



## COVERSHEET

<b>Minister</b>	Hon Matt Doocey	<b>Portfolio</b>	Tourism and Hospitality
<b>Title of Cabinet paper</b>	Amendments to the Plumbers, Gasfitters and Drainlayers (Self-Contained Vehicles) Regulations 2023	<b>Date to be published</b>	28 May 2024

### List of documents that have been proactively released

<b>Date</b>	<b>Title</b>	<b>Author</b>
April 2024	<i>Amendments to the Plumbers, Gasfitters and Drainlayers (Self-Contained Vehicles) Regulations 2023</i>	<i>Office of Minister of Tourism and Hospitality</i>
10 April 2024	<i>Amendments to the Plumbers, Gasfitters and Drainlayers (Self-Contained Vehicles) Regulations 2023</i> <i>ECO-24-SUB-0054 Minute</i>	<i>Cabinet Office</i>

### Information redacted

**YES / 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 for Tourism and Hospitality  
Cabinet Economic Policy Committee

**Amendments to the Plumbers, Gasfitters, and Drainlayers (Self-Contained Vehicles) Regulations 2023**

**Proposal**

- 1 This paper seeks agreement to release a discussion document relating to changing the direct venting requirement and levy waiver and refund process in the Plumbers, Gasfitters, and Drainlayers (Self-Contained Vehicles) Regulations 2023 (the Regulations).

**Relation to government priorities**

- 2 The proposed changes align with the Government's desire to improve the quality of existing regulation and reduce red tape that is adding costs to New Zealanders.

**Background**

- 3 The Self-contained Motor Vehicles Legislation Act 2023 (the Act) became law under the previous Government<sup>1</sup>. The Act and its associated Regulations seek to improve the management of vehicle-based freedom camping by creating a robust regulatory system that central and local government can rely on to reduce the negative effects of freedom camping on communities and the environment.
- 4 Since becoming the Minister for Tourism and Hospitality, I have heard from many people about the freedom camping system. Most people I hear from are supportive of the intent of the new Act but have raised concerns about some of the associated operational and regulatory details.
- 5 The Act has a two-year transition period for private vehicles, ending on 7 June 2025. After the transition period has ended and there is evidence of how the new system is working, I intend to review the effectiveness of the freedom camping system and the overall operation of the Act, to ensure it is fit for purpose.
- 6 In the interim, I am seeking to amend the Regulations to address specific issues that have been brought to my attention by both the Plumbers, Gasfitters and Drainlayers Board (the Regulator) and the freedom camping sector.
- 7 The first is the requirement for wastewater tanks in certified self-contained vehicles to be directly vented to the exterior of the vehicle and the second is the administrative and time-consuming process for refunding levies. For example, if a vehicle fails its inspection.

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<sup>1</sup> This Act amended the Plumbers, Gasfitters, and Drainlayers Act 2006 and the Freedom Camping Act 2011.

## Options for amending the Regulations

### Amending the direct venting requirement

- 8 The Regulations require wastewater tanks in certified self-contained vehicles to be directly vented to the exterior of the vehicle. This requirement was included to align with the requirements in the voluntary Standard Self containment of motor caravans and caravans (*NZS 5465:2001, sub-section 7.8*), as officials understood that this was the process used by issuing authorities when certifying vehicles under the *NZS 5465:2001* requirements. Direct venting was not raised as a concern during the consultation on the exposure draft version of the Regulations in 2023.
- 9 However, the sector has since raised that this requirement is not appropriate for all types of fixed toilets, such as fixed cassette-style toilets with removable wastewater tanks. And that issuing authorities had long exempted fixed cassette toilets from this requirement in *NZS 5465:2001*. I understand there are many vehicle owners who will now have to make costly modifications to their toilets to be certified as self-contained<sup>2</sup>.
- 10 I seek Cabinet agreement to consult on three proposed options for addressing the direct venting requirement:
- 10.1 Option 1: Maintain the status quo – all wastewater storage tanks are required to be directly ventilated to the exterior of the motor vehicle;
- 10.2 Option 2: Only fixed wastewater storage tanks are required to be directly ventilated to the exterior of the motor vehicle;
- 10.3 Option 3: Fixed wastewater storage tanks and removable blackwater holding tanks used for waterless toilets are required to be directly ventilated to the exterior of the motor vehicle.
- 11 In my consideration of the options, I have included:
- 11.1 the cost and modification challenges of the direct venting requirement on vehicle owners;
- 11.2 a comparison to the ventilation requirements for self-contained motor vehicles in overseas jurisdictions.
- 12 I have been unable to find any evidence to suggest the removal of the direct venting requirement will create any public health issues and so I have not included this in my analysis at this time.

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<sup>2</sup> I have been advised by the New Zealand Motor Caravan Association that an estimated 50,000 of its members' vehicles (73% of the estimated privately owned national fleet) will not be able to be certified due to this requirement.

**Amending the process for levy refunds**

- 13 In the instance where a vehicle owner has paid the levy<sup>3</sup> for self-containment certification but the vehicle fails its inspection, the system only allows for waivers and refunds to be granted on a case-by-case basis by the Regulator. This system creates an administrative burden for the Regulator and extends the time it takes for motor vehicle owners to receive their refund.
- 14 Currently, vehicle owners must pay the levy to certification authorities<sup>4</sup> when they apply for a certificate of self-containment. Certification authorities must then on-pay the levy to the Regulator. If the vehicle fails its inspection, then the Regulator may refund the levy. To do so, the Regulator must assess and process each individual refund application once it is satisfied the levy was unreasonable/unfair to recover<sup>5</sup>.
- 15 I seek Cabinet agreement to consult on three proposed options for addressing the levy refund process:
- 15.1 Option 1: Maintain the status quo – only the Plumbers, Gasfitters, and Drainlayers Board has the power to assess and process individual refunds;
- 15.2 Option 2: Delegate power to self-containment certification authorities to assess and process individual refunds;
- 15.3 Option 3: Add an express waiver/refund for vehicles that fail their inspection, which still requires the Plumbers, Gasfitters and Drainlayers Board to individually process each refund.

**Options for consultation**

- 16 The Plumbers, Gasfitters, and Drainlayers Act 2006 requires me to consult people I consider are likely to be significantly affected by the Regulations (or representatives of those people).
- 17 The ventilation issue I am seeking to address has been well socialised with the freedom camping sector and the refund issue impacts the Regulator, current certification authorities and vehicle owners that fail the certification inspection. This targeted approach will help to deliver faster outcomes and therefore provide greater certainty to the sector. I seek Cabinet agreement for my officials to engage in targeted consultation with freedom camping industry peak bodies, along with relevant individuals/businesses, using the attached discussion document<sup>6</sup>.

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<sup>3</sup> The Regulations prescribe a levy of \$120 dollars for a four-year period paid by vehicle owners when their vehicle is certified or recertified. The levy covers the cost of the Plumbers, Gasfitter and Drainlayers Board.

<sup>4</sup> Certification authorities are responsible for certifying vehicles under the regulated certification system. They employ their own vehicle inspectors, who test a vehicle's compliance with the self-contained vehicle technical requirements, which are set out in Regulations.

<sup>5</sup> The Regulator can refund or waive the levy if it is satisfied that it is unreasonable or unfair in the circumstances to recover, in whole or part, the fee or levy. The Regulations do not explicitly mention refunds in relation to failed vehicle inspections.

<sup>6</sup> I propose to consult approximately 30 membership groups, current self-containment issuing authorities, industry bodies and businesses who have provided feedback on the Regulations.

## **Implementation**

- 18 I am seeking to consult on policy proposals now so that any changes to Regulations can be made as soon as practicable to provide greater certainty to the freedom camping sector. Resolving the issues will be achieved by amending Regulations and will be subject to standard Cabinet timelines. Any changes would have minor implementation consequences for the PGDB, who would be required to update their guidance. An indicative timeline is included below.

<b>Stage</b>	<b>Timeframe</b>
Consultation on Discussion Document	16 April – 30 April 2024
Cabinet agreement to policy proposals and issuing drafting instructions	4 June 2024
PCO drafting*	4 – 8 weeks
Cabinet agreement to new Regulations	Late-July 2024
New Regulations in force	Late-August 2024
Implementation activities (PGDB Notice and guidance)	August–September 2024

## **Cost-of-living Implications**

- 19 The proposal for removing the direct venting requirement contained in the discussion document will reduce costs for motor vehicle owners who have fixed cassette-style toilets with removable wastewater tanks, as they will not have to pay for an external ventilation system to gain certification.

## **Financial Implications**

- 20 This paper and the discussion document do not have any direct financial implications.

## **Legislative Implications**

- 21 There are no immediate legislative implications arising from this paper or the release of the discussion document. Changes to the Plumbers, Gasfitters, and Drainlayers (Self-Contained Vehicles) Regulations 2023 will be required should amendments be made following consultation.

## **Impact Analysis**

### **Regulatory Impact Statement**

- 22 As requested by the Treasury, the Ministry of Business, Innovation and Employment (MBIE) Regulatory Impact Statement (RIS) Review Panel has reviewed the consultation document and considers that it partially meets Quality Assurance criteria given it has to function as both an interim RIS and a consultation document. It considered the areas that do not meet the Quality Assurance criteria do not substantially undermine its robustness as a support to Ministerial decision making.

### **Climate Implications of Policy Assessment**

- 23 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

- 24 The nature of the proposals in the discussion document are highly unlikely to impact on any specific population groups. Other than making it less costly for those who have cassette-style toilet in their motor vehicles to get certified, as they will not have to pay for any modifications to install an external ventilation system.

## Human Rights

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

## Use of external resources

- 26 There has been no use of external resource.

## Consultation

- 27 MBIE has consulted with the following agencies: Department of Conservation, Department of Internal Affairs, Department of Prime Minister and Cabinet, Kainga Ora, Land Information New Zealand, Ministry for Primary Industries, Ministry for the Environment, Ministry of Health, Ministry of Housing and Urban Development, Ministry of Justice, Ministry of Social Development, Ministry of Transport, NZ Transport Agency Waka Kotahi, Te Puni Kōkiri, the Treasury and Whaikaka Ministry for Disabilities.
- 28 MBIE has also consulted with the Plumbers, Gasfitters, and Drainlayers Board.

## Communications

- 29 This will be the first time the sector is hearing about the scope of the changes. I am aware that there may be some negative publicity from some groups because I am not addressing the fixed toilet requirement nor the rental vehicle transition period at this time. Both of these are contained in the Act, not the Regulations. MBIE will prepare the appropriate communications for consultation.

## Proactive Release

- 30 The contents of this paper will be proactively released as soon as practicable with appropriate redactions.

## Recommendations

The Minister for Tourism and Hospitality recommends that the Committee:

- 1 **note** that there is an opportunity to address issues with the Plumbers, Gasfitters, and Drainlayers (Self-Contained Vehicles) Regulations 2023;
- 2 **agree** to release the attached discussion document to support targeted consultation with freedom camping industry peak bodies and other relevant stakeholders on the proposed changes to the Regulations;

3 **note** that I intend to return to Cabinet to seek agreement to any policy recommendations by early June 2024.

Authorised for lodgement.

Hon Matt Doocey

Minister for Tourism and Hospitality

## Appendices

Appendix One: Draft discussion document