on camping impact on trampers and mountaineers away from the popular tourist areas where these problems are occurring?

The infringement system does not apply to the back country. It only applies to areas within 1km of a formed road or the sea, or 500m of a great walk track. And it only applies if camping has been explicitly restricted.

5. What sort of offending will be subject to the proposed instant fine system?

Camping where prohibited, camping without containment facilities where camping is restricted to those with approved facilities, littering, leaving human waste.

6. Who receives the revenue from the fines?

Local councils will receive all revenue from fines issued by enforcement officers in their jurisdictions. Revenue from fines from DOC staff or on DOC reserves will be paid into the Crown Bank Account.

7. What will the cost be to councils?

Many councils already have bylaws to control freedom camping but cannot practically enforce them. It will be up to local authorities to decide how much effort they will put into enforcing bylaw breaches. Not being able to effectively enforce camping restrictions means that they are currently spending money to clean up human waste and deal with public complaints.

8. How will the transition work for councils from existing bylaws?

The majority of the existing local authority camping related bylaws are covered by the transitional provisions of the Bill, thus avoiding the need for councils to undertake reviews.

9. Will the \$200 fine have to be paid immediately? If not, how will the fine be recovered from visitors who have left New Zealand?

No, an infringement fee will be served by the issuing of an infringement notice. It can be issued against a vehicle and therefore the fines will be recoverable from the owner of the vehicle – for example, a hire company.

10. Will the new law cover commercial campgrounds?

No. The new law only applies to freedom camping on public land. It may result in some campers, particularly those without containment facilities, choosing to use commercial campgrounds.