



## BRIEFING

### Improving responsible camping – revised proposal 1 and documents for ministerial consultation

<b>Date:</b>	4 March 2021	<b>Priority:</b>	High
<b>Security classification:</b>	In Confidence	<b>Tracking number:</b>	2021-2663

Action sought		
	Action sought	Deadline
Hon Stuart Nash <b>Minister of Tourism</b>	<p><b>Circulate</b> the attached Cabinet paper and draft discussion document to other ministers for consultation</p> <p><b>Provide</b> any feedback to MBIE on any amendments you require to be made to the documents prior to lodgement with the Cabinet Office</p>	4 March 2021

Contact for telephone discussion (if required)				
Name	Position	Telephone		1st contact
Danielle McKenzie	Manager Tourism Policy, Tourism Branch	04 896 5113	Privacy of natural persons	✓
Tracey Black	Principal Policy Advisor, Tourism Policy	04 897 7681	Privacy of natural persons	
Fraser Pearce	Senior Advisor, Tourism Policy	04 897 5174	Privacy of natural persons	

The following departments/agencies have been consulted

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 Withdrawn           |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



## BRIEFING

### Improving responsible camping – revised proposal 1 and documents for ministerial consultation

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#### Purpose

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To provide revised drafts of a Cabinet paper and discussion document to respond to your directions to change proposal 1, and for ministerial consultation.

The draft Cabinet paper is attached as **Annex One**. The draft discussion document is attached as **Annex Two**.

#### Recommended actions

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

- a **note** that officials have incorporated your most recent feedback about proposal 1 into revised versions of the draft Cabinet paper and discussion document  
*Noted*
- b **note** that agencies have not yet been consulted on revised proposal 1 and that, if you agree to circulate the documents for ministerial consultation, we will simultaneously seek feedback from agencies  
*Noted*
- c **note** that officials have incorporated feedback from the Ministry of Social Development on the earlier version of the Cabinet paper, specifically relating to homelessness  
*Noted*
- d **circulate** the draft Cabinet paper and draft discussion document to your ministerial colleagues for consultation  
*Agree/Disagree*
- e **provide** feedback to MBIE on any changes you require to the draft Cabinet paper and draft discussion document.  
*Agree/Disagree*

Danielle McKenzie  
**Manager Tourism Policy, Tourism Branch**  
Labour, Science and Enterprise, MBIE

4 / 03 / 2021

Hon Stuart Nash  
**Minister of Tourism**

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## Background

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1. On 3 March 2021, we received your feedback on the draft discussion document (2021-2457 refers) and we held a telephone conference with you to discuss your comments about proposal 1.
2. In your feedback, you indicated that you consider the problem (of inappropriate disposal of waste) to be presented by a subset of freedom campers who travel in cars and vans without a properly plumbed toilet. You noted that the outcome you are seeking is for all vehicle-based freedom campers to be required to have appropriate toilet facilities. In particular, you commented that the requirement should also apply to people choosing to camp in vehicles that do not have sleeping platforms (such as utility vehicles with a mattress put on the flatdeck).
3. During our telephone conference we discussed reframing proposal 1 to focus on the activity of freedom camping and the use of self-contained vehicles as a national bottom-line for vehicle-based freedom camping. You indicated that you do not intend all vehicles with sleeping platforms to be required to be self-contained. Such vehicles can be used to stay at paid campgrounds with appropriate facilities.
4. Amended versions of the draft Cabinet paper and draft discussion document, with revised proposal 1, are attached as **Annex One** and **Annex Two** for your consideration, and ministerial consultation.

## Comments on revised proposal 1

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5. We consider that revised proposal 1, accompanied by the other proposals, presents a logical cascade of options, from stronger to weaker impact on the problem. We expect the greatest impact will be obtained by combining the proposal for stronger regulatory tools with either of proposals 1 or 2. We are currently reanalysing the regulatory impact of the proposals and will provide you with the updated impact statement as soon as possible following review by MBIE's internal quality assurance panel.
6. We noted your comment that you do not wish proposal 1 to apply in a scenario where public safety may be an issue, such as if someone decides not to drive and to sleep in their vehicle (eg if over the legal alcohol limit). The Freedom Camping Act 2011 has existing exceptions which would potentially cover this scenario, but we will seek legal advice on this point. Section 5(2) of the Act states:

"In this Act, freedom camping does not include the following activities:

- a. temporary and short-term parking of a motor vehicle
- b. recreational activities commonly known as day-trip excursions
- c. resting or sleeping at the roadside in a caravan or motor vehicle to avoid driver fatigue."

## Timeline

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7. We understand that you intend to provide other Ministers with 10 working days for the ministerial consultation process. Assuming you agree to circulate the documents today, that period would close on Wednesday 17 March. In order to have the paper considered at the 24 March Cabinet Economic Development Committee meeting, the papers are required to be lodged by 10 am on Thursday 18 March. We understand your office is seeking permission

from the Cabinet Office for late lodgement to give us time to make any changes you may require to the documents following ministerial consultation.

## **Further consultation with other agencies**

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8. We have not yet consulted other agencies on revised proposal 1. This is required before submission of the documents to the Cabinet Office, but we can do this in parallel with ministerial consultation. We propose to seek feedback from agencies once you have circulated the amended documents for ministerial consultation.

## **Annexes**

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Annex One: Draft Cabinet paper

Annex Two: Draft Discussion Document

**Annex One: Draft Cabinet paper**

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**Annex Two: Draft discussion document**

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