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Marlborough District Council

Email: mdc@marlborough.govt.nz

Submission in opposition to draft Marlborough District Council Freedom Camping Bylaw 2020

1. I am writing in opposition to the draft Marlborough District Council Freedom Camping Bylaw 2020 (the "Bylaw"). I am in particular opposition to the blanket prohibition of freedom camping in "non-self-contained vehicles". It is my submission that such provisions are both unlawful and immoral and should be removed from the proposed Bylaw. I neutral as to the other aspects of the bylaw.

Discrimination against persons with disabilities.

2. The Council's ability to make bylaws restricting freedom camping is governed by section 11 of the Freedom Camping Act 2011. This section states that the Bylaw must not be made if it is "inconsistent with the New Zealand Bill of Rights Act 1990". Section 19(1) of the New Zealand Bill of Rights Act states "everyone has the right to freedom from discrimination on the grounds of discrimination in the Human Rights Act 1993." Section 21 of the Human Rights Act specifies "physical disability or impairment" as a prohibited ground of discrimination.

3. Not everyone can use toilets in a self-contained vehicle. The types of physical disabilities people in New Zealand face are varied. Some people may be in the position to use a toilet outside the confines of their vehicle but unable to in within their confines.

4. To prohibit all freedom camping outside non-self-contained vehicles is to prohibit freedom camping for a certain class of people based on disability. This is discrimination inconsistent with the New Zealand Bill of Rights Act. The Bylaw, as drafted, cannot be made.

5. Even if not unlawful, the provisions are immoral. The Council should be setting an example for how disabled people should be accommodated in our community. The effect of the Bylaw is to say "you're not wanted here".

6. There is no reason why provision cannot be made in the Bylaw for people who cannot reasonably use a toilet in a self-contained vehicle.

Criminalizing homelessness

7. Homelessness is a situation where we all hope we never find ourselves in. However, it is possible through no fault of their own, for a person to find themselves without a place to sleep. To give just one example, a person subject to family violence may feel that it is safer for them and their children to sleep in their car, far away from their abuser until they find a place to stay.

8. The Bylaw would render such acts criminal.

9. Most of us do not have self-contained-vehicles at our ready disposal and could not make our self-contained at a moment's notice. A person in the situation above would be force to choose between breaking the law and protecting themselves and their children.

10. The prohibition on non-self-contained vehicles must be removed.

Problem with submissions form

11. I also object to the council submission form requiring a submitter to identify:
    a. Whether they are a resident of Marlborough;
    b. Whether they currently freedom camp in New Zealand; and
    c. Whether they are a member of the national camping association.

12. I accept that this information would be useful to the Council. There would be no problem asking a submitter to volunteer this information. However, such information may be irrelevant to a submission.

13. Having these questions as compulsory gives the impression that they are required to make a submission. However, under the "special consultative procedure", a submitter is not required to provide this information. This is misleading and discourages full participation in the consultative procedure.

14. In the future, when the special consultative procedure is used, Council forms should not have compulsory questions other than those necessary to identify the submitter.

15. I consent to my email address being used as an address for service.

Sincerely,

Josh Marshall