



Cabinet Economic Development Committee

Minute of Decision

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Supporting Sustainable Freedom Camping in Aotearoa New Zealand: Proposals for Regulatory Change

Portfolio Tourism

On 27 October 2021, the Cabinet Economic Development Committee (DEV):

Background

1 **noted** that:

- 1.1 on 24 March 2021, DEV agreed to the release of a discussion document on proposed changes to support sustainable vehicle-based freedom camping in Aotearoa New Zealand [DEV-21-MIN-0054];
- 1.2 consultation on these proposals has concluded, and that there was broad support for regulatory change;

New rule for freedom camping on land managed by local authorities

- 2 **agreed** to require freedom campers staying in a vehicle on land managed by a local authority to use a certified self-contained vehicle, unless they are staying at a site designated by the local authority in a freedom camping bylaw as suitable for freedom camping in non-self-contained vehicles;
- 3 **agreed** to establish offences for infringements against the new rule, enforceable by enforcement officers appointed under the Freedom Camping Act 2011, including:
 - 3.1 freedom camping, or preparing to freedom camp, in breach of the rule;
 - 3.2 displaying an altered or fraudulent warrant of self-containment;
 - 3.3 having more campers staying in the vehicle than it is certified for;
- 4 **affirmed** the government's intent that people experiencing homelessness not be further disadvantaged by the introduction of the new freedom camping rule;
- 5 **directed** the Ministry of Business, Innovation and Employment and the Ministry of Housing and Urban Development, in consultation with the Ministry of Social Development, the Crown Law Office and other agencies as appropriate, to:
 - 5.1 ensure appropriate alignment with the Homelessness Action Plan;

- 5.2 ensure there is appropriate guidance to support freedom camping enforcement authorities to continue applying discretion to avoid infringing people experiencing homelessness, and to provide information on suitable supports;
- 5.3 report back to relevant Ministers on these matters;

Regulatory system for self-containment of vehicles

- 6 **agreed** to establish a light-touch regulatory system for self-containment of vehicles;
- 7 **agreed** that the Plumbers, Gasfitters and Drainlayers Board become the regulator, and be provided with appropriate additional powers and functions to provide oversight of the self-containment of vehicles;
- 8 **agreed** that the regulator will approve certification authorities based on criteria to be specified in regulations;
- 9 **agreed** that certification authorities will appoint or recognise vehicle inspectors based on competency requirements to be specified in regulations;
- 10 **agreed** that vehicle inspectors will that check vehicles have met minimum mandatory requirements for self-containment, to be specified in regulations;
- 11 **agreed** that the regulator will establish and maintain a register of self-contained vehicles;
- 12 **agreed** that the regulator be entitled to obtain, upon request, information from the Motor Vehicle Register about the name and contact details of the current owner of a specific motor vehicle to enable it to carry out auditing and compliance functions;
- 13 **agreed** that certification authorities will issue four-year warrant cards and certificates of self-containment for vehicles that pass checks, and will maintain records, including entering the certification details in the register;
- 14 **agreed** to establish associated offences and penalties for certification authorities, which will be aligned with the relevant disciplinary and other offences set out in the Plumbers, Gasfitters, and Drainlayers Act 2006;
- 15 **agreed** that the costs of the regulatory functions will be fully recovered from regulated parties through:
- 15.1 a fee for one-off processing of applications for approval as a certification authority;
- 15.2 a levy paid by vehicle owners at the time a new self-containment warrant is issued, collected by certification authorities and paid to the regulator;
- 16 **agreed** to create regulation-making powers to prescribe criteria, processes, forms, fees, levies and related matters to give effect to the new regime;

Requiring self-contained vehicles to have a fixed toilet

- 17 **agreed** that the regulatory requirements for a vehicle to be certified self-contained exclude portable toilets and require the toilet to be fixed within the vehicle;

Strengthening the infringement regime and extending it to other Crown land

- 18 **agreed** to the introduction of a tiered system for freedom camping infringement fees, with tiers of \$200, \$400, \$600, \$800 and \$1,000;

- 19 **noted** that the relevant tiers for offences will be determined as part of developing regulations;
- 20 **agreed** that rental companies be liable for payment of infringements issued to them as the registered vehicle owner, by removing their ability to transfer liability for freedom camping infringements to hirers, but retaining their ability to debit the hirer's credit card after first sending them a copy of the infringement notice;
- 21 **noted** that hirers' rights to challenge the issuing of the infringement notice with the enforcement authority will be preserved;
- 22 **agreed** that enforcement authorities be enabled to email freedom camping infringement notices;
- 23 **agreed** that the payment and reminder periods for freedom camping infringements be reduced from 28 days each to 14 days each;
- 24 **agreed** that regulation of camping on land administered by Waka Kotahi and Land Information New Zealand be enabled under the Freedom Camping Act 2011;
- 25 **agreed** that the relevant local authority will be empowered to define, in its freedom camping bylaw, areas of land administered by Waka Kotahi that are deemed as local authority areas for the purposes of the Freedom Camping Act 2011, subject to Waka Kotahi giving consent and provided it is not inconsistent with the use of the land;
- 26 **noted** that areas of Waka Kotahi land deemed local authority areas will be subject to the new rule described in paragraph 2 above, prohibitions or restrictions specified in a bylaw, and offences under the Act or the bylaw;
- 27 **agreed** that freedom camping be prohibited on land administered by Land Information New Zealand, except where the statutory decision-maker in respect of the land has made a notice that defines an area where freedom camping may occur and which may also prescribe restrictions on freedom camping;
- 28 **agreed** to require freedom campers staying in a vehicle on land administered Land Information New Zealand to use a certified self-contained vehicle, unless staying at a site designated in the notice as suitable for freedom camping in non-self-contained vehicles;
- 29 **agreed** to establish associated offences and penalties in relation to breaches of the new freedom camping provisions on land administered by Land Information New Zealand which are aligned with existing offences in the Freedom Camping Act 2011;
- 30 **agreed** that local authorities be empowered to enforce freedom camping offences on land administered by Waka Kotahi and to retain any associated revenue;
- 31 **agreed** that Land Information New Zealand be empowered to appoint enforcement officers under the Freedom Camping Act 2011;

Transitional arrangements

- 32 **agreed** that the new rule described in paragraph 2 above will come into effect as soon as the Bill is enacted;
- 33 **agreed** that, from 18 months after enactment of the Bill, rented self-contained vehicles used for freedom camping must meet the new regulatory requirements and display a warrant issued by a certification authority;

- 34 **agreed** that, from two years after enactment of the Bill, privately owned self-contained vehicles used for freedom camping must meet the new regulatory requirements and display a warrant issued by a certification authority;
- 35 **agreed** that, during the period between enactment of the Bill and the new requirements becoming mandatory, evidence the vehicle is self-contained for the purpose of the new rule described in paragraph 2 above or a Department of Conservation freedom camping notice will be provided by either of:
- 35.1 a warrant issued under the New Zealand Standard for the self-containment of motor caravans and caravans (NZS 5465:2001), provided the date of issue is no later than six months after regulations have been made prescribing requirements for a certification authority to issue a warrant; or
- 35.2 a warrant issued by a certification authority;
- 36 **agreed** that, as soon as the Bill is enacted, a vehicle may not be certified self-contained under NZS 5465:2001 if it has a portable toilet;
- 37 **agreed** to enable the transition dates to be extended by Order in Council;

Financial implications

- 38 **agreed** to provide \$10 million to support activities that will ensure a smoother transition from the existing freedom camping system to the new rules and regulations;
- 39 **agreed** that the \$10 million be funded from a one-off reprioritisation from Tourism New Zealand 2021/22 funds;
- 40 **approved** the following changes to appropriations, with the corresponding impact on the operating balance:

Vote Business, Science and Innovation Minister of Tourism	\$m – increase/(decrease)				
	2021/22	2022/23	2023/24	2024/25	2025/26 & Outyears
Non-Departmental Output Expense: Tourism: Marketing New Zealand as a Visitor Destination <i>(funded by revenue Crown)</i>	(10.000)	-	-	-	-
Multi-Category Expenses and Capital Expenditure: Tourism Facilities MCA Non-Departmental Other Expense: Tourism Facilities Department Grants <i>(funded by revenue Crown)</i>	-	5.000	5.000	-	-
Total	(10.000)	5.000	5.000		

- 41 **agreed** that the changes to appropriations for 2021/22 above be included in the 2021/22 Supplementary Estimates and that, in the interim, the increase be met from Imprest Supply;

Legislative implications

- 42 **noted** that the above proposals will be given effect through the Self-Contained Vehicles Bill, which holds a category 3 priority on the 2021 Legislation Programme (to be passed in 2021, if possible);
- 43 **agreed** that the priority category of the Self-Contained Vehicles Bill be changed to a category 5 priority (drafting instructions to be provided to the Parliamentary Counsel Office in 2021);
- 44 **agreed** that the Self-Contained Vehicles Bill be an omnibus Bill, amending the Freedom Camping Act 2011 and the Plumbers, Gasfitters, and Drainlayers Act 2006;
- 45 **agreed** that the Bill include a provision stating that the Freedom Camping Act 2011 will bind the Crown;
- 46 **invited** the Minister of Tourism, in consultation with the Minister of Local Government and the Minister of Conservation, to issue drafting instructions to the Parliamentary Counsel Office to give effect to the above paragraphs;
- 47 **authorised** the Minister of Tourism to make decisions, consistent with the above paragraphs, on any issues that arise during the drafting process.

Janine Harvey
Committee Secretary

Present:

Hon Grant Robertson (Chair)
Hon Dr Megan Woods
Hon David Parker
Hon Poto Williams
Hon Damien O'Connor
Hon Stuart Nash
Hon Kris Faafoi
Hon Willie Jackson
Hon Michael Wood
Hon Kiri Allan
Hon Dr David Clark
Hon Meka Whaitiri
Hon Phil Twyford
Rino Tirikatene MP
Dr Deborah Russell MP

Officials present from:

Office of the Prime Minister
Officials Committee for DEV