



COVERSHEET

Minister	Hon Stuart Nash	Portfolio	Tourism
Title of Cabinet Paper	Release of discussion document: Freedom Camping Regulations Discussion Document	Date to be published	27 September 2022

List of documents that have been proactively released

Date	Title	Author
August 2022	Release of discussion document: Freedom Camping Regulations Discussion Document	Office of the Minister of Tourism
24 August 2022	Release of discussion document: Freedom Camping Regulations Discussion Document DEV-22-MIN-0195	Cabinet Office

Information redacted

NO

Any information redacted in this document is redacted in accordance with MBIE's policy on Proactive Release and is labelled with the reason for redaction. This may include information that would be redacted if this information was requested under Official Information Act 1982. Where this is the case, the reasons for withholding information are listed below. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.

In Confidence

Office of the Minister of Tourism

Cabinet Economic Development Committee

Release of discussion document: Freedom Camping Regulations Discussion Document

Proposal

- 1 This paper seeks agreement to release a discussion document relating to regulations that can be made under the Freedom Camping Act 2011 and the Plumbers, Gasfitters and Drainlayers Act 2006 after the Self-Contained Motor Vehicles Legislation Bill receives Royal Assent.

Executive Summary

Relation to government priorities

- 2 Improving the freedom camping system relates to the Government's priorities as set out in the Speech from the Throne: to support our tourism sector in its transition to a sustainable, low carbon, high skill and high wage industry. It also aligns with the Government's direction for tourism, in particular, rebuilding tourism on a sustainable model, mitigating the negative impacts associated with tourism, and elevating Brand New Zealand.

Issue identification

- 3 The actions of vehicle-based freedom campers are adversely impacting the natural environment. To address this, I recently introduced the Self-Contained Motor Vehicles Legislation Bill to Parliament. Regulations are required to fully implement these changes. Public consultation on a set of options for regulations is required under the Bill, and will help to ensure that the regulatory settings are fit for purpose.

The draft discussion document

- 4 The draft discussion document contains a set of options for the following matters, proposed to be prescribed in regulations:
 - 4.1 the technical requirements that vehicles must meet in order to be certified self-contained
 - 4.2 criteria for approval as a self-containment certification authority and vehicle inspector competency requirements
 - 4.3 format of self-containment Certificate and Warrant
 - 4.4 infringement offence fees and fines
 - 4.5 exclusions from regulatory requirements

- 4.6 a Self-Containment Certification Monitoring Levy and an Application Fee for approval as a self-containment Certification Authority.
- 5 It also indicates the options preferred by officials at the Ministry of Business, Innovation and Employment (MBIE). The preferred options are those that most closely align with the following outcomes: environmental protection, building public trust and confidence in the self-contained vehicle system, and are light touch in terms of the burden placed on participants in the regulatory system. This aligns with Cabinet’s previous agreement to introduce a light-touch regulatory system for self-containment of vehicles [DEV-MIN-0219 refers].
- 6 I expect the discussion document will generate significant interest from the wider camping sector, local government, and the general public, who will also be interested in the Bill. My aim is to release the document at the same time the select committee is calling for public submissions on the Bill. In this way, interested parties will be able to see the full range of prospective legislative changes and impacts.

Background

Freedom Camping in Aotearoa New Zealand

- 7 Freedom camping involves staying for free in a vehicle or tent, within 200 metres of where you can drive, the coast or a Great Walks track. Such camping is a small but highly visible part of both domestic and international tourism.
- 8 The Freedom Camping Act 2011 provides local authorities and the Department of Conservation (DOC) with the ability to manage freedom camping through local bylaws and notices. About half of New Zealand’s territorial authorities have made a freedom camping bylaw.
- 9 Regulation of freedom camping is necessary to protect the environment, access to areas on public land, and to protect the health and safety of people who may visit those areas, as well as ensure the community can continue to enjoy local amenities. Without regulation, potential negative impacts from campers staying on public land cannot be managed.
- 10 Steadily increasing numbers of freedom campers over recent years have generated concern from communities about freedom campers’ cumulative impact on the environment and the cost of hosting them. Of particular concern are freedom campers who stay in cars, or vans with sleeping platforms, that are not self-contained.
- 11 Around 60 percent of submissions on the discussion document *Supporting sustainable freedom camping in Aotearoa New Zealand* agreed that certain types of vehicle-based freedom camping were an issue in their community.¹ Approximately 76 percent of New Zealand residents think that freedom camping has negative impacts on the local environment. This view is shared by councils and Department of Conservation (DOC)

¹ Ministry of Business, Innovation and Employment, *Summary of submissions: Supporting sustainable freedom camping in Aotearoa New Zealand*, (24 August 2021), at page 2. Accessible at <https://www.mbie.govt.nz/dmsdocument/18090-summary-of-submissions-supporting-sustainable-freedom-camping-in-aotearoa-new-zealand>

rangers in key responsible camping regions that face problems like ablutions in natural areas, littering and misuse of local waterways.²

The voluntary Standard

- 12 In New Zealand, there is currently no regulatory system for the self-containment of motor vehicles. There is a voluntary self-containment standard, *Self containment of motor caravans and caravans* (NZS 5465:2001), which sets out a basic standard for the containment of wastewater and solid waste in motor vehicles, and includes technical standards.
- 13 Compliance with the Standard is not compulsory, but compliance enables a vehicle to be occupied in some areas. For example, campsites managed by a local authority to which entrance would otherwise be denied (e.g. because a particular site is designated by a local authority as being appropriate for self-contained vehicles to stay at overnight).
- 14 There is a lack of trust in the implementation of NZS 5465:2001 – a key tool currently relied on by council and DOC enforcement authorities to manage freedom camping. NZS 5465:2001 is implemented inconsistently or inappropriately, self-containment stickers can be easily counterfeited, and there is no national register of self-contained vehicles to support enforcement.

The freedom camping infringement penalties are low and not proportionate

- 15 The current infringement regime in the Freedom Camping Act could be improved. The infringement fee for each offence is set at \$200, irrespective of the severity of the offence committed. Although the Act enables regulations to prescribe a higher fee, no regulations have been made to this effect. This low fee fails to differentiate between different levels of harm, such as the difference between damaging flora and fauna of an area, and freedom camping in an area in breach of a prohibition or restriction.

The Self-Contained Motor Vehicles Legislation Bill has introduced regulatory changes

- 16 The Self-Contained Motor Vehicles Bill will shortly be introduced to Parliament [LEG-22-MIN-0126 refers]. The purpose of this Bill is to improve the sustainability of freedom camping in New Zealand, protect the natural environment and local communities' enjoyment of it, and support people to freedom camp responsibly in self-contained vehicles. Officials note that there are associated public health benefits associated with regulating self-contained vehicles associated with the reduction or removal of human waste on the ground.
- 17 The Bill is an omnibus Bill that amends the Freedom Camping Act 2011, and the Plumbers, Gasfitters and Drainlayers Act 2006, to make the following changes to the freedom camping system:

² Fresh Info, Responsible Camping Research 2019/20, (April 2020), at page 4. Accessible at <https://www.mbie.govt.nz/dmsdocument/11909-responsible-camping-research-2019-20-pdf>

- 17.1 Require vehicle-based freedom campers to use a certified self-contained vehicle when they stay on council land. This is unless the council designates the site as suitable for non-self-contained vehicles.
- 17.2 Establish a regulatory system for the certification and registration of self-contained vehicles, with the Plumbers, Gasfitters and Drainlayers Board (the Board) as regulator.
- 17.3 Require vehicles to have a fixed toilet to be certified self-contained.
- 17.4 Strengthen the infringement system by introducing tiered infringement fees.
- 17.5 Extend the Freedom Camping Act 2011 to include land managed by Waka Kotahi New Zealand Transport Agency and Toitū Te Whenua Land Information New Zealand.

Regulations are required to strengthen the freedom camping system and mitigate negative impacts

- 18 While the Bill establishes key parts of the new regulated system for self-contained vehicles, regulations are required to fill in the detailed rules that underpin the system. This includes the technical requirements vehicles must meet to be certified self-contained, criteria that prospective certification authorities (those who will be responsible for certifying vehicles) must meet and competency requirements for vehicle inspectors. Regulations will also be used to set penalties associated with infringement offences.
- 19 Freedom camping regulations are intended to make the self-contained vehicle system more trustworthy, so the public can have more confidence in it, and reduce the environmental impacts of vehicle-based freedom camping. In particular, freedom camping regulations would aim to meet one or more of the following outcomes:
 - 19.1 Environmental protection – vehicles should meet minimum technical requirements in order to be certified self-contained. Harm to the natural environment that is associated with inappropriate disposal of waste, and camping in unsuitable vehicles or areas, is reduced.
 - 19.2 Public trust and confidence - the self-contained vehicle system is trustworthy, and issues with the social licence to freedom camp are mitigated.
 - 19.3 Light touch approach – the regulatory system is light-handed, in line with the level of potential harm caused by incorrectly certified “self-contained” vehicles, while still enabling the regulator to provide robust national oversight.

Overview of the options in draft discussion document

- 20 The draft discussion document contains a set of options for the following matters proposed to be prescribed in regulations. They are:
 - 20.1 the technical requirements that self-contained vehicles must meet in order to be certified self-contained

- 20.2 criteria for approval as a self-containment certification authority and vehicle inspector competency requirements
- 20.3 the format of Self-containment documentation
- 20.4 infringement offence fees and fines
- 20.5 exclusions from regulatory requirements
- 20.6 a Self-Containment Certification Monitoring Levy and an Application Fee for approval as a self-containment Certification Authority.

Technical requirements for self-contained vehicles

- 21 Technical requirements are a set of standards that a vehicle's self-containment facilities must meet to be certified self-contained. Technical requirements provide assurance that a vehicle's self-containment facilities are fit for purpose. A vehicle would be assessed by a vehicle inspector to ensure that it meets the requirements. Vehicles that passed their assessment would be certified self-contained.
- 22 The discussion document consults on two options for how technical requirements could be prescribed in regulations:
 - 22.1 Light-touch, performance-based technical requirements that a vehicle's self-containment facilities would need to meet. These are based on the critical facilities meeting mandatory performance outcomes. This option is similar to the performance-standard approach taken in the Building Code, and provides more flexibility and promotes innovation. Critical facilities include a vehicle's water supply system, its sanitary system (including a fixed toilet and wastewater system), ventilation systems, and mechanisms for loading and unloading water and wastewater. Guidance on how to comply with the technical requirements would be provided by the regulator.
 - 22.2 Prescriptive technical requirements. These requirements would take the prescriptive approach taken in the current voluntary standard to critical self-containment facilities, and modify it to comply with the fixed toilet requirements of the Bill. This would mean regulations would specify things like minimum pipe diameters and length, and minimum volumes for potable and wastewater containers as the only means of complying with the standard.
- 23 At this stage, officials advise that the preferred option is for regulations to set out light-touch performance-based technical requirements, as this approach more strongly aligns with outcomes for regulatory outcomes.

Self-containment authority approval criteria and vehicle inspector competency requirements

- 24 To provide the public with assurance that the certification system is robust and fit for purpose, the Bill requires:
 - 24.1 that vehicle certifications will only be able to be carried out by certification authorities (those individuals and organisations seeking to provide certification

services) approved by the Board against an approval criteria set out in regulations

- 24.2 that vehicle inspections will only be able to be carried out by competent persons, and provide that competency requirements be set out in regulations.

Self-containment authority approval criteria

- 25 The discussion document consults on the following options for the self-containment authority approval criteria:
- 25.1 Option One: A robust approach to approvals, where certification authorities have multiple pathways of demonstrating how they can meet criteria. At a high level, the proposed approval criteria would ensure that certification authorities have the right processes in place to perform tasks, like issuing self-containment documentation, undertaking vehicle inspections, keeping appropriate records and having appropriate internal auditing systems. This approach is the closest to the light-touch outcome. It is also most likely to encourage existing issuing authorities that provide self-containment services to transition to the new regime, as well as encourage prospective new service providers to come on board as certification authorities.
- 25.2 Option Two: More rigorous and prescriptive criteria, which would be similar to the above option, but with the addition of a standardised vehicle inspector training and auditing systems approved by the Board. Any prospective certification authority would need to embed these standard systems and processes in addition to meeting other criteria to be approved. This would provide greater certainty, but increase costs for existing issuing authorities to transition to the new regime (as well as prospective new service providers to come on board as certification authorities) and require further work by the Board.
- 25.3 Option Three: Third-party review by an assurance body of an applicant's systems. This would be in addition to either of the options above. In either case, it would provide greater certainty, but would increase costs for prospective certification authorities.
- 26 At this stage, the preferred option is Option One. It will enable the Board to provide robust national oversight without imposing excessive costs on freedom camping participants, encourage existing issuing authorities to transition to the new regime and encourage prospective certification authorities to apply to be recognised.

Vehicle inspector competency requirements

- 27 The discussion document consults on the following options for vehicle inspector competency requirements:
- 27.1 Option One: A set of competency requirements for vehicle inspectors that are based around vehicle inspectors being knowledgeable. Vehicle inspectors would demonstrate that they understood the technical requirements, could inspect a vehicle's performance in line with regulatory requirements and enter results of an inspection into the national register of self-contained vehicles.

- 27.2 In addition to the competency requirements set out above,
- 27.2.1 Option Two: Require vehicle inspectors to also have a relevant trade qualification (e.g. mechanical engineering, plumbing, building or related trades). This would increase costs to vehicle inspectors without a trade qualification, but may provide greater assurance that the vehicle inspectors are competent.
 - 27.2.2 Option Three: Require vehicle inspectors to be assessed by a certification authority as “fit and proper”. This would increase costs to vehicle inspectors and certification authorities, but may provide greater assurance that they vehicle inspectors are competent.

28 At this stage, Option One is the preferred option for vehicle inspector competency requirements. This will provide an appropriate level of assurance that vehicle inspectors are competent, without imposing substantial new costs on them and certification authorities. This will incentivise vehicle testers to transition to the new regime.

Deeming certifying plumbers as certification authorities and vehicle inspectors

- 29 The discussion document also asks about whether regulations should deem certifying plumbers as certification authorities and vehicle inspectors. Currently, certifying plumbers are deemed as issuing authorities and vehicle testers under the voluntary standard. The certifying class is the top-level registration and licence for plumbers. As such, certifying plumbers that work in the vehicle certification system are assumed to have a high level of competence to undertake this work.
- 30 In the absence of deeming certifying plumbers in regulations, this group of plumbers would be required to apply to be certification authorities under the application criteria, and/or meet the competency requirements expected of other vehicle inspectors.
- 31 At this stage, the preferred option is to deem them as certification authorities and vehicle inspectors under regulations.

Self-containment documentation

- 32 The current voluntary Standard prescribes the form of the following documents that are issued by issuing authorities after a vehicle has been certified by a vehicle inspector:
- 32.1 A *self-containment certificate* – which lists the details of the self-containment facilities fitted (e.g. pipe length and diameter, water and wastewater tank size), and the number of people the vehicle’s fresh and waste-water systems are capable of supporting. It is used to provide enforcement officers with additional documentation if they doubt the veracity of the vehicle’s self-containment warrant.
 - 32.2 A *self-containment warrant* – which lists the licence plate of the vehicle, the issuing authority who certified the vehicle, the date of certification, the number of people for which the vehicle is self-contained, the date the warrant

expires and a unique number. It is fixed in the front windscreen or window of self-contained vehicles.

- 32.3 *A generic self-containment sticker* – which is issued once a testing officer certifies the vehicle as self-contained. This sticker is placed on the rear of the vehicle. It does not contain any details that link it to that vehicle, such as licence plate details.
- 33 The Bill provides that the format of the self-containment certificate and warrant card is prescribed in regulations. Notably, the Bill also requires a register of self-contained vehicles. This will hold information about a self-contained vehicle’s ownership, its certification status, the details of its self-containment facilities and who certified the vehicle. Enforcement officers would be able to access the register to check a vehicle’s self-containment information, vehicle inspectors and certification authorities would be able to access the register to input a vehicle’s self-containment information and certificate and warrant details, and the general public would be able to search the register to see whether a vehicle has been certified as self-contained.
- 34 The discussion document consults on the following options for the self-containment certificate:
- 34.1 Option One: Continuing to record the details of a vehicle’s self-containment facilities on the certificate, in addition to the owner’s personal information and other information relating to the vehicle (e.g. its registration number, self-containment warrant expiry date or other detail about how technical requirements have been met), as well as the organisation and vehicle tester that certified the vehicle.
- 34.2 Option Two: Simplify the format of the self-containment certificate to only contain the information set out in the self-contained warrant.
- 35 The discussion document also consults on one option for a self-containment warrant that is green in colour, and contains the critical information about the vehicle and its self-containment status (e.g. the licence plate number, the date the warrant was issued and the date it expires).
- 36 This largely retains the format of the current warrant. However, making the colour of the warrant card green would make it easy for enforcement officers to see whether a vehicle has been certified under the new standard.
- 37 The discussion document also consults on two options for generic identifiers, such as stickers:
- 37.1 Option One: Not having a generic identifier issued by a vehicle inspector.
- 37.2 Option Two: Having a generic identifier that indicates that a vehicle has been certified under the new regulations.
- 38 At this stage, the preferred options for officials are for the self-containment certificate to continue to record the details of a vehicle’s self-containment facilities, the new green self-containment warrant, and not having a generic identifier. Listing the details of a vehicle’s self-containment facilities on the certificate and retaining a generic

identifiers is unnecessary under a regulatory regime, as all the critical information about a self-contained vehicle can be found on the register of self-contained vehicles.

Infringement fees and fines

- 39 The Freedom Camping Act sets out a number of infringement offences³. Local authorities and DOC enforcement staff are able to issue infringement fees where there are reasonable grounds to believe that there have been clear, relatively low-level, breaches of the law (e.g. issuing a ticket for inappropriate disposal of waste).
- 40 The level of fees associated with infringement offences in the Freedom Camping Act is \$200, and regulations may prescribe different infringement fee levels up to a maximum penalty of \$1,000.⁴ However, no regulations have yet been made.
- 41 The Bill includes existing and new freedom camping infringement offences. It also provides for regulations to prescribe the level of infringement fees and fines, with a maximum infringement fee of \$1,000, and a maximum fine of \$3,000.
- 42 Therefore, the discussion document consults on the following options:
- 42.1 Option One: A tiered approach to the level of infringement fees, with a maximum fee of \$800.
- 42.2 Option Two: A tiered approach to the level of infringement fees, with a maximum fee of \$1,000.
- 43 Both options have been informed by the Ministry of Justice's *Policy Framework for New Infringement Systems* and the Legislation Design Advisory Committee's *Legislation Guidelines (2021 edition)*. Penalties have been aligned with similar infringement penalties in Conservation legislation.⁵
- 44 Each option includes a maximum fine that is three times the level of the proposed infringement fee.
- 45 At this stage, the preferred option is to take the tiered approach to penalty levels set out under Option One. A maximum fee tier of \$1,000 may be perceived as unduly harsh and may discourage compliance with the law. Option One also aligns more closely with comparative penalties in Conservation legislation.

Exclusions from regulatory requirements

- 46 In some cases, requiring a particular person to comply with legislation might be impractical or result in hardship to that person. In such cases, it may be necessary to exclude or exempt a particular person or class of people, transactions, or things from

³ Section 20(1), Freedom Camping Act 2006.

⁴ Sections 23(1) and 43(1)(a), Freedom Camping Act 2006.

⁵ There are infringement offences (e.g. inappropriate disposal of litter/animal products and undertaking inappropriate activities in restricted or prohibited areas) in the Conservation (Infringement Offences) Regulations 2019 and the Reserves (Infringement Offences) Regulations 2019 that are similar to freedom camping infringement offences.

all or part of an Act or regulations. The Bill provides for regulations to exclude a specific set of motor vehicles from some or all of the regulatory requirements.

47 The discussion document consults on the following three options:

47.1 Option One: No exclusions from new regulatory requirements.

47.2 Option Two: excluding smaller freedom camping vehicles from the requirement to have a fixed toilet.

47.3 Option Three: excluding for vintage vehicles⁶ from the need to be certified as self-contained.

48 At this stage, officials do not propose that the regulations specify any vehicles that are to be excluded from the regulatory regime. Excluding specific vehicles in regulations would result in unnecessary complexity, make enforcement difficult and undermine the integrity of the regulatory system.

Levies and Fees

49 As there is no current freedom camping regulatory system, there are no fees and levies payable to a regulator. However, charges on participants in the self-contained vehicles regulatory system are required in order to cover the Board's oversight costs. The Bill will provide the legal authority for freedom-camping related fees and levies to be set in regulations. These are:

49.1 a monitoring levy that self-contained vehicle owners will pay once every four years at the time of certification to recover the Board's regulatory oversight costs

49.2 a certification authority approval application fee that certification authority applicants would pay directly to the Board at the time of application, in order to cover the Board's costs involved in assessing an application.

Self-containment certification monitoring levy

50 The discussion document will consult on three options for the levy:

50.1 Option One: A "bare minimum" levy option, which would apply the bare minimum resources to self-contained vehicle certification activities (\$91.40 including GST for a four-year certificate). This would enable the Board to provide oversight of the self-contained vehicle system, including monitoring and auditing of the system, conduct investigations and provide support to maintain the register of self-contained vehicles.

50.2 Option Two: Would provide slightly more resources to the Board to conduct its regulatory oversight role (as described above) (\$101 including GST for a four-year certificate).

⁶ "Vintage vehicle" would include those vehicles that are at least 40 years old on the date that they are registered, reregistered, or licensed.

50.3 Option Three: A self-containment certification monitoring levy of \$120 (including GST). In addition to funding to conduct its regulatory oversight role, the Board would provide additional resources to support the implementation of the new regulatory system via an awareness campaign, additional information technology support and technical advice through a sector stakeholder group.

51 At this stage, Option Three is the preferred option, as it provides greater assurance that implementation would go smoothly, freedom campers and certification authorities are aware of their obligations under the new regulatory system, and the Board has sufficient resources to provide appropriate regulatory oversight.

52 Under this option, the Board will incur an estimated \$1,898,000 per annum in regulatory oversight costs. Based on an estimated 18,250 self-contained vehicle certifications per annum, the cost per vehicle will be \$104 + GST (\$120 total). This represents \$26 plus GST (\$30 total) per year for the four-year duration of the certificate.

Application fee for approval as a certification authority

53 The discussion document consults on two options for this fee:

53.1 Option One: A set fee of \$431.25 (including GST). It is estimated that the assessment of whether an applicant's proposed certification system and procedures meet the criteria for approval and the required evidence, as set out in regulations will take five hours at an hourly rate of \$75.00 plus GST. This hourly rate and effort is the same currently used by the Board when assessing applications for employer licences.

53.2 Option Two: A scalable fee option, and the total fee charged to the prospective certification authority would depend on how much time the Board takes to process the application. There would be a base fee based on three hours of effort from the Board, plus an hourly rate of \$75.00 plus GST for every additional hour spent on the application.

54 The fee would cover things such as receiving the application, assessing the proposed system against the prescribed criteria and evidence requirements, assessing how the prescribed competency requirements for vehicle inspectors will be met, and issuing the five-year approval.

55 At the moment, Option One is the preferred option. I am keen to ensure an orderly transition to the new regulated system. To that end, I favour certainty for all prospective applicants, and certainty for the Board. However, I recognise that as the system matures, it may be preferable to move to a scalable fee model.

Officials have tested many of these proposals with stakeholders in the freedom camping sector

56 Officials have tested many of the proposals in the discussion document with a group of stakeholders from across the freedom camping sector in the form of a technical advisory group. Input from stakeholders has been critical to helping shape preferred

and alternative options in the discussion document for the following regulatory features:

- 56.1 technical requirements that vehicles must meet in order to certified self-contained
 - 56.2 criteria that prospective organisations or people must meet in order to be approved as a self-containment certification authority
 - 56.3 competency requirements that people who inspect a vehicle's self-containment facilities must meet
 - 56.4 the self-containment documentation issued (the self-containment certificate and warrant).
- 57 Officials have also consulted with the Board on options for the level at which fees and levies are set. This has provided confidence that the options for fee and levy rates do not result in over or under cost recovery.

Public consultations proposal

- 58 I plan to release the draft consultation document as soon as possible after consideration by Cabinet. I propose that we undertake four weeks of public consultation on the discussion document. This could commence as soon as early September.
- 59 At the time of writing, the Bill will shortly be introduced to the House of Representatives, I intend to release the discussion document for public consultation while the select committee is inviting submissions. Releasing the discussion document while submissions are open will provide a full picture of legislative changes to interested parties. I think this will help to inform submissions on the Bill, as well as submissions on the regulatory options proposed in this document.
- 60 I expect there will be strong interest in the discussion document throughout the freedom camping system, including from:
- 60.1 local authorities, including regional, district and city councils, particularly those authorities that have been actively managing freedom camping in their areas
 - 60.2 businesses and organisations, including Issuing authorities and vehicle testers involved in providing self-containment services, and issuing self-containment documentation to vehicle owners and rental vehicle businesses
 - 60.3 sector groups, including those that advocate for owners of vehicles used in freedom camping, rental vehicle advocates and other sector groups
 - 60.4 the general public, particularly those people who live nearby or visit areas where freedom camping is being actively managed, and those who own vehicles used for camping (and which may have been certified under the voluntary standard).

Financial Implications

- 61 There are no immediate financial implications arising from the release of the attached discussion document. However, the preferred options have implications for the Crown that are associated with the Board's regulatory oversight costs.
- 62 A memorandum account will need to be established to record the accumulated balances of surpluses and deficits incurred in providing goods and services on a cost-recovery basis. This account would be based on the current estimated oversight costs of \$1.898 million per annum.

Legislative Implications

- 63 There are no immediate legislative implications arising from this paper. However, consultation will inform policy recommendations to Cabinet, which would require the creation of regulations made by Order in Council.

Impact Analysis

- 64 The Treasury's Regulatory Impact Analysis team has determined that the release of the discussion document on Freedom Camping Regulations is exempt from the requirement to provide a Regulatory Impact Statement (RIS). The exemption is based on advice that the discussion document includes the key features of an interim RIS.
- 65 A quality assurance panel at the Ministry of Business, Innovation and Employment has reviewed the discussion document and confirmed that it partially meets these requirements. A full RIS will be completed at a later date to inform Cabinet's final decisions on this proposal once it returns from consultation.

Climate Implications of Policy Assessment

- 66 The Climate Implications of Policy Assessment (CIPA) team has been consulted and confirms that the CIPA requirements do not apply to this proposal, as the threshold for significance is not met.

Population Implications

- 67 The General Policy Statement attached to the Bill states that it is not intended that the Bill will penalise people who are staying in tents or vehicles due to homelessness.
- 68 Giving infringement fines to people experiencing homelessness will worsen the situation of vulnerable New Zealanders who are already in significant hardship. While some mitigation may be possible, the vulnerable and marginalised nature of this cohort means they are less likely to have the resources to be able to contest fines. Given the high proportion of Māori experiencing homelessness and housing insecurity, negative impacts associated with inappropriate use of compliance tools will very likely be disproportionately felt by Māori.
- 69 Enforcement authorities will continue to use their discretion to avoid infringing people experiencing homelessness who may be in breach of freedom camping bylaws

or notices, as recommended by Local Government New Zealand (LGNZ)⁷. Government will continue supporting enforcement authorities in applying their discretion, including reviewing guidance.

- 70 The Government’s approach to mitigating any potential impacts of the Bill on people experiencing homelessness aligns with the Aotearoa New Zealand Homelessness Action Plan.

Human Rights

- 71 There are no specific human rights implications arising from this paper.

Consultation

- 72 MBIE has consulted with the following agencies: Department of Conservation, Department of Internal Affairs, Department of Prime Minister and Cabinet, Kāinga Ora, Ministry of Transport, Waka Kotahi, Land Information New Zealand, Ministry of Health, Ministry of Housing and Urban Development, Ministry of Justice, Ministry of Social Development, the Plumbers, Gasfitters and Drainlayers Board, Te Puni Kōkiri, and The Treasury.

Communications

- 73 I plan to announce the public consultation and publicise the discussion document through a press release on in early September, with public submission closing four weeks later. The consultation period is subject to the Bill’s referral to select committee and the select committee’s call for public submissions.

Proactive Release

- 74 This paper will be published on the MBIE website, subject to redactions as appropriate and consistent with the Official Information Act 1982.

Recommendations

The Minister of Tourism recommends that the Committee:

- 1 **Note** that the Self-Contained Motor Vehicles Legislation Bill (Bill) will shortly be introduced to Parliament
- 2 **Note** that the Bill seeks to improve the sustainability of freedom camping in New Zealand, protect the natural environment and local communities’ enjoyment of it, and support people to freedom camp responsibly in self-contained vehicles;
- 3 **Note** that the Bill contains regulation-making provisions, which are required to provide the detailed rules that underpin the self-contained vehicle regulatory system;

⁷ The *Good practice guide for freedom camping* (the guidance), administered by Local Government New Zealand, covers all aspects of freedom camping, including how to approach those experiencing homelessness. The guidance outlines that “councils should avoid using their freedom camping bylaws to move on people who are genuinely homeless.”

IN CONFIDENCE

- 4 **Agree** to the public release of the attached discussion document entitled *Freedom Camping Regulations Discussion Document*.
- 5 **Note** that the discussion document seeks feedback on the options for the following regulatory components:
 - 5.1 technical requirements for self-contained vehicles
 - 5.2 criteria for the appointment of certification authorities and competency requirements for vehicle inspectors
 - 5.3 self-containment documentation
 - 5.4 infringement fees and fines
 - 5.5 exclusions from the requirements for vehicles to be certified self-contained
 - 5.6 fees and levies;
- 6 **Agree** to a four-week public consultation period on the attached discussion document;
- 7 **Authorise** the Minister of Tourism to update the discussion document to reflect decisions made by Cabinet, as well as any editorial and technical changes required before releasing the discussion document for public consultation; and
- 8 **Note** that the Ministry of Business, Innovation and Employment will publish a copy of this Cabinet paper, the Cabinet Committee minute, and the discussion document on its website.

Authorised for lodgement

Hon Stuart Nash

Minister of Tourism

Appendix One: Draft Discussion Document

[Attached separately]