

**The Minister for Tourism and Hospitality's report  
to the House of Representatives  
on the  
statutory review of the effect of the  
Self-contained Motor Vehicles Legislation Act 2023 on homelessness**

**Presented to the House of Representatives  
as required by section 45A of the Freedom Camping Act 2011**

The Minister for Tourism and Hospitality's report to the House of Representatives on the statutory review of the effect of the Self-contained Motor Vehicles Legislation Act 2023 on homelessness required by section 45A of the Freedom Camping Act 2011.

### Executive Summary

1. This report reviews how the Self-contained Motor Vehicles Legislation Act 2023 (Amendment Act) affects homelessness. People experiencing homelessness are exempt from the freedom camping infringement offences under section 5(2A) of the Freedom Camping Act (FCA), which was inserted by the Amendment Act.
2. The review highlights that homelessness and freedom camping are fundamentally different. Freedom camping is a recreational choice, while homelessness is typically involuntary. The exemption helps ensure that vulnerable people with complex needs are not being penalised for living in vehicles or tents as a result of barriers that prevent or inhibit access to safe and stable housing.
3. Most councils that submitted on the review supported keeping the exemption. However, some councils face challenges applying it, especially when deciding if someone is experiencing homelessness. Others had no difficulty implementing this part of the FCA. Many of the operational issues raised by submitters can be addressed by sharing best practice.
4. Most councils that submitted refer people experiencing homelessness to social services. Councils also have other tools that can be used to respond to undesirable behaviour, public health impacts, environmental effects and land use issues, including at freedom camping sites, regardless of a person's housing status. There was no evidence that the exemption is fundamentally undermining the operation of the FCA.
5. I am satisfied that there should not be any change to the legislation at this time. There will be an opportunity for councils to share best practice to strengthen the implementation of the legislation.
6. The FCA is not fully in force until June 2026. A full review of the freedom camping system, including the homelessness exemption, will take place after the new rules come into force and there is sufficient evidence of how the system is operating.

### Introduction

7. I am mandated by section 45A of the FCA to:
  - review the effect of the Amendment Act on homelessness; and
  - prepare a report on the review to present to the House of Representatives.
8. The review has to be completed no later than 7 December 2025 and the report presented to the House of Representatives as soon as practicable after that.
9. The review has occurred in a period before the new freedom camping system is fully in force. The deadline for private vehicles to comply with the self-containment requirements in the FCA was extended until June 2026 by the (Self-contained Motor Vehicles—Extension of Period 4) Regulations 2025. This means that full enforcement of the Act is not currently occurring.

## Homelessness and freedom camping

10. There are clear differences between freedom camping and homelessness. Freedom camping is a voluntary, recreational activity that takes place on public land (outside camping grounds). Homelessness is not a recreational choice. It is typically involuntary, borne out of necessity and can take place anywhere. It includes people sleeping on public land in vehicles or temporary structures.
11. There is a growing number of people experiencing homelessness in New Zealand. Figures from Auckland Council show that at the end of May 2025, six social service providers with outreach capacity were working with 809 unsheltered clients sleeping in cars, streets and local parks. This was a 90 per cent increase from the 426 reported in September 2024. These social service providers noted that numbers will be under-reported as many people experiencing homelessness are transient or hidden from sight.<sup>1</sup>
12. More information on homelessness is provided at **Annex One**.
13. Freedom camping is a small but highly visible part of both domestic and international tourism. The International Visitor Survey for the year ending June 2025 showed that 134,807 international visitors (4.6 per cent) used freedom camping as an accommodation option.
14. The Ministry of Business, Innovation and Employment (MBIE) commissioned research into freedom camping in 2019.<sup>2</sup> It found that over 245,000 people freedom camped in the 2019 calendar year. Around 63 per cent (154,000) of these were international visitors and the remaining 37 per cent (91,000) were New Zealand residents. These campers generated 2.67 million freedom camping nights at an average of 10.9 nights per person.
15. The three most popular areas for freedom camping were all in the South Island: Tasman District (151,000 camping nights), Queenstown-Lakes District (137,000 camping nights) and Christchurch City (128,000 camping nights). The most popular North Island areas were Thames-Coromandel District (127,000 camping nights) and Tauranga City (126,000 camping nights).
16. Background information on freedom camping and the history of the FCA is provided at **Annex Two**.

### *Freedom Camping Act 2011*

17. While there was no reference to homelessness in the FCA before the Amendment Act, Local Government New Zealand issued guidance in 2018<sup>3</sup> that encouraged councils to apply their discretion to avoid penalising people who were experiencing homelessness, instead directing them to appropriate social service agencies:

*Good practice is for the freedom camping bylaw not to act as an instrument of dealing with homelessness. Social issues in a city or district cannot be sustainably managed in the first instance by a council bylaw. Good practice is to approach homelessness as a joined-up agency approach... Don't treat homeless like freedom campers... don't treat homeless with disrespect.*

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<sup>1</sup> Homelessness Insights Report (June 2025), Ministry of Housing and Urban Development.

<sup>2</sup> Responsible Camping Research 2019/20 (April 2020), Fresh Info.

<sup>3</sup> Good practice guide for freedom camping, Local Government New Zealand (April 2018).

## Homelessness exemption introduced by the Amendment Act

18. Part 3 of the FCA described freedom camping infringement offences.<sup>4</sup> These are intended to deter conduct that is of low seriousness and therefore does not justify the imposition of criminal law and the use of court time.
19. The Amendment Act introduced an exemption to the freedom camping infringement offences for people experiencing homelessness (the exemption).
20. Section 5(2A) of the FCA provides that a person is not freedom camping if they are:
  - a. not on a visitor visa; and
  - b. unable to live in appropriate residential accommodation and, as a consequence of that inability, are living in either or both of the following:
    - i. a tent or other temporary structure
    - ii. a motor vehicle.

## Effect of the exemption

21. The exemption to the freedom camping rules in the Amendment Act reinforced the informal approach taken by some local government officials under the previous legislation. In practice, it meant that an enforcement officer had to be satisfied that a person is not experiencing homelessness before issuing an infringement under the FCA.<sup>5</sup>
22. Those experiencing homelessness can still be held liable for a small number of FCA criminal offences under the FCA relating to discharging of certain substances and interfering with an enforcement officer.<sup>6</sup>

## Targeted consultation as part of the review

23. For the purpose of this review, MBIE undertook targeted consultation on my behalf between May and July 2025 with:
  - all 78 councils (territorial, regional and unitary)
  - two freedom camping membership organisations
  - 55 social service providers.<sup>7</sup>
24. Twenty-five submissions were received. This included twenty-four submissions from councils and one from the New Zealand Motor Caravan Association (NZMCA), a freedom

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<sup>4</sup> Part 3 of the FCA (sections 20, 20A, 20B, 20C, 20D and 20E) sets out the freedom camping infringement offences. Section 43 also allows for regulations to further define the infringement regime.

<sup>5</sup> Local Government New Zealand updated its freedom camping guidance to include how to determine if someone is homeless (Local Government New Zealand Freedom Camping Guidance (Simpson Grierson), January 2024).

<sup>6</sup> Sections 20F and 20G.

<sup>7</sup> The social service providers included in the consultation were recommended by the Ministry of Housing and Urban Development and the Ministry of Social Development.

camping membership organisation. No submissions were received from social service providers.<sup>8</sup>

## Feedback from submitters

### *What councils said*

25. Councils suggested a range of legislative and non-legislative changes to the way the FCA interacts with homelessness.

26. The key themes from council submissions were:

- **Implementing the exemption** – A third of responding councils said that they did not have any difficulty applying the exemption. Of the other councils, 10 (or 42 per cent of responding councils) said that identifying who meets the exemption was their most significant challenge.
- **Guidance and training** – Over half of responding councils said that additional guidance, sharing of best practice, training and/or criteria for assessing homelessness would help them to apply the exemption.
- **Changing the legislation** – About two-thirds of responding councils suggested changes to the legislation. Half of these (a third of responding councils) sought to amend the exemption in s5(2A).
- **Referring people to social services** – More than two-thirds of responding councils said they refer people experiencing homelessness to social service providers.

### *Councils would like more guidance, training and sharing of best practice*

27. Over half of the councils that submitted said applying the exemption could be improved without changing the law by:

- updating national guidance, like that provided by Local Government New Zealand<sup>9</sup>
- sharing best practice between councils, and/or
- having more training for council officers.

28. Almost a third of councils that submitted said they have little or no difficulty using their discretion to determine who is exempt under section 5(2A).

### *Some councils suggested changes to legislation*

29. About two-thirds of councils that submitted suggested changes to the legislation,<sup>10</sup> in particular:

- Clarify the definition of homelessness in section 5(2A) (seven councils)
- Exclude certain types of vehicles from the exemption (two councils)

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<sup>8</sup> A consultation survey was sent to social service providers on 27 May 2025. A reminder was sent on 4 July 2025.

<sup>9</sup> To include, for example, criteria or decision-making processes to help councils decide when the exemption applies.

<sup>10</sup> Some councils sought more than one change.

- Require people to provide evidence that they do not have access to accommodation before the exemption applies (five councils)
- Add enforcement mechanisms that can be applied to people experiencing homelessness<sup>11</sup> (six councils)
- Remove the exemption entirely (two councils)

30. A breakdown of what councils submitted is provided at **Annex Three**.

*What camping membership organisations said*

31. The NZMCA said that the exemption creates a double standard that is not fair for freedom campers.
32. The NZMCA said the exemption has led to councils deciding to close or reduce sites for freedom camping.<sup>12</sup>
33. The NZMCA recommended that the FCA should be amended to control specific behaviours regardless of 'housing status' although also suggested that people experiencing homelessness should be referred to social services in the first instance.

*Retaining the exemption is appropriate*

34. I have considered whether to remove the exemption in section 5(2A) of the FCA and I have found that there is insufficient evidence for doing so at this stage.
35. While issues to do with homelessness can lead to impacts at freedom camping sites, these are regionally isolated and should be managed differently to freedom camping issues. The FCA is not designed to respond to issues to do with homelessness.
36. Many of the operational issues raised by submitters can be dealt with by sharing best practice.

*The exemption aligns with the Legislation Design and Advisory Committee Guidelines<sup>13</sup>*

37. Freedom camping infringement offences are low-level enforcement tools to address minor breaches of the freedom camping rules, such as camping in prohibited areas or failing to display a self-containment warrant. The exemption for people experiencing homelessness aligns with the Legislation Design and Advisory Committee Guidelines insofar as:
- The FCA is specifically about freedom camping. People experiencing homelessness are not camping by choice. The exemption recognises the distinction between recreational freedom camping and involuntary homelessness. Freedom camping infringement offences are not well suited to address adverse behaviour from those who cannot afford

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<sup>11</sup> For example, allow councils to move people experiencing homelessness out of freedom camping sites after a specified period or limit the exemption to areas with toilets.

<sup>12</sup> The NZMCA notes Nelson City Council and Whanganui District Council raised issues to do with homelessness in their decisions to close freedom camping sites. MBIE officials found that other examples of councils closing freedom camping sites cited other issues, such as pressure on facilities, overcrowding, health and safety, environmental impacts and access by locals.

<sup>13</sup> The Legislation Design and Advisory Committee Guidelines (2021 edition) are adopted by Cabinet and provide the government's key point of reference for assessing whether draft legislation conforms to accepted legal and constitutional principles.

to pay fines or fees, as they are unlikely to have a deterrent effect in that instance and are not well designed to move a person on. There is other legislation that can be used to respond to negative effects from homelessness including the potential for arrest (for example the Reserves Act 1977 and Trespass Act 1980).

- Infringement offences in the FCA are also not an effective way to respond to the complex structural and social issues associated with homelessness given the root causes that underpin homelessness, such as the housing situation, mental health issues and poverty.
- The exemption to infringement offences for people experiencing homelessness is fair because it avoids penalising vulnerable people. The Ministry of Housing and Urban Development's Homelessness Insights Report (June 2025) notes broader system insights that may be affecting homelessness such as rising unemployment, population growth, rental inflation, availability of appropriate housing, residential construction, family violence, alcohol, drugs and other substances.

*Rates of freedom camping and homelessness are variable*

38. Issues associated with the exemption are most acute in areas with the highest rates of freedom camping and/or highest numbers of homelessness.<sup>14</sup>
39. Freedom camping is highly concentrated in certain districts. In the 2019 calendar year numbers ranged from 151,000 freedom camping nights per year in Tasman District to only 3,000 nights in Carterton District.<sup>15</sup> There was a correlation between councils that said they had some difficulty applying the exemption and those with the highest volume of freedom camping.
40. Similarly, numbers of people experiencing homelessness vary significantly between areas. 2023 Census data showed Auckland and the Far North District had the highest numbers of people without shelter (747 and 525 respectively) and Carterton District, Upper Hutt City, Gore District and Kawerau District had the lowest numbers (12). Like councils with a high volume of freedom camping, there was also a correlation between councils that said they had some difficulty applying the exemption and those with the highest number of people experiencing homelessness.
41. As well as being associated with areas of higher rates of freedom camping and/or homelessness, councils that said they had difficulty applying the exemption were also more likely to make a submission on the review.

*Other enforcement tools are available*

42. Where issues arise, the exemption in the FCA does not prevent councils using enforcement tools under other legislation to respond to undesirable behaviour, public health impacts, environmental effects and land use issues, including at freedom camping sites.<sup>16</sup> These tools can be used regardless of a person's housing status.

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<sup>14</sup> This is shown in the table at Figure 8 in Annex 3.

<sup>15</sup> Responsible Camping Research 2019/20 (April 2020), Fresh Info.

<sup>16</sup> Including, for example, trespass notices under the Trespass Act 1980, infringement offences under the Reserves Act 1977, infringement notices under the Litter Act 1979, abatement notices under the Resource Management Act 1991 and orders and abatement notices under the Health Act 1956).

*Effective approaches to homelessness that councils can use*

43. The exemption means that people who are sleeping in vehicles or tents out of necessity, rather than as a recreational choice, are not subject to the infringement offences in the FCA. It means that enforcement officers, where possible, provide support to people experiencing homelessness by referring them to social services.
44. Seventy-one per cent of councils that submitted said that they already take a supportive, rather than punitive, approach by referring people experiencing homelessness to social service providers.
45. Homelessness is typically involuntary and driven by systemic issues such as relationship/family breakdown, housing shortages, loss of employment or income, incarceration, mental health and addiction, and domestic abuse. A number of these were highlighted in the Ministry of Housing and Urban Development's Homelessness Insights Report (June 2025). This reflects broader social complexity that is best addressed through social services and policy interventions. The report highlighted councils in Wellington, Christchurch and Tauranga, which take a holistic approach to homelessness by working closely with the Ministry of Social Development, police and social services.
46. A small number of councils that submitted requested that the FCA be amended to allow infringement offences to be enforceable against people experiencing homelessness. This would penalise vulnerable individuals with complex needs and shift issues and costs associated with homelessness to different parts of the system, rather than addressing them. Further, it might exacerbate issues to do with homelessness and put greater strain on community relationships.
47. Fifty-five social service providers that work with people experiencing homelessness were invited to provide feedback as part of the targeted consultation but no submissions were received. This suggests that the exemption was not viewed as problematic by those working directly with people experiencing homelessness.

*Operational challenges are manageable for many councils*

48. Some councils that submitted are exercising their discretion to assess homelessness in a way that is practical and effective, for example by talking to people, considering the vehicle and/or site conditions, engaging with social services and/or maintaining a record of previous interactions.
49. Some councils reported operational challenges in applying the exemption, for example difficulty verifying homelessness; however, challenges to infringement notices based on homelessness are rare (and, when they do occur, they are generally successful). This shows that although councils may experience some operational challenges, they are mostly getting it right. There is no evidence to suggest that the exemption is fundamentally undermining the operation of the FCA.

*What submitters sought*

50. Most councils supported the exemption or sought non-legislative improvements to its implementation. Some councils reported operational challenges in applying the exemption, particularly in verifying homelessness.
51. Over half of responding councils suggested updated guidance, sharing of best practice and/or training would help them to apply the exemption.

52. Creating opportunities for councils to share best practice would address many of the operational issues raised by submitters and strengthen the implementation of the legislation. A third of councils said they have little or no difficulty applying the exemption. These councils have expertise that other councils can draw on to improve how they exercise their discretion.
53. Taituarā has agreed to organise and facilitate an opportunity for councils to share best practice in April 2026. Taituarā is a membership organisation that provides education and networking for local government professionals.
54. Two submitters sought to remove the exemption. For the reasons set out above, this change would further penalise people experiencing homelessness. Sharing best practice on how to implement the exemption will help to address operational issues.
55. Some submitters sought other changes to the legislation:

Legislative change sought	Analysis
Clarify the definition for homelessness in section 5(2A).	There is no statutory definition for homelessness under New Zealand law. The FCA is not the appropriate place to define homelessness as the Act is concerned with a recreational activity rather than housing. Practically, even with a more detailed definition, it will not always be clear whether someone is experiencing homelessness - enforcement officers will still be required to exercise discretion based on the context.
Allow councils to move homeless people out of freedom camping sites after a specific period	There would be practical challenges implementing this change under regulations or law as it would require enforcement officers to keep track of the movements of individuals. It could also further penalise people experiencing homelessness.
Limit the exemption to areas with access to toilets	There would be practical challenges implementing this change under regulations or law as amenities can change or be closed in a much shorter period than establishing law. It would also further penalise people experiencing homelessness. Some councils said that they are taking a compassionate approach and successfully working with people experiencing homelessness to relocate them to areas with more amenities.
Exclude certain types of vehicles from the exemption	There would be practical challenges implementing this change under regulations or law as it is not practical to anticipate future vehicle configurations or current vehicle refurbishments. Some councils specifically said that they are already considering vehicle type and condition when exercising discretion.
Control particular behaviours under the FCA regardless of housing status	This change could further penalise people experiencing homelessness. Where behaviour is an issue, it is appropriate for councils to work with social services and, if needed, the police. Other legislative tools are also available.

Require people to provide evidence that they do not have access to accommodation before the exemption applies	There would be practical challenges implementing this change under regulations or law as it may be difficult for a person experiencing homelessness to provide positive proof. For example, people without access to secure housing may struggle to obtain documentary evidence. This change could further penalise people experiencing homelessness. It carries a substantial risk of stigmatisation.
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## Outcome of the review

56. Under section 45A of the FCA, I am required to review the effect of the Amendment Act on homelessness. In carrying out this review, I have considered the operation and effectiveness of the exemption in section 5(2A). I am satisfied that there should not be any change to the legislation at this time for the following reasons:

- No evidence was discovered or received as a part of this review to suggest that the exemption is undermining the operation of the FCA.
- No evidence discovered or received as part of this review has shown that the exempted infringement offences in the FCA would be an effective way of responding to where people camp who are experiencing homelessness.
- The FCA is intended to regulate a leisure activity that people choose to do (in contrast to being homeless, which is typically involuntary).
- People experiencing homelessness are still liable to be prosecuted for serious offences under the FCA. These include discharging of certain substances and interfering with an enforcement officer.
- Operational implementation is best addressed through improved guidance, training, and sharing of best practice.
- Councils have access to other legislative tools to respond to undesirable behaviour, public health impacts, environmental effects and other land use issues, such as under the Trespass Act 1980 and the Reserves Act 1977.

*A comprehensive review of the freedom camping system requires the FCA to be fully in force*

57. The FCA is not fully in force until June 2026.

58. The Freedom Camping (Self-contained Motor Vehicles—Extension of Period 4) Regulations 2025 extended the deadline for private vehicles to comply with the new self-containment requirements in the FCA to 7 June 2026.

59. A full and comprehensive assessment of how the freedom camping system is working can only be made once the transition period has ended and councils have collected adequate information about its operation. I will review the exemption again, as a part of a wider review of the system.

## Annexes

Annex One: Homelessness in New Zealand

Annex Two: Freedom camping background

Annex Three: What councils said

## Annex 1 – Homelessness in New Zealand

There have been widespread media reports about the increase in the number of people experiencing homelessness. The FCA has been cited by some councils in media stories relating to homelessness (such as Himatangi Beach in Manawatū District and communities in the Whangārei District).

Homelessness is a complex issue that is driven by a range of factors. A number of people live in their vehicles because of a lack of suitable housing options, while others do so because of a range of more complex structural and social issues, which are often overlapping. This can include barriers in the broader housing and other systems, as well as more personal circumstances, such as mental health and addiction. The Homelessness Action Plan provides a framework for communities, Māori, iwi, providers and central and local government to take joined-up, locally tailored action to prevent and reduce homelessness. Actions initiated under the Homelessness Action Plan are ongoing.

In June 2025, the Ministry of Housing and Urban Development published the second iteration of the six-monthly homelessness insights report.<sup>17</sup> Using Census data, this report shows an increase in those experiencing homelessness between 2013 and 2023:

Fig 1. Census data from Homelessness Insights Report (June 2025)

Living without shelter situation	Number of people			Prevalence per 10k people		
	2013	2018	2023	2013	2018	2023
Roofless/rough sleeper	30	207	333	0.1	0.4	0.7
Improvised dwelling	1,425	1,347	1,116	3.4	2.9	2.3
Mobile dwelling	2,667	2,070	3,516	6.3	4.5	7.1
<b>Total</b>	<b>4,122</b>	<b>3,624</b>	<b>4,965</b>	<b>9.7</b>	<b>7.8</b>	<b>10.1</b>

The report says that figures from around the country are all indicating upwards trends in people living without shelter and related reports from the public. It cites figures from Auckland Council at the end of May 2025, which reported 809 sleeping in cars, streets and local parks (a 90 per cent increase from 426 in September 2024).

People living without shelter can be very transient and their circumstances may change night to night. This means it can be difficult to quantify this group.

<sup>17</sup> Homelessness Insights Report (June 2025), Ministry of Housing and Urban Development.

## **Annex 2 - Freedom camping background**

### *History of freedom camping*

Freedom camping has a long history in New Zealand. Many New Zealanders enjoy travelling around the country and staying outside commercial campgrounds at low or no cost – some see it as a part of their New Zealand identity. Freedom campers come in all shapes and sizes: some choose to camp to have an affordable family holiday; some spend their retirement touring the country in a motor caravan; some camp while undertaking recreational activities like hunting and fishing; and some camp as part of a wilderness experience when they visit from overseas.

Estimates suggest that just over 245,000 people freedom camped in New Zealand in the 2019 calendar year, of which around 63 per cent (154,000) were international visitors and the remaining 37 per cent (91,000) were New Zealand residents. These campers generated 2.67 million freedom camping nights at an average of 10.9 nights per person. International visitors accounted for around 70 per cent of this total (1.88 million nights) and New Zealand residents the remaining 30 per cent (0.8 million nights).

The three most popular areas in New Zealand for responsible camping were all in the South Island: Tasman District hosted 151,000 responsible camping nights, Queenstown-Lakes District 137,000 and Christchurch City 128,000. Other notable areas in the South Island were Marlborough District (109,000), Southland District (97,000), Mackenzie District (85,000), Dunedin City (77,000), Nelson City (75,000), Central Otago District (68,000) and Selwyn District (65,000). The most popular North Island areas were Thames-Coromandel District and Tauranga City with 127,000 and 126,000 responsible camping nights respectively. Other notable areas in the North Island were Western Bay of Plenty District (114,000), Taupo District (113,000), Whangarei District (92,000), Auckland (89,000), Wellington City (90,000) and Rotorua District (68,000).

The growth of freedom camping has led to some tensions as a result of impacts on communities and the environment.

### *Freedom Camping Act 2011*

The FCA was enacted in 2011 to give local authorities tools to better manage freedom camping ahead of the Rugby World Cup.

The FCA created a range of infringement offences related to freedom camping. These included depositing waste in an inappropriate waste receptacle (for example, other than in a rubbish bin or public toilet), interfering with or damaging flora or fauna and breaching freedom camping bylaws or notices.

From its enactment, the FCA included an exemption for fatigued drivers that pull off the road to take a rest from driving for road safety reasons.

### *Self-contained Motor Vehicles Legislation Act 2023*

The Amendment Act created a new regulatory system for the certification of self-contained vehicles. It amended the Plumbers, Gasfitters, and Drainlayers Act 2006 and the FCA to address concerns about freedom campers who stay in vehicles that are not self-contained, and appointed the Plumbers, Gasfitters and Drainlayers Board as the regulator of the certification system.

The Amendment Act also introduced a tiered penalty system to better reflect the severity of infringement offence, ensuring that more serious conduct attracts higher penalties.

*The FCA is not fully in force yet*

Earlier this year, the transitional period for privately-owned vehicles to become certified self-contained was extended by one year to 7 June 2026.<sup>18</sup> This is the date at which the Amendment Act will come fully into force.

At 25 November 2025, 48,954 commercial and privately owned vehicles had been certified self-contained, of an estimated total of 73,000 self-contained vehicles.

*Government investment in freedom camping*

Between 2018 and 2024 the Government offered a range of freedom camping related funding to support councils with camping-related infrastructure (such as toilets and signage), bylaw review, waste management, and the appointment of ambassadors to educate freedom campers and promote responsible freedom camping.

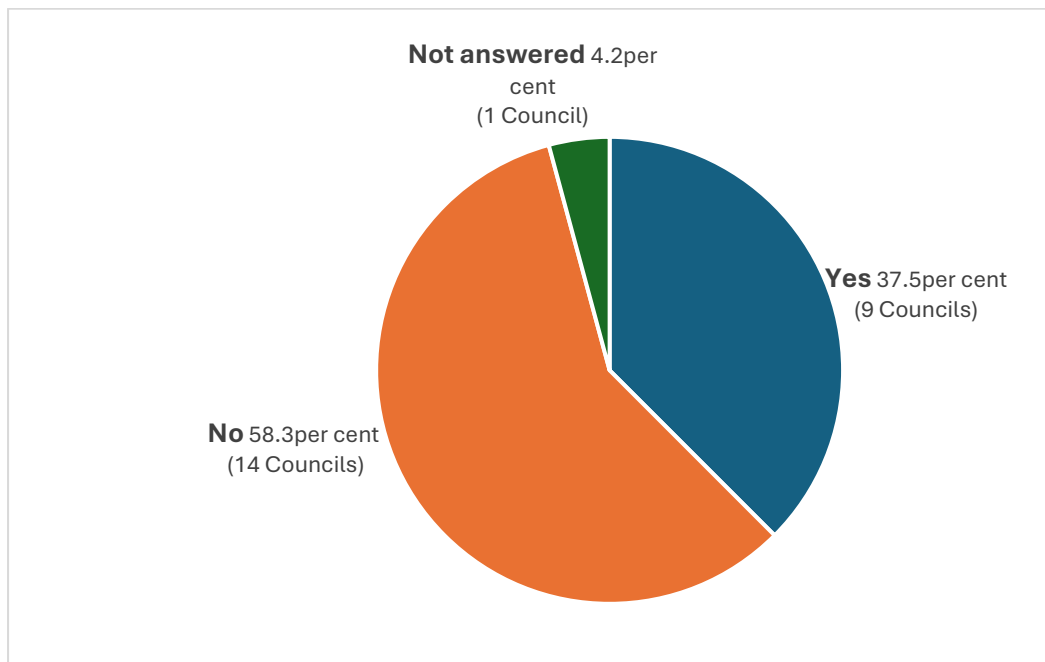
To avoid unnecessarily infringing people and to support the transition to the new freedom camping system, freedom camping ambassadors were used in a number of areas over the busy summer period to go around popular freedom camping spots and provide information to campers about the rules for that campsite, how long people can stay, and where else in the area they can go.

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<sup>18</sup> Freedom Camping (Self-contained Motor Vehicles—Extension of Period 4) Regulations 2025

### Annex 3 – What councils said

Fig 2. Have the 2023 changes to the Freedom Camping Act improved your council's ability to manage freedom camping?



Some councils went further and said explicitly that it is not appropriate to use the FCA to infringe people experiencing homelessness:

*We do agree that the Freedom Camping Act is not the appropriate place to address homelessness, and that the exemption is appropriate....*

*Our view is that where significant anti-social and sometimes criminal behaviour escalated at our freedom camping sites, increased infringement powers under the Freedom Camping Act would not have significantly helped to remedy the situation. It is likely these fines would simply not have been paid, and our council does not want to be in the position of taking people experiencing homelessness to court.*

**Whanganui District Council**

*An exemption for individuals experiencing homelessness is required and also creates consistency to this across the Country rather than leaving the decision/policy to local territorial authorities.* **Tauranga City Council**

Fig 3. Has the homelessness exemption affected your enforcement officers' ability to enforce the Freedom Camping Act?

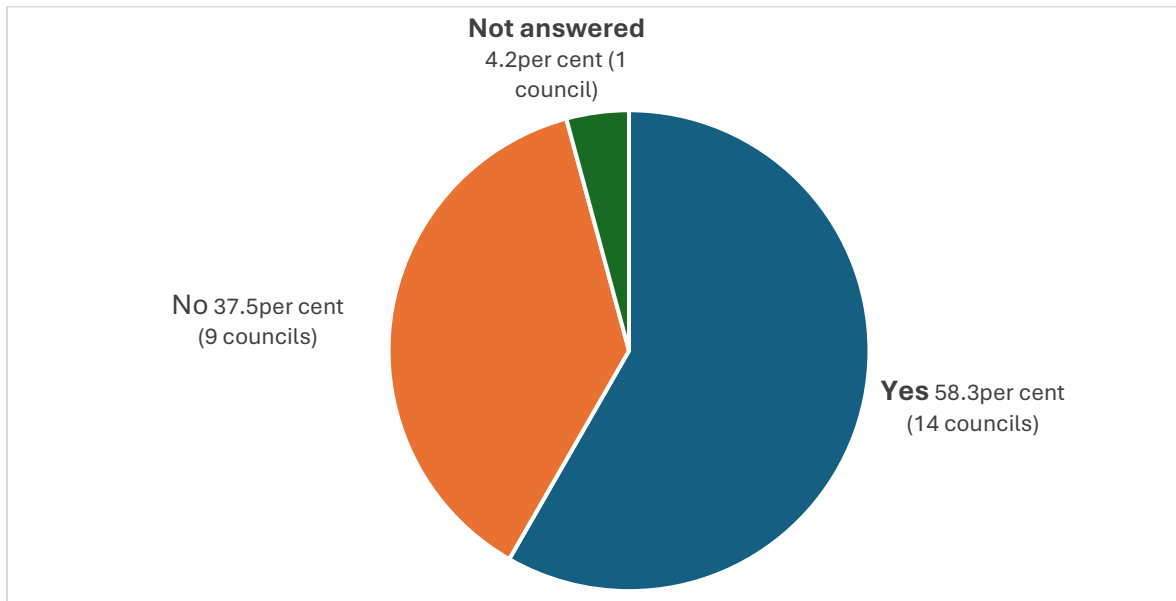
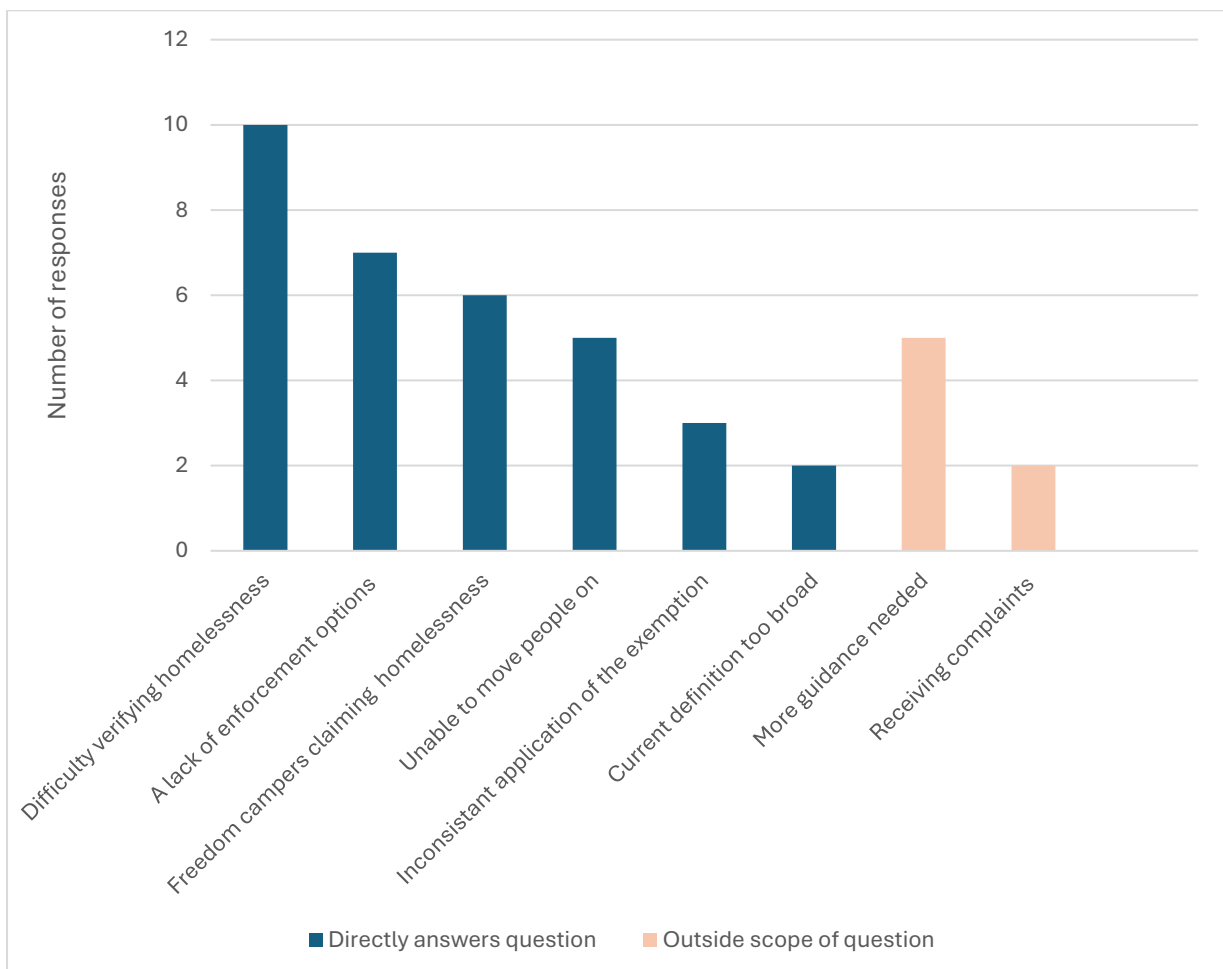


Fig 4. If yes, explain how?



Some councils said the Amendment Act reduced their ability to manage freedom camping because they could no longer use FCA infringement offences to respond to issues related to homelessness (although this was never meant to be the case).

*Determining whether a person meets the criteria for the homelessness exemption under the Act is complex and not easily measurable, leading DCC to rely predominantly on self-reporting. This reliance has, in some instances, constrained the Council's ability to undertake enforcement action in cases where such action might previously have been considered appropriate.* **Dunedin City Council**

*Where previously the decision to enforce or not was at our discretion, the changes have created a legal argument around whose responsibility it is to confirm a person's living situation or what engagement they have had with housing providers/support services.* **Tauranga City Council**

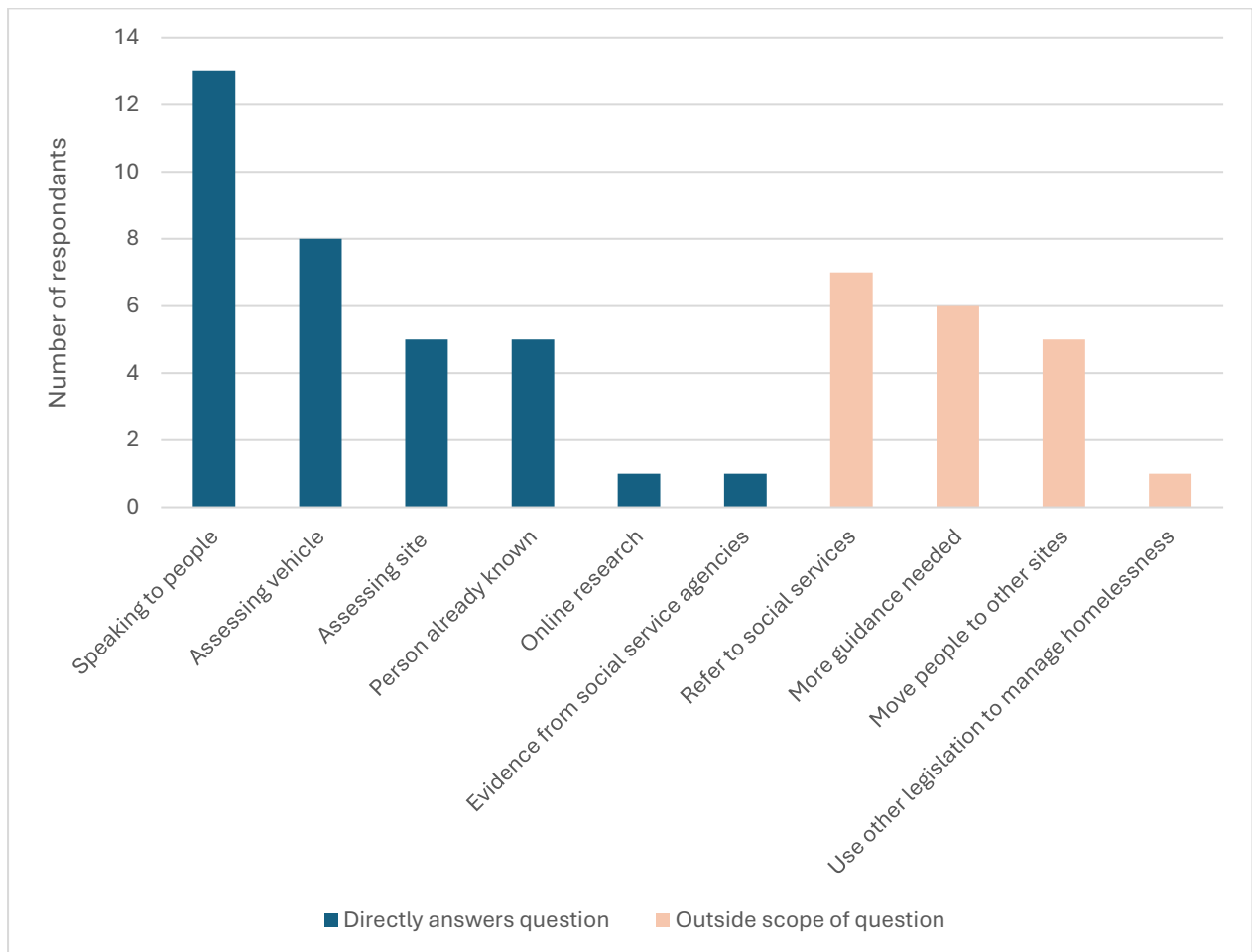
*The exemption has influenced how officers approach enforcement in practice. In most cases, officers exercise discretion and will generally choose not to engage at the outset if they consider a vehicle is likely occupied by a person experiencing homelessness. When a new vehicle arrives at a site, officers will observe and record the presence, make efforts to determine whether the occupant may be experiencing homelessness, and then decide whether to proceed with issuing an infringement or not.* **Napier City Council**

*QLDC enforcement officers already had a process in place to enforce and process claims of homelessness prior to the change in legislation. The homelessness exemption has not affected that process.* **Queenstown Lakes District Council**

#### *Freedom campers claiming to be homeless*

Nearly a third of councils said some freedom campers claim to be homeless when they appear not to be so as to avoid infringement. Given enforcement officers' discretion to assess whether someone is homeless and then act based on their judgement, MBIE followed up with these councils to find out why their enforcement officers did not take enforcement action in instances where they believed someone to be falsely claiming to be homeless. Councils could not provide any details of freedom campers claiming to be homeless, leading MBIE to conclude this is not a significant issue with the overall operation of the FCA.

Fig 5. What operational approaches have you taken to assess whether an individual meets the requirements of section 5(2A) of the Freedom Camping Act?



This is what councils said about how they assess whether someone is homeless:

*When we speak to the occupier of the vehicle, it is often obvious due to the living conditions of the vehicle.* **Matamata-Piako District Council**

*If a vehicle is not self-contained or not warranted or registered, we consider the user is likely to be homeless.* **Wellington City Council**

*Questioning of the person/people involved and a visual assessment of their circumstances/type of vehicle/location etc to determine if they are homeless as opposed to freedom camping.* **Waipā District Council**

*Face value, general condition of the vehicle, if a person is known.* **Christchurch City Council**

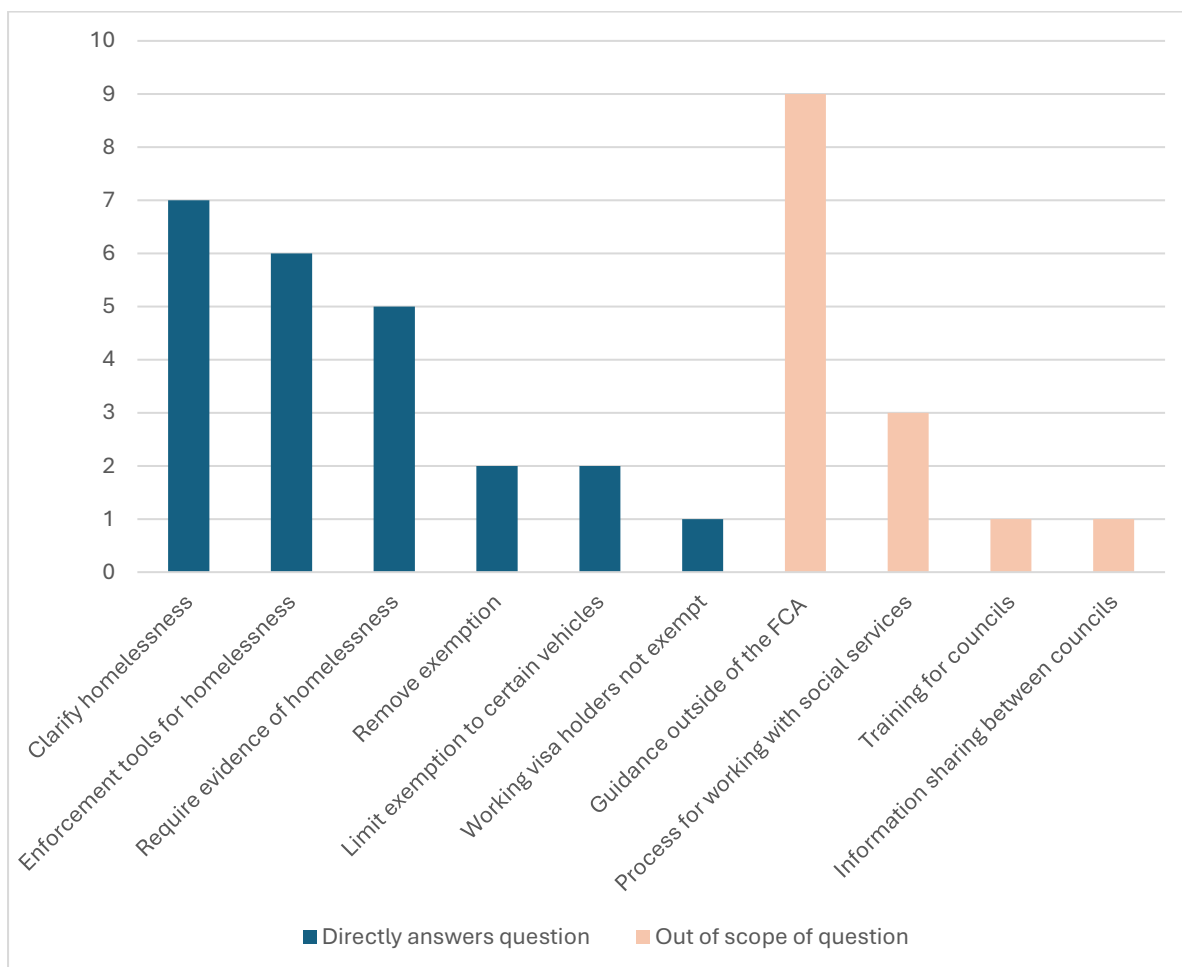
*Where a person is sleeping in a tent or vehicle, enforcement officers engage with the person to understand their situation. Where they say that they are homeless officers immediately apply council's homelessness policy.* **Auckland Council**

*In instances in which a person is in possession of a warranted and registered self-contained camping vehicle, we do not consider them to be homeless, and will enforce bylaw requirements, such as the 'two-consecutive nights per location' rule* **Dunedin City Council**

Fig 6. Infringement patterns show only a small proportion of infringements are challenged based on the exemption

Council	Freedom camping infringements	Challenged based on homelessness	Number of those that were successful
Whangarei	105	0	0
Napier	353	13	13
Dunedin	54	6	5
Western Bay of Plenty	291	18	18
Gisborne	246	0	0
Wellington	153	3	2
Whanganui	52	1	1
Tauranga	1628	50	40
Auckland	207	2	1
Christchurch	163	0	0
Queenstown Lakes	1762	32	15

Fig 7. What changes, if any, would you like to see to the Freedom Camping Act 2011 or Plumbers Gasfitters and Drainlayers Act 2006, in relation only to the homelessness exemption?



Seventy-one per cent of councils that submitted said they refer people experiencing homelessness to social service providers. Councils mentioned a range of complex issues associated with homelessness.

*MDC is aware that several community organisations in the Manawatū District (including two iwi-based services providers) that have previously provided accommodation and support services have lost their funding or have had their services significantly retracted this financial year. The implications of these cuts will become more apparent over the next 12 months.* **Manawatū District Council**

*Many individuals claiming the exemption face complex challenges, including mental health issues, which require a compassionate and coordinated response.* **Auckland Council**

*There are two types of homelessness seen in our freedom camping sites – those ... actively seeking shelter and assistance, and those who, because of addictions and mental health issues, are disenfranchised, disengaged and unlikely to meet the requirements of emergency shelter or be homed permanently.* **Gisborne District Council**

*Clearer guidance would be beneficial on how we can support these individuals into more appropriate, long-term housing. Without a formal framework, our ability to connect people with the right services is limited.* **Western Bay of Plenty District Council**

Fig 8. Please provide any further comments or information regarding how the 2023 changes to the Freedom Camping Act (including the introduction of the homelessness exemption) affected homelessness.

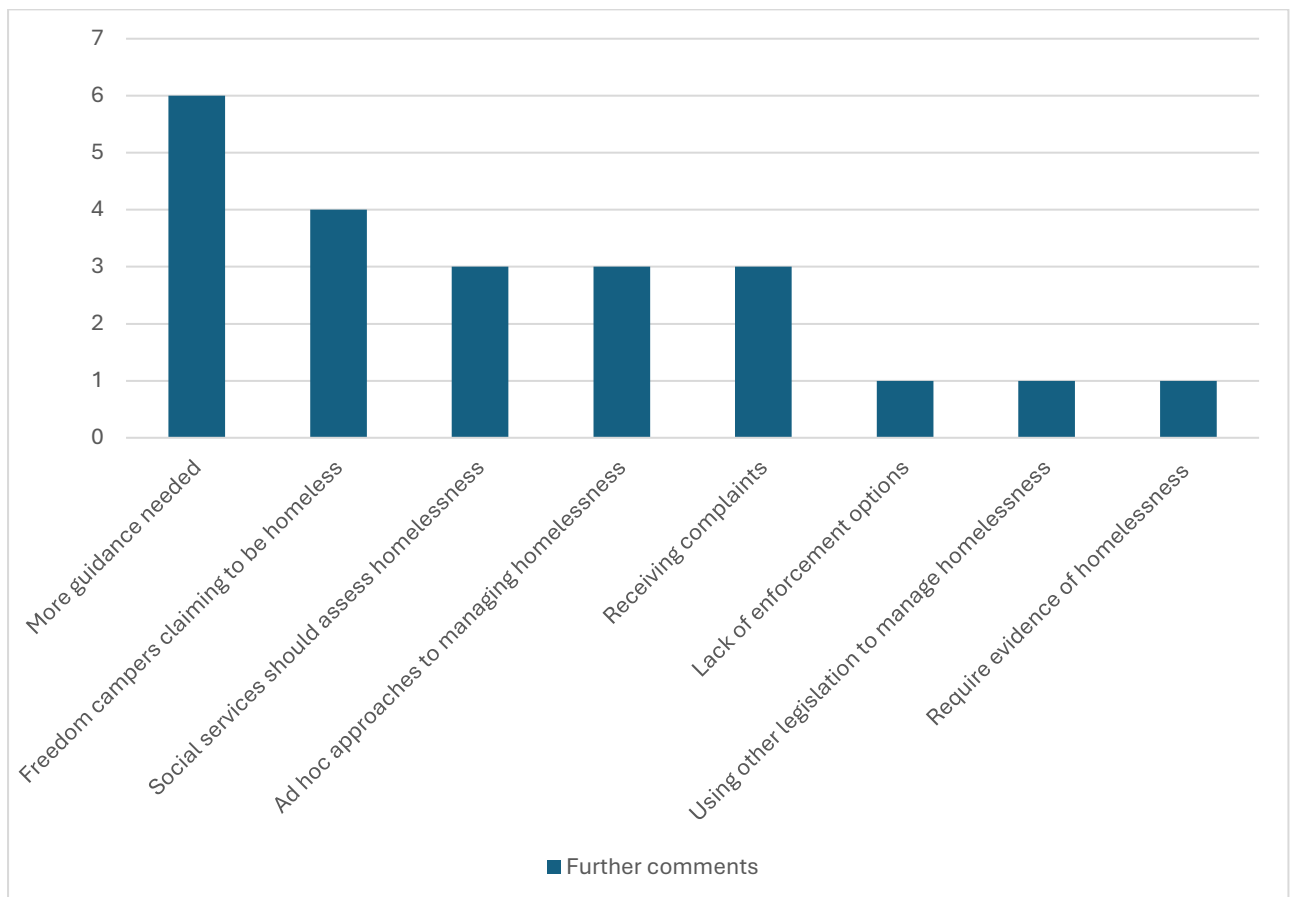


Fig 9. How the exemption has affected enforcement officers' ability to enforce the FCA compared with volume of freedom camping<sup>19</sup> and number of people living without shelter.<sup>20</sup>

Council	Enforcement affected	Freedom camping nights (in thousands)	People living without shelter
Auckland	Yes	89	747
Central Otago District	Yes	68	54
Christchurch City	No	128	171
Clutha District	N/A	12	30
Dunedin City	Yes	77	90
Gisborne District	Yes	26	78
Manawatu District	Yes	10	51
Marlborough District	Yes	109	105
Masterton District	No	15	36
Matamata-Piako District	No	18	33
Napier City	Yes	38	45
New Plymouth District	Yes	45	78
Queenstown-Lakes District	No	137	42
Rangitikei District	No	8	27
South Taranaki District	No	24	39
South Wairarapa District	Yes	16	18
Tauranga City	Yes	126	69
Waipa District	No	34	24
Wellington City	Yes	90	87
Western Bay of Plenty District	Yes	114	168
Westland District	No	42	54
Whakatane District	Yes	23	111
Whanganui District	No	26	54
Whangarei District	Yes	92	237

<sup>19</sup> [Fresh info Responsible Camping Research 2019/20.](#)

<sup>20</sup> [Census 2023.](#)