



## BRIEFING

### Freedom camping – further policy decisions

<b>Date:</b>	20 August 2021	<b>Priority:</b>	Medium
<b>Security classification:</b>	In Confidence	<b>Tracking number:</b>	2122-0321

Action sought		
	Action sought	Deadline
Hon Stuart Nash <b>Minister of Tourism</b>	<p><b>Approve</b> final policy decisions for freedom camping reforms</p> <p><b>Forward</b> this briefing to the Ministers of Local Government, Transport and Conservation for their information.</p>	25 August 2021

Contact for telephone discussion (if required)				
Name	Position	Telephone		1st contact
Saskia Vervoorn	Manager, Tourism Policy	04 896 5723	Privacy of natural persons	✓
Tracey Black	Principal Policy Advisor, Tourism Policy	-	Privacy of natural persons	

The following departments/agencies have been consulted
Department of Conservation, Department of Internal Affairs, Kāinga Ora, Land Information NZ, Ministry of Housing and Urban Development, Ministry of Social Development, Ministry of Transport, the Plumbers, Gasfitters and Drainlayers Board, the Treasury, Waka Kotahi.

**Minister's office to complete:**

- |   |  |
|---|--|
| <input type="checkbox"/> Approved             | <input type="checkbox"/> Declined            |
| <input type="checkbox"/> Noted                | <input type="checkbox"/> Needs change        |
| <input type="checkbox"/> Seen                 | <input type="checkbox"/> Overtaken by Events |
| <input type="checkbox"/> See Minister's Notes | <input type="checkbox"/> Withdrawn           |

**Comments**



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### Purpose

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To seek your agreement on remaining policy decisions to include in your draft Cabinet paper regarding proposals to improve the management of freedom camping.

### Executive summary

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1. This briefing seeks your agreement, or provides further clarity, on several areas. These include:
  - a. transitional arrangements
  - b. making rental companies liable for fines incurred by hirers
  - c. land administered by other government agencies
  - d. funding for regulatory change.

#### *Transitional arrangements*

2. We propose a staged transition over a three year period to move from the status quo to full implementation of the new regulatory requirements for freedom camping. The stages strike a balance between bringing parts of the regime into effect as quickly as possible while also allowing time for the system to gear up to certify the estimated 70,000 self-contained vehicles in line with new regulatory requirements.
3. During the three year transitional period, there will be an overlap when both new warrants of self-containment issued by regulated certification authorities (“green warrants”) and warrants issued under the voluntary standard (“blue warrants”) will be deemed to meet the requirements of certified self-containment under the Freedom Camping Act 2011 (the Act). Even allowing for this overlap, some vehicle owners will need to have their vehicle recertified with a green warrant, before the blue warrant has expired, if they wish to freedom camp in the vehicle.
4. Key aspects of the transition include:
  - a. On enactment of the Bill: the new rule for use of self-contained vehicles on council land will take effect, blue warrants will be deemed to meet requirements of certified self-containment under the Act, but portable toilets will not be accepted for any vehicle to be certified as self-contained after this date.
  - b. Approximately six months later: Regulations will be issued. This will enable organisations to commence the regulatory approval process to become certification authorities for the new regime, and will introduce the stronger infringement regime, including tiered infringement fees.
  - c. Once they have received regulatory approval, certification authorities will be able to start issuing new green warrants under the Act, with details recorded in a national register of self-contained vehicles.

- d. Six months after Regulations are in effect: any new blue warrants issued after this date will not meet the requirements of certified self-containment under the Act.
  - e. Two years after enactment: all certified self-contained rental vehicles will be required to have a green warrant in order to be used for freedom camping.
  - f. Three years after enactment: all self-contained vehicles will be required to have a green warrant in order to be used for freedom camping. Blue warrants, irrespective of expiry date, will no longer meet the requirements of certified self-containment under the Act.
5. Given the number of vehicles involved and various new parts of the regulatory system to be introduced, there are uncertainties about how smoothly the transition will occur. We therefore also recommend the Bill includes flexibility to extend the transition dates by Order-in-Council.

*Making rental companies liable for fines incurred by hirers*

6. You previously agreed that rental companies will be made liable for freedom camping infringements received by hirers. At your recent meeting with the Minister of Local Government to discuss your proposals, you sought clarity on how this proposed change to compares to rental companies' liability for traffic and parking infringements.
7. Presently both the regimes operate the same way. Rental companies, as the registered owner of the vehicle, may be issued infringements for freedom camping, parking or camera-detected traffic infringement offences. The relevant legislation allows the rental companies to either:
  - a. make a statutory declaration to the enforcement authority, providing the hirer's information, whereby the enforcement authority must issue a new infringement notice; or
  - b. accept liability, on-charge the hirer for the infringement fee (plus an additional administration fee) and pass the infringement fee to the enforcement authority. Rental agreements typically allow for this to occur by means of a pre-authorisation that the rental company places on a hirer's credit card at the time of the vehicle pick-up.
8. Rental companies prefer the first option for freedom camping infringements, as they advise they can have difficulties charging hirers due to the time involved to receive the infringement notice. However, this results in greater costs and low collection rates for enforcement authorities.
9. The proposed change is to remove option (a) for rental companies from the Act, which will require them to on-charge hirers.

*Land administered by other Government agencies*

10. Waka Kotahi has confirmed that it wishes to enable freedom camping on its land to be able to be regulated under the Freedom Camping Act. We are still working with Land Information New Zealand to understand their position about enabling LINZ land to be regulated under the Act.
11. The proposed model is to allow local authorities to restrict or prohibit freedom camping on Waka Kotahi land through a bylaw. This would enable better management of freedom camping at sites where it has become problematic, through access to the regulatory tools under the Act, including the proposed stronger infringement regime and new requirements related to self-contained vehicles.

### *Funding regulatory change*

12. A preliminary estimate is that approximately Commercial information will be needed to enable the Plumbers, Gasfitters and Drainlayers Board to design and build a national register of self-contained vehicles and to set up its systems. Further work is underway to refine these costings.
13. We propose that these establishment costs be funded from the International Visitor Conservation and Tourism Levy (IVL), and following Cabinet's decisions on the new regulatory system, we will prepare a briefing for joint approval by the Ministers of Finance, Tourism and Conservation.

## **Recommended action**

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The Ministry of Business, Innovation and Employment recommends that you:

- a **Note** that you have already taken key policy decisions on:
  - i. Introducing a rule to require vehicle-based freedom campers on local authority-managed land to use a certified self-contained vehicle, unless staying at a site designated by the local authority as suitable for non-self-contained vehicles
  - ii. Establishing the regulatory system for self-contained vehicle certification
  - iii. Requiring self-contained vehicles to have permanent toilets
  - iv. Strengthening the infringement regime (including making rental companies liable for fines incurred by hirers)
  - v. Continuing the discretionary approach to people experiencing homelessness who are captured within the definition of freedom camping

*Noted*

### *Transitional arrangements*

- b **Note** that the proposed transitional arrangements have been developed to enable parts of the regime to come into effect as quickly as possible, while ensuring an appropriate lead time for the system to develop capacity to process the estimated 70,000 self-contained vehicles
- Noted*
- c **Agree** that on enactment, the new rule for freedom camping on local government land comes into force – ie that the camper use a self-contained vehicle unless staying in a tent, camping at a site designated for non-self-contained vehicles, or on public conservation land (except where a DOC notice requires use of a self-contained vehicle)
- Agree / Disagree*
- d **Agree** that on enactment, portable toilets will not be accepted for any vehicle to be certified as self-contained after this date (estimated November 2022)
- Agree / Disagree*
- e **Agree** that six months after the Regulations have been passed (Regulations estimated to be passed May 2023), under the Act:
    - i. only approved certification authorities will be able to issue self-containment warrants under the Freedom Camping Act (“green warrants”)
    - ii. all green warrants will be entered into the national register for self-contained vehicles
    - iii. self-containment warrants issued under the voluntary standard (“blue warrants”) after this date will not meet the requirements of the Act

*Agree / Disagree*

- f **Agree** that two years after enactment (November 2024), all self-contained rental vehicles will be required to hold a green warrant in order to be used for freedom camping  
*Agree / Disagree*
- g **Agree** to the following arrangement for when the new regulatory system will come into full effect:
- i. Full implementation of the new regulatory system for self-contained vehicles three years after enactment of the Bill
  - ii. The Bill will specify this date, by which time self-contained vehicles used for freedom camping will require a green warrant
  - iii. The Bill will include the flexibility to extend this date, and other interim transition dates noted above, by Order-in-Council
- Agree / Disagree*
- h **Agree** that, during the three year transitional period, both green warrants and blue warrants (that have been issued earlier than six months after the Regulations took effect and have not yet expired) will be deemed to meet the requirements for certified self-containment under the Act  
*Agree / Disagree*
- i **Note** that under the three year transitional timeframe, some vehicle owners will need to have their vehicle recertified as self-contained with a green warrant, before the blue warrant has expired, if they wish to freedom camp in the vehicle  
*Noted*
- Other matters*
- j **Note** the information provided to clarify the proposal for making rental vehicle companies liable for fines incurred by hirers  
*Noted*
- k **Agree** that the Freedom Camping Act be extended to enable regulation of freedom camping on land administered by Waka Kotahi  
*Agree / Disagree*
- l **Agree** in principle that establishment costs for the Plumbers, Gasfitters and Drainlayers Board's role regulating self-contained vehicles be funded by the International Visitor Levy, subject to approval by responsible Ministers (Finance, Tourism and Conservation)  
*Agree / Disagree*
- m **Note** the proposed timeframe for the Cabinet paper:
- i. you will receive the first draft of your Cabinet paper next week
  - ii. ready for ministerial consultation in the second half of September
  - iii. considered by the Cabinet Economic Development Committee on 20 October (due to the October recess)
- Noted*
- n **Note** that the reform programme is on track to have legislation in place for the 2022/23 summer season, and for each implementation phase to commence ahead of peak seasons  
*Noted*
- o **Forward** this briefing to the Ministers of Local Government, Transport and Conservation for their information.  
*Agree / Disagree*



Saskia Vervoorn  
**Manager, Tourism Policy**  
Labour Science & Enterprise, MBIE

20 / 08 / 2021

Hon Stuart Nash  
**Minister of Tourism**

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## Background

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14. As part of the regulatory reform to improve the management of freedom camping, you have already taken the following decisions about key policy proposals you will take to Cabinet:
  - a. Introducing a new rule to require vehicle-based freedom campers on local authority-managed land to use a certified self-contained vehicle, unless staying at a site designated by the local authority as suitable for non-self-contained vehicles [aide memoire 2122-0331 refers].
  - b. Establishing the regulatory system for self-contained vehicle certification [briefing 2021-3954 refers].
  - c. Requiring vehicles to have a permanent toilet in order to be certified as self-contained [briefing 2021-3955 refers].
  - d. Strengthening the infringement regime (including making rental companies liable for fines incurred by hirers) [briefing 2021-3954 refers].
  - e. Agreed the best approach to ensuring people experiencing homelessness are not further disadvantaged by freedom camping rules is to continue supporting enforcement officers in applying their discretion. In practical terms this will include providing commentary in the Bill's General Policy Statement and other supporting documents, and supporting Local Government New Zealand to review its existing guidance material [briefing 2021-4376 refers].
15. This briefing seeks your agreement, or provides further clarity, on some remaining policy decisions as part of finalising your proposals, including:
  - a. Transitional arrangements
  - b. Making rental companies, as the registered owners of vehicles, liable for fines incurred by hirers
  - c. Extending the Freedom Camping Act to land managed by Waka Kotahi
  - d. Funding regulatory change.
16. The sections below detail the policy options.

## Transitional arrangements

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17. The proposed transitional arrangements from the unregulated certification of self-contained vehicles to the new regulated system will need to be outlined in the Bill.
18. The transition will need to be well managed as there are several elements:
  - a. Introducing a rule for the use of certified self-contained vehicles on local government land.
  - b. Removing portable toilets as an option to meet the requirements of certified self-containment under the Act.
  - c. Establishing a new set of technical requirements (outlined in Regulations), which in effect will replace the voluntary self-containment standard NZS 5465:2001 (the voluntary standard).
  - d. Establishing the Plumbers, Gasfitters and Drainlayers Board (PGDB) as the regulator of self-containment certification.

- e. Having the PGDB approve new “certification authorities” who will be responsible for assessing vehicles for a “green warrant” – a warrant of self-containment issued in line with the Regulations. These authorities will, in effect, replace the currently unregulated issuing authorities.
  - f. Establishing green warrants as the evidence of self-containment for the purposes of the Act, effectively replacing the existing “blue warrants” which are issued under the voluntary standard.
  - g. Rolling out a national register of self-contained vehicles.
  - h. Having around 70,000 vehicles certified as self-contained in line with the new technical requirements and registered.
19. While the current voluntary standard will remain, the new regime will mean that there is little value for vehicle owners in obtaining a blue warrant if they wish to use their vehicle to freedom camp. The voluntary standard may, however, continue to be useful for providing technical guidance to plumbers undertaking conversions. For example, we do not anticipate specifying pipe sizes or fittings in the Regulations. We will discuss this with Standards New Zealand and other stakeholders as part of the development of Regulations.
20. The aim is for the transition to enable:
- a. key elements to be implemented as soon as possible
  - b. sufficient time for the PGDB to approve new certification authorities
  - c. a steady flow of self-containment certification activity, rather than creating big peaks (and therefore, bottlenecks in certification)
  - d. a viable certification market for new self-containment certification authorities
  - e. effective enforcement.

## **Proposed transitional arrangements**

### *Full transition three years after enactment*

21. The proposed transitional arrangements seek to fully implement all of the elements described above three years after enactment of the Bill. Enforcement authorities were strongly supportive of determining a point in time at which self-contained vehicles used for freedom camping would need to meet the new regulatory requirements.
22. However, given the large number of vehicles and various new parts of the system to be introduced, we also recommend the Bill includes the flexibility to extend this and other interim transition dates (outlined below) by Order-in-Council if any part of the transition is not proceeding smoothly.

### *Blue warrants to start being phased out from six months after Regulations take effect*

23. In order to promote a steady flow of certification activity, during the three year transitional period vehicles with either a blue warrant or a green warrant will be deemed to meet self-containment requirements under the Act. As self-contained vehicles with blue warrants are recertified they will transition to green warrants and be recorded in a register of self-contained vehicles. To promote the removal of portable toilets as an option that meets the requirements of certified self-containment under the Act, we propose that, as soon as the Bill is enacted, the legislation will stipulate that a blue warrant may no longer be issued for a vehicle with a portable toilet.
24. In addition, to avoid a large volume of certifications at the end of the three years, we recommend that blue warrants issued after a certain date cease to be accepted as meeting



the requirements of the Act. This date should occur some time after new certification authorities are able to be approved and to start issuing green warrants. These processes will be enabled once Regulations are in effect. We consider six months will provide sufficient overlap, and the transition should provide that any blue warrants issued from six months after these Regulations take effect will have no legal status for freedom camping.

25. Blue warrants are valid for four years. Under the three year transitional timeframe, some vehicle owners will need to have their vehicle recertified with a green warrant before the blue warrant has expired, if they wish to freedom camp in the vehicle.
26. We also propose that the estimated 5,000 self-contained *rental* vehicles be required to transition more quickly, within two years of the Bill's enactment, to ensure that such vehicles are certified under the new technical requirements as soon as possible.
27. The key milestones and transitional stages would be as follows:

<b>Milestone (estimated timing)</b>	<b>Transitional stages</b>
Pre-enactment (now until Nov 2022)	<ul style="list-style-type: none"> <li>• Blue warrants will continue to be issued in line with the voluntary standard by unregulated issuing authorities.</li> </ul>
Enactment of Bill (Nov 2022)	<ul style="list-style-type: none"> <li>• Vehicles with portable toilets can no longer be certified as being self-contained under the Act (but vehicles with portable toilets with a current certificate will still be considered self-contained – until three years after enactment at the latest).</li> <li>• Rule for freedom camping on local government land comes into force – that the camper use a self-contained vehicle unless staying in a tent, camping at a site designated for non-self-contained vehicles, or on public conservation land (subject to any restrictions imposed by DOC notices):               <ul style="list-style-type: none"> <li>○ Existing bylaws will remain in place until reviewed. Sites already identified in bylaws as appropriate for non-self-contained vehicles will be deemed to be designated sites until the bylaw is reviewed.</li> <li>○ New bylaws must refer to designated sites if non-self-contained vehicles are to be permitted.</li> </ul> </li> <li>• Vehicles with blue warrants will still be considered self-contained and will be able to stay at sites requiring use of a self-contained vehicle.</li> <li>• Blue warrants will continue to be issued until six months after Regulations are in effect. From three years after enactment, blue warrants will not be accepted as evidence of self-containment under the Act.</li> </ul>
Regulations passed (May 2023)	<p>Start of six month <u>overlap</u> period during which:</p> <ul style="list-style-type: none"> <li>• Blue warrants will continue to be issued until six months after Regulations are in effect.</li> <li>• New certification authorities will be able to be approved by the PGDB.</li> <li>• Approved certification authorities can start certifying vehicles under the requirements set out in Regulations and issue new green warrants.</li> <li>• Vehicles begin to be entered on to the new national register by certification authorities as vehicles are certified with a green warrant.</li> </ul>

Milestone (estimated timing)	Transitional stages
	<ul style="list-style-type: none"> <li>Existing and new DOC notices that reference 'self-contained vehicles' will be deemed to refer to either the voluntary standard or the Regulations, and both blue and green warrants are accepted as evidence of self-containment.</li> <li>Stronger infringement system will come into force, including tiered infringement fees.</li> </ul>
Six months after Regulations in effect (Nov 2023)	<p>End of overlap period. Going forward:</p> <ul style="list-style-type: none"> <li>Only new certification authorities can certify vehicles as being self-contained under the Act.</li> <li>Certifications must all be based on the requirements set out in Regulations.</li> <li>Blue warrants issued before this date and green warrants will be accepted as evidence of self-containment under the Act, until three years after enactment. But blue warrants issued after this date will have no legal status for freedom camping.</li> </ul>
Two years after enactment (Nov 2024)	<ul style="list-style-type: none"> <li>Date by which the estimated 5000 self-contained rental vehicles must be certified under the new requirements and issued a green warrant.</li> </ul>
Three years after enactment (Nov 2025)	<p>Full implementation:</p> <ul style="list-style-type: none"> <li>All blue warrants, irrespective of expiry date, will have no legal standing under the Act.</li> <li>Only vehicles with green warrants are deemed to be self-contained.</li> <li>New DOC notices must reference self-containment as being under the Regulations (not the voluntary standard).</li> </ul>

## Risks and mitigations

28. Key risks to a smooth transition to the new regulatory system include:

- a. Vehicle owners seeking to delay transition by recertifying with a blue warrant within the first year after the Bill is enacted.
- b. Continued issuing of blue warrants for vehicles with portable toilets (although this will cease to be an issue six months after Regulations take effect).
- c. Confusion about when blue warrants will no longer be acceptable evidence of self-containment for freedom camping, with consequent delays in vehicle owners transitioning.
- d. There being no organisations seeking to be certification authorities under the new regulatory system.

29. To mitigate risks and ensure a smooth transition, we propose the following:

- a. Proactive communications to vehicle owners and issuing authorities that, after enactment, portable toilets do not meet the self-containment requirements for any vehicle being certified or recertified (irrespective of what the voluntary standard says).
- b. Making it clear that issuing authorities who continue to issue or re-issue self-containment warrants to vehicles relying on portable toilets risk not being approved by the PGDB as certification authorities under the new regulatory system.

- c. Close monitoring of certification volumes so that emerging problems (such as unusually low or high certification rates) can be identified early.
- d. Having a well-targeted communications campaign to raise awareness of the transition – particularly the expiry period for blue warrants.
- e. The Bill will include a provision enabling one or more of the above dates to be extended by an Order in Council in order to facilitate a smooth transition (for example, extending the overlap period out to nine months, or extending that date for full implementation if certification numbers are still relatively low).
- f. Encouraging as many vehicle owners as possible to get their vehicles certified well before the cut-off date of November 2025.

### **Alternative options not preferred**

- 30. We considered an alternative option of allowing blue warrants to remain valid up until their expiry date. This would preserve property rights and simplify the transition. It would however, delay full implementation until November 2027 (an additional two years) and incentivise a rush of certifications under the voluntary standard which would then flow through to a peak load for re-assessment under the regime. The latter is likely to cause long wait times and frustration for vehicle owners.
- 31. We also considered continuing to allow portable toilets to be an option for self-containment until the new technical requirements in Regulations come into effect six months after enactment. This delay would simplify the transitional arrangements, but we know portable toilets are less likely to be used on board a vehicle, and requiring permanent toilets from the beginning of the new regime is a significant step in improving the management of freedom camping. On balance, early introduction is relatively low risk and is useful in signalling change.
- 32. As such, on balance neither of these alternative options is preferred.

### **Rental companies liable for fines incurred by hirers**

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- 33. You have agreed that rental companies, as the registered owners of vehicles, be liable for fines incurred by hirers, and also to introduce an accelerated process (14 days) for freedom camping infringements (briefing 2021-3954 refers).
- 34. At your meeting with the Minister of Local Government on 9 August, you sought clarity on how the proposed change to rental company liability for infringements compares to the process for parking and traffic infringements arising under the Land Transport Act 1998.
- 35. Under the latter, the rental company that is issued a parking or camera-detected<sup>1</sup> infringement notice, as the registered vehicle owner, provides a statutory declaration to the enforcement authority stating that it was not in control of the vehicle at the time of the offence. The statutory declaration includes details of the hirer and their contact details. The enforcement authority will then transfer liability to the hirer, and issue a new infringement notice accordingly.
- 36. This process to transfer liability is also provided for under the Freedom Camping Act. Many rental vehicle companies use the process for infringements issued to overseas hirers because it ensures they do not have to pay a fine that they may be unable to recover due to the passage of time. Enforcement authorities in many cases write off the fine due to the low likelihood of recovering the infringement fee.

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<sup>1</sup> Speeding, going past a red traffic signal and toll offences.

37. Both the Freedom Camping Act and the Land Transport Operator Rule also provide for an alternative optional process – for the rental company to accept liability and on-charge the hirer for the infringement fee (plus an additional administration fee). As infringements are not criminal matters, accepting liability and on-charging is not a legal risk for rental companies. Most, if not all, existing rental agreements already allow for this to occur by means of a pre-authorisation that the rental company places on a hirer's credit card at the time of the vehicle pick-up. The rental company then passes the infringement fee on to the applicable enforcement authority.
38. This alternative process, however, can impose costs on the rental company, especially when an overseas hirer has returned the vehicle and departed New Zealand. During the public consultation on freedom camping, rental companies advised that they struggle to get international visitors to pay the fines due to the long delay in receiving the fine from local authorities and DOC, often after visitors have left the country. In addition, we were told that credit cards on occasion can be cancelled soon after departure, which makes it difficult, although not impossible, to recover the infringement fee from the visitor.
39. As such, rental companies have indicated a strong preference to transfer the infringement liability to the hirer, rather than accept liability and on-charge the hirer.

### **Changes to the process for freedom camping infringements**

40. While the transfer of liability process is lowest cost for rental companies (although they note that it is time consuming to make statutory declarations and attend the court), it does result in higher costs for enforcement authorities, and low infringement fee collection rates (typically around 40 per cent).
41. The change you previously agreed is to *remove* the ability to transfer liability for freedom camping infringements favoured by rental companies as an option but offset this by:
  - a. speeding up the time it takes for the infringement notice to be received by rental companies by allowing notices to be emailed rather than sent by post, and
  - b. reducing the allowable infringement fee payment and notice periods from 28 days to 14 days as is the case now for some biosecurity, trade in endangered species and civil aviation offences that target international visitors.
42. Under these changes, the rental company would remain liable and be required to pay the infringement fee, but would have more time to recover this from the hirer. Existing provisions for the hirer to challenge the issuing of the infringement with the enforcement authority would remain in place to preserve natural justice.
43. Making changes to the Act to remove rental companies' ability to transfer liability for freedom camping infringements will not have an impact on the liability regime for the parking and camera-detected infringements that arise under the Land Transport Act 1998. While the two regimes currently operate in the same way, they are not mutually dependent.

### **Land administered by other government agencies**

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44. One of the proposals included in the discussion document was that councils be allowed to enforce freedom camping rules on land managed by other government agencies, particularly Waka Kotahi NZ Transport Agency (WK) and Land Information New Zealand (LINZ). Over recent years there has been an increase in people freedom camping on land administered by these agencies, particularly in popular areas in the South Island (for example at Waitapu Bridge in Golden Bay, and Lake Dunstan in Central Otago).
45. WK has confirmed that it considers it would be beneficial to enable freedom camping on WK-administered land to be regulated under the Freedom Camping Act. While general land transport restrictions to not stop or park a vehicle on a road without due care or reasonable

consideration of other road users prevent camping on the road corridor, camping occurs in rest areas and similar locations. We are still working with LINZ to develop advice in respect of LINZ-administered land.

46. The model proposed by WK, which we support, would see freedom camping able to be regulated on WK land through:
  - a. camping occurring on WK land deemed to be freedom camping
  - b. councils able to restrict or prohibit freedom camping on WK land through a freedom camping bylaw, if WK consents
  - c. the new rule requiring use of certified self-contained vehicles by freedom campers applying to WK land
  - d. councils able to enforce the Freedom Camping Act and their bylaw on WK land.
47. This will reduce locations that are unregulated for freedom camping, which will result in reduced harm. Local authorities will be able to take a consistent approach to managing freedom camping within their district. There may be increased costs from expanding their management activities, but this is only likely to occur where freedom camping is causing problems.
48. Some local authorities may be unwilling to extend their freedom camping bylaw and/or enforcement effort to include WK land. In this case, WK still has options available to it to manage freedom camping as the land manager, such as blocking access and installing no camping signs (which can be enforced through trespass orders).
49. We will provide advice as soon as possible on whether there would also be benefit in extending the Freedom Camping Act to LINZ-administered land.

## **Funding regulatory change**

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50. Initial funding will be needed to enable the PGDB to design and build a national register of self-contained vehicles and to set up its systems. We propose that these establishment costs be funded from the International Visitor Conservation and Tourism Levy (IVL).
51. One of the investment priorities for the use of the IVL agreed by Ministers and the IVL Panel was “national solutions to infrastructure issues”. This includes projects to design, procure and co-fund systems or infrastructure that support responsible camping, with a view to creating a nationally consistent approach. The establishment of the regulatory regime for self-contained vehicles used for freedom camping fits squarely within this priority.
52. The PGDB has advised a preliminary estimate of approximately Commercial information to build the register, which will take up to 12 months to be built, and set up its systems. We are undertaking further work with the PGDB to refine the costings for this project.
53. Following Cabinet’s decisions on the new regulatory system, we propose to prepare a briefing for joint approval by the Ministers of Finance, Tourism and Conservation to fund the establishment costs from uncommitted funds within the tourism portfolio appropriation of the IVL.
54. If Ministers do not agree the project be funded from the IVL, the alternative will be to seek funding through Budget 2022. Treasury has indicated that it would not support funding the costs from the between Budget contingency, as that is set aside for urgent initiatives which, if not funded, present serious risks.

## Next steps

55. We will provide a first draft of your Cabinet paper on 25 August, subject to the current COVID-19 operating environment and work priorities. The Cabinet paper will include an overview of feedback from the public consultation and seek policy decisions for regulatory change.
56. We are working to the timeline outlined in the table below. This would have the Cabinet paper ready for ministerial consultation in the second half of September, following your meeting with the Responsible Camping Working Group. Due to the two-week October recess, the next scheduled meeting of Cabinet Economic Development Committee (DEV) at which the paper could be considered is on 20 October.
57. The timeline provides for the Bill to be enacted by November 2022. Regulation development will be occurring in parallel, with Regulations coming into force within six months of the Bill's enactment. Overall, the proposed timeline sees each implementation step coming into full force ahead of the following peak season.

<b>Week commencing / month</b>	<b>Milestones</b>
23 Aug	Draft Cabinet paper to Minister Draft Cabinet paper to agencies for consultation
30 Aug	Inter-agency consultation underway Draft Regulatory Impact Statement (RIS) to agencies for consultation.
6 Sept	Responsible Camping Working Group meeting 7 September Revised Cabinet paper to Minister RIS considered by MBIE Regulatory Impact Assessment Review Panel
13 Sept	Incorporate Minister's feedback on Cabinet paper Revised Cabinet paper and RIS to Minister for ministerial consultation
20 Sept	Ministerial consultation
27 Sept	Ministerial consultation
4 Oct (recess week)	Incorporate any amendments to Cabinet paper as required Final Cabinet paper to Minister
11 Oct (recess week)	Cabinet paper lodged by 14 October
18 Oct	DEV consideration on Wednesday 20 October
25 Oct	Cabinet confirmation on 26 October Drafting instructions issued to Parliamentary Counsel Office (PCO)
Nov	Ministerial announcement of system change (in early November) and publication of Cabinet paper, minute, RIS and summary of submissions Paper to IVL Ministers seeking approval for establishment funding for the regulator (PGDB)
Nov – Feb 2022	PCO drafting (four months, to allow for Christmas/New Year break)
Mar	Bill vetted for consistency with BORA
Apr	Bill considered by LEG and Cabinet
May	Bill introduced to the House and First Reading
June – Sept	Select committee
Oct	Second Reading, Committee of the Whole House, Third Reading
Oct/Nov	Bill enacted