



BRIEFING

Approach to Freedom Camping Submissions Analysis

Date:	28 May 2021	Priority:	Medium
Security classification:	In Confidence	Tracking number:	2021-3953

Action sought		
	Action sought	Deadline
Hon Stuart Nash Minister of Tourism	<p>Note that over 5,000 submissions have been received following public consultation and the proposed approach to their analysis</p> <p>Note that officials will provide a series of briefings over the coming weeks that summarise the feedback and provide recommendations relating to each proposal featured in public consultation</p> <p>Note that the timeline for the legislative process has been amended</p>	31 May 2021
Hon Peeni Henare Associate Minister of Tourism	For your information	N/A

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 Advisor, Tourism Policy	N/A	Privacy of natural persons	
Thomas Nicholls	Advisor, Tourism Policy	N/A	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 Withdrawn |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



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Purpose

To update you on the approach MBIE is taking to analyse submissions on the proposed changes to support sustainable freedom camping in New Zealand, which closed on 16 May 2021.

This briefing also provides a revised timeframe for legislative change.

Recommended action

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

a **Note** that over 5,000 submissions have been received following public consultation and the proposed approach to their analysis

Noted

b **Note** that officials will provide a series of briefings over the coming weeks that summarise the feedback and provide recommendations relating to each proposal featured in public consultation

Noted

c **Note** that the timeline for the legislative process has been amended to reflect the extended public consultation period, the larger than expected volume of submissions received, advice from the Parliamentary Counsel Office regarding select committee examination and the timing of parliamentary recess

Noted

Saskia Vervoorn
Manager, Tourism Policy
Labour, Science and Enterprise, MBIE

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Hon Stuart Nash
Minister of Tourism

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Background

What we have consulted on

1. From 9 April to 16 May 2021, the Government sought feedback from the public, industry, peak bodies and councils on four proposed changes to support sustainable freedom camping in Aotearoa New Zealand:
 - a. Proposal 1: Make it mandatory for freedom camping in a vehicle to be done in a certified self-contained vehicle
 - b. Proposal 2: Make it mandatory for freedom campers to stay in a vehicle that is certified self-contained unless they are staying at a site with toilets
 - c. Proposal 3: Improve the regulatory tools for government land managers
 - d. Proposal 4: Strengthen the requirements for self-contained vehicles.
2. The Government also sought feedback on specific issues associated with implementing some of the proposals in the discussion document, namely:
 - a. the types of arrangements that would be needed to transition the voluntary approach for self-contained vehicles to a new regulated system
 - b. how to ensure homeless people are not disadvantaged by the proposals, while supporting the effective implementation of any proposals that are introduced.

Volume of Submissions

3. The table below sets out submissions received to date¹:

Type of submission	Number of submissions
Individual	4,760
Industry (rental vehicle, accommodation, tourism and non-tourism)	175
Not-for-profit organisation	9
Councils / Local Government	39
Iwi / Hapū / Māori Organisation	10
Peak body	49
Government / statutory body	4 ²
Other (specified)	51
Prefer not to say (including blanks)	47
Total	5,144

¹ In contrast, the Bullying & Harassment consultation received approximately 60 written and 1,300 survey responses; the Building for Climate Change consultation received 360 submissions; the Building System Legislative Reform Programme consultation received 500 submissions; and the annual Building Code update receives 100-150 submissions.

² Four submissions from Government departments (Ministry of Health/Manatū Hauora, Nelson Marlborough DHB, New Zealand Conservation Authority and Fire and Emergency) were received, so have been included in this count. The views raised by these submitters are included in our overall qualitative analysis – but not the quantitative. This is because it is not standard practice for Government departments to provide feedback through the public consultation process.

Extension of deadline for council submissions

4. After informing you that a number of councils had requested extensions to the formal submission deadline, you agreed that local authorities can, if they make a request to MBIE, provide a late submission on the proposals up to Friday 28 May 2021 [briefing 2021-3329 refers]. We are anticipating a further three submissions by this date.

Approach to submissions analysis

5. You have previously indicated your wish to progress changes to the freedom camping system at pace. We are seeking to progress analysis of submissions as quickly as possible.
6. We have grouped submissions into the following categories and will be applying a tailored approach to each category, determined by the role of the submitter in the tourism system and the format in which the submission was received. Submissions on the proposed changes have been received via online survey, email (in either a submission template or as free text), post and fax.

Submissions from individual members of the public

7. A moderate level of analysis will be applied to individual submissions. Manual analysis will be undertaken on the quantitative data, which will indicate the levels of support for different proposals. Text analytics software will be used to extract themes and sentiment from the qualitative data.

Submissions from local government, organisations and industry

8. A high-level of analysis will be applied to submissions from councils, and organisations such as peak bodies and industry. Submissions from these groups made via the online survey will be analysed using the method described in paragraph 7. In addition, a standard template has been developed to ensure data is captured consistently across submissions that were received separately to the online survey.

Submissions from Iwi / Hapū / Māori Organisations

9. A high level of analysis will be also be applied to submissions from Iwi, Hapū and Māori organisations.

Reporting

10. Rather than wait until all analysis is complete, we will provide a series of briefings over the coming weeks that summarise the feedback and provide recommendations relating to each proposal in the consultation document. An indicative timeline for these briefings is as follows:

Timing	Briefings
Week beginning 31 May 2021	1. Initial high level survey results and issues perceived by submitters relating to freedom camping
Week beginning 7 June 2021	2. Feedback on Proposals 1 and 2 3. Feedback on Proposal 3
Week beginning 14 June 2021	4. New ideas generated through consultation that do not relate to a specific proposal 5. Feedback on Proposal 4

Timing	Briefings
Week beginning 21 June 2021	6. Feedback on enforcement and funding 7. Feedback on other considerations such as transitional arrangements and homelessness

Final reporting

11. A summary of submissions will be provided to you in the week beginning 5 July 2021. This summary is being developed with a view to being made public at a time of your choosing. We suggest that a suitable time may be once Cabinet has made final policy decisions.
12. MBIE does not intend to publish in full any of the submissions received. However, parts of certain submissions may be published in cases where they may help to clarify or elaborate on relevant issues discussed in the summary of submissions, subject to agreement from the submitter.

Timeline for legislative process

13. As previously discussed, amendments to the Freedom Camping Act 2011 (the Act) will be required to give effect to the proposals the Government has consulted on. Additionally, consequential amendments may be required to the Plumbers, Gasfitters, and Drainlayers Act 2006.
14. In January 2021, officials prepared a timeline to achieve your objective of passing an amendment bill by the end of 2021, with associated regulations to be developed subsequently and brought into force in 2022 [briefing 2021-2038 refers]. This timeline was based on:
 - a. the discussion document being released in the week of 15 March 2021
 - b. a four week consultation period
 - c. allowing four weeks for submissions analysis
 - d. your instructions to allow for a two month select committee examination of the bill.
15. On 2 March 2021, as it became clear the consultation document would be publicly released later, we provided a revised timeline, indicating that enactment could potentially be achieved by March 2022 [briefing 2021-2594 refers].
16. We have further developed this timeline for an amendment bill and associated regulations based on progress to date (see table below). The timeline reflects feedback from the Parliamentary Counsel Office (PCO).
17. We estimate an amendment bill could be passed by July 2022. The reasons for the longer period to pass the legislation are:
 - a. two additional weeks to launch public consultation
 - b. one additional week for public consultation required by Cabinet
 - c. two additional weeks for submissions analysis, given the larger than expected volume received
 - d. an additional two months for select committee examination (further information on this is below)

- e. recess time – in particular, when the House is in summer recess, Cabinet approval for the Bill to be introduced is unable to be obtained and the Bill cannot be referred to Select Committee.
18. We recommend allowing at least four months' examination by select committee. This is because we expect a high level of public interest in an amendment bill given the high volume of submissions received on the proposals. In addition, we understand that the Leader of the House has been seeking to establish a minimum of four months for select committee examination of bills unless the matter is very urgent.
 19. On the basis of the above timings, we anticipate that it will be possible to complete the drafting on an amendment bill before the House rises on 16 December 2021, but it will be challenging to obtain Cabinet's approval for introduction of the bill before the House rises.
 20. If Cabinet approval for introduction of the bill is obtained by mid-February 2022 (effectively as soon as Cabinet begins meeting again), introduction, first reading and referral to select committee could potentially take place by the end of that month, providing for a select committee report-back by the end of June 2022.

Parallel development of regulations

21. As noted above, it is likely regulations will need to be made after the bill is enacted to bring elements of the new legislative requirements into force. The regulations needed will depend on the ultimate shape of the reforms, but might include, for example:
 - a. specifying who may issue certificates of self-containment for vehicles, and how those organisations and persons meet any necessary competency requirements
 - b. specifying the information about self-containment of a vehicle to be maintained in a register
 - c. prescribing fees for the issuing of a warrant of self-containment
 - d. specifying higher infringement fees.
22. We consider that it will be possible to make up time to bring the whole regulatory system into force by the end of 2022 by developing the regulations in parallel with the passage of the bill through the House. It is usual practice to develop regulations after a bill has been enacted and the original timeline suggested this approach. However, it is possible to undertake policy development and consultation on associated regulations while a bill is still in the House in order to expedite the process of bringing regulations into force.
23. There is a risk with this parallel approach if select committee recommends changes to the bill and the regulations do not correspond to the regulation-making powers and necessary elements. This risk can be mitigated by officials being clear about the potential for change when consulting, and developing effective relationships with key stakeholders to enable rapid re-engagement if changes emerge from select committee.
24. The timeline below is based on taking this parallel approach. Co-design work with the self-containment issuing authorities on regulations could be done after Cabinet has made policy decisions, and a discussion document developed and consulted on while the bill is being examined by select committee. If carrying this work out in parallel goes smoothly, the regulations could be brought into force around December 2022.
25. Until regulations can be brought into force, it may be necessary or desirable to include some temporary transitional provisions in the bill. For example, there may be a need to temporarily grandparent various aspects of the current voluntary standard for self-containment, such as existing issuing authorities, and self-containment warrants and certificates. In addition, as some regulatory tasks will not be able to be undertaken until the regulations take effect, short

transitional arrangements will need to be provided for. We will be able to advise you in greater detail about how to approach this once you have made decisions about the policy proposals you wish to take to Cabinet.

Implementation

26. Officials will need to do substantial work with the new regulator to develop an implementation plan. Key tasks will include establishing new processes, and setting up a register of self-contained vehicles. These would need to get underway in parallel once Cabinet has made policy decisions.

Projected timeline

27. The table below sets out a timeline to bring the new regulatory system into effect, allowing for the timeframes of the different stages discussed above. The timeline also reflects the limitations of the Cabinet meeting schedule (the House is adjourned for the last three weeks of July and there will be no meetings of the Cabinet Economic Development Committee (DEV) during those weeks).

Timing	Milestone	
16 May 2021	Public consultation period closed	
17 May – 25 June 2021	Officials undertake submissions analysis, provide the Minister with reports summarising feedback on main topics and MBIE's recommendations for Minister's decision, and draft Cabinet paper	
Week beginning 28 June 2021	Relevant agencies consulted on draft Cabinet paper	
Week beginning 12 July 2021	Revised draft Cabinet paper provided to the Minister for consideration	
Week beginning 19 July 2021	Ministerial meeting with Ministers of Local Government, Transport and Conservation	
Week beginning 26 July 2021	Revised draft Cabinet paper provided for wider ministerial consultation (10 working days)	
Week beginning 9 August 2021	Ministerial consultation concludes	
Week beginning 16 August 2021	Any necessary amendments made to Cabinet paper Cabinet paper lodged	
Week beginning 23 August 2021	Cabinet paper considered by DEV	
Week beginning 30 August 2021	Cabinet makes final policy decisions Drafting instructions issued to PCO	
September – November 2021	Bill drafted by PCO	Work commences on co-design of regulations Work begins with regulator on implementation
By mid-December 2021	Vetting of Bill for consistency with Bill of Rights Act (Two week period for vetting is standard)	

Timing	Milestone	
Early February 2022	Cabinet paper with Bill lodged	
Mid February 2022	LEG Cabinet Committee	
Late February 2022	Cabinet approves Bill for introduction	Cabinet approval for discussion document on associated regulations
Late February 2022	Introduction of the Bill, first reading and referral to Select Committee	
March – June 2022	Select Committee	Public consultation on associated regulations and development of Cabinet materials
July 2022	Enactment of the Bill	Cabinet policy decisions for associated regulations (assuming regulations remain in line with Bill)
August – October 2022	PCO drafts regulations	
November 2022	Executive Council approval of regulations	
December 2022	Associated regulations in effect, with transitional arrangements as necessary Implementation processes in place	

Next steps

28. Officials are currently undertaking analysis of the submissions and will be providing you with a briefing on the initial high level survey results and issues perceived by submitters relating to freedom camping next week.
29. Officials will look for every opportunity to progress the work as quickly as possible.