

Attachment C. Default legal position under each option

	Option 1: Revoke legacy bylaw provisions	Option 2: Maintain status quo and use existing regulations	Option 3: Make a new bylaw under the Freedom Camping Act 2011	Option 4: Make a new bylaw under the Local Government Act 2002
Reserves Act 1977	<ul style="list-style-type: none"> Freedom camping is prohibited on all gazetted reserves unless allowed in a reserve management plan. 	<ul style="list-style-type: none"> Freedom camping is prohibited on all gazetted reserves, unless allowed in a reserve management plan. 	<ul style="list-style-type: none"> Freedom camping is prohibited on all gazetted reserves, unless allowed in a reserve management plan. 	<ul style="list-style-type: none"> Freedom camping is prohibited on all gazetted reserves, unless allowed in a reserve management plan.
Freedom Camping Act 2011	<ul style="list-style-type: none"> Freedom camping is permitted everywhere by default. 	<ul style="list-style-type: none"> Freedom camping is permitted everywhere by default. 	<ul style="list-style-type: none"> Freedom camping is permitted everywhere by default. 	<ul style="list-style-type: none"> Freedom camping is permitted everywhere by default.
Local Government Act 2002	<ul style="list-style-type: none"> Legacy bylaw provisions will no longer be enforceable Other bylaws could be used to manage activity. 	<ul style="list-style-type: none"> Legacy bylaw provisions are applicable until October 2020 (unless amended or revoked beforehand). 	<ul style="list-style-type: none"> Other bylaws will need to be amended or revoked (i.e. legacy bylaw provisions will be revoked). 	<ul style="list-style-type: none"> Freedom camping will be managed under a new regulatory framework developed under the Local Government Act 2002.
Enforcement	<ul style="list-style-type: none"> Relies on enforcement of secondary issues through other bylaws, such as public safety and nuisance Council officers have limited enforcement powers on reserves. 	<ul style="list-style-type: none"> Limited ability for council officers to issue immediate infringement notices for bylaw breaches Council officers have limited enforcement powers on reserves. 	<ul style="list-style-type: none"> Enables officers to issue immediate infringement notices for freedom camping bylaw breaches. 	<ul style="list-style-type: none"> Limited ability for council officers to issue immediate infringement notices for freedom camping bylaw breaches.
Risks	<ul style="list-style-type: none"> The council will be less responsive to complaints by the community and to managing harm. 	<ul style="list-style-type: none"> The council may be challenged on consistency of legacy bylaw provisions with the Freedom Camping Act 2011. 	<ul style="list-style-type: none"> Reduces inconsistency between legacy bylaw provisions and Freedom Camping Act 2011. 	<ul style="list-style-type: none"> Reduces inconsistency between legacy bylaw provisions and Freedom Camping Act 2011.