



## BRIEFING

### Freedom camping – improvements to the regulatory tools for freedom camping

<b>Date:</b>	1 July 2021	<b>Priority:</b>	Medium
<b>Security classification:</b>	In Confidence	<b>Tracking number:</b>	2021-3954

Action sought		
	Action sought	Deadline
Hon Stuart Nash <b>Minister of Tourism</b>	<p><b>Agree</b> to the proposed improved regulatory system for freedom camping.</p> <p><b>Note</b> officials will include these in your Cabinet reportback</p> <p><b>Forward</b> this briefing to the Minister of Local Government, Minister of Transport and Minister of Conservation for their information.</p>	16 July 2021

Contact for telephone discussion (if required)				
Name	Position	Telephone		1st contact
Rebecca Heerdegen	Policy Director, Tourism Policy	-	Privacy of natural persons	✓
Craig Hill	Principal Advisor, Tourism Policy	-	Privacy of natural persons	-

The following departments/agencies have been consulted
Department of Internal Affairs, Department of Conservation, Waka Kotahi, Ministry of Transport, Plumbers Gasfitters and Drainlayers Board, Ministry of Justice, the Treasury, Ministry of Health, Land Information NZ, Kainga Ora, Ministry of Housing and Urban Development, Ministry of Social Development.

**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 Withdrawn           |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

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This paper provides you with public feedback on proposal three in your discussion document *Supporting Sustainable Freedom Camping in Aotearoa New Zealand* – which proposed improvements to the regulatory tools for government land managers.

This paper also seeks your agreement to improvements to the regulatory tools for freedom camping. Officials will include these in your report back to the Cabinet Economic Development Committee (DEV) on final policy decisions.

#### Executive Summary

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On 30 June 2021, you agreed that officials provide you with advice on a regulatory regime for the self-containment of vehicles and infringement fees (Briefing 2021-3955 refers).

Based on our analysis and your feedback, we have considered what improvements are needed to achieve a regulatory system that is trusted and enforceable, unlike the current system. We recommend that you progress the following proposals:

- i. a regulatory system for self-containment of vehicles be established, replacing the current voluntary system
- ii. the Plumbers, Gasfitters and Drainlayers Board (PGDB) be the regulator for self-containment of vehicles
- iii. the PGDB be provided with appropriate additional powers to provide national oversight of self-containment of vehicles
- iv. that the PGDB be responsible for approving organisations or individuals as an issuing authority
- v. the PGDB establish and maintain a national register of self-contained vehicles
- vi. there be a tiered infringement fee framework
- vii. rental companies, as the registered owners of vehicles, be liable for fines incurred by hirers
- viii. introducing an accelerated process for freedom camping infringements

We also recommend a transition period, to allow for the establishment of the regulator, approval of issuing authorities, and to process the volume of vehicles requiring certification and/or upgrades (potentially in the order of two to three years, given current constraints in the plumbing trade), with critical changes taking effect as soon as reasonably possible to ensure a smooth transition.

## Recommended actions

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

- a **Note** that overall public consultation showed support for a stronger regulatory regime for freedom camping  
*Noted*
- b **Agree** that a regulatory system for self-containment of vehicles be established  
*Agree / Disagree*
- c **Agree** that the Plumbers, Gasfitters and Drainlayers Board (PGDB) be the regulator for self-containment of vehicles  
*Agree / Disagree*
- d **Agree** that the PGDB be provided with appropriate additional powers to provide national oversight of self-containment of vehicles  
*Agree / Disagree*
- e **Agree** that the PGDB be responsible for approving organisations or individuals as an issuing authority  
*Agree / Disagree*
- f **Agree** that the PGDB establish and maintain a national register of self-contained vehicles  
*Agree / Disagree*
- g **Agree** that there be a tiered infringement fee framework  
*Agree / Disagree*
- h **Agree** that rental companies, as the registered owners of vehicles, be liable for fines incurred by hirers  
*Agree / Disagree*
- i. **Agree** introducing an accelerated process (14 days) for freedom camping infringements  
*Agree / Disagree*
- i **Note** that these proposals will be included in your Cabinet reportback  
*Noted*
- j **Note** that we consider that these improvements address many of the concerns raised in public and consultation and would result in a regulatory system that is trusted and enforceable, unlike the current system.  
*Noted*
- k **Note** that a transition period will be required, to allow for the establishment of the regulator, approval of issuing authorities, and to process the volume of vehicles requiring certification and/or upgrades  
*Noted*

- I **Agree** to forward this briefing to the Minister of Local Government, Minister of Transport, Minister of Conservation, and Minister for Building and Construction for their information.

*Agree / Disagree*



Rebecca Heerdgen  
**Policy Director, Tourism Policy**  
Labour Science & Enterprise, MBIE

01/ 07 / 2021

Hon Stuart Nash  
**Minister of Tourism**

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## Background

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### What the Government consulted on

1. From 9 April to 16 May 2021, the Government sought feedback from the public, industry, peak bodies and councils on four proposals for change to support sustainable freedom camping in Aotearoa New Zealand:
  - Proposal 1: Make it mandatory for freedom camping in a vehicle to be done in a certified self-contained vehicle
  - 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
  - Proposal 3: Improve the regulatory tools for local and central government land managers through establishing a regulatory system for the certification of self-contained vehicles, strengthening the infringement system, having higher fines and introducing vehicle confiscation
  - Proposal 4: Strengthen the requirements for self-contained vehicles.
2. This briefing focusses on Proposal 3, which had several elements:
  - establishing a regulatory system for self-contained vehicles
  - having a stronger infringement system (also covered in briefing 2021-3955)
  - introducing vehicle confiscation (covered in Briefing 2021-3955) and
  - allowing local councils to enforce rules on other government owned land (to be covered in a future briefing).
3. Over 5,100 submissions were received from key stakeholders (local government, industry, camping and other community organisations) as well as members of the public.
4. Based on this feedback and our analysis, we have made make eight recommendations to establish a fit for purpose regulatory regime.

### Design of a regulatory system for the self-containment of vehicles

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5. On 30 June 2021, you advised officials that you want to introduce a regulatory system for the self-containment of vehicles (Briefing 2021-3955 refers).
6. We consider the main aspects of an effective system will include:
  - establishment of a regulator, with relevant functions and powers
  - specification of minimum mandatory requirements for vehicles to be certified as self-contained
  - certification processes and documentation to confirm the requirements have been met
  - approval of parties ('issuing authorities') who may carry out the certification, and revocation of approval when necessary
  - provision of guidance to, and monitoring and investigation of approved issuing authorities

- recording of information in registers:
    - i. approved issuing authorities,
    - ii. details of certified self-contained vehicles
  - appropriate offences and penalties.
7. Detailed information for most of these aspects is set out below (excluding offences and penalties, which we are continuing to do work on).
  8. In recommending settings for the regulatory system, we have sought to ensure it is proportionate to the potential level of harm<sup>1</sup> and as efficient as possible. The purpose of the system is primarily to ensure sanitary requirements for a given number of people staying in a vehicle have been met. This contrasts, for example, with regulatory systems that seek to prevent injury or death.
  9. The voluntary New Zealand Standard for self-containment of motor caravans and caravans (NZS 5465:2001) provides a useful starting point for establishing a regulatory system. This includes setting out a framework for 'issuing authorities' to issue self-containment certificates and warrants, and specifying the minimum requirements of self-contained vehicles. However, there is room to improve on what is (or is not) set out in the Standard, particularly in relation to the criteria to be an issuing authority and the robustness of the self-contained sticker.

### **Establishing a regulatory system for self-contained vehicle certification**

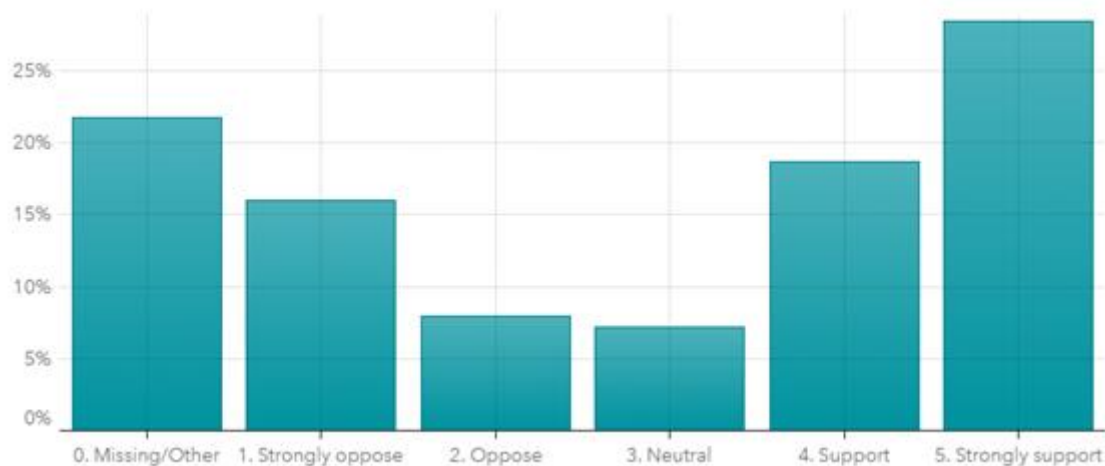
10. The certification of, and Standard for, self-contained vehicles is a core part of the freedom camping system. Many bylaws limit freedom camping to only those vehicles that are certified as self-contained under the current voluntary standard.
11. The problems with the current situation are:
  - the current self-containment Standard (NZS 5465: 2001) is voluntary
  - there is no oversight of who can be a self-contained vehicle certificate issuing authority (issuing authority) and no register of issuing authorities
  - there is no independent monitoring of the quality of self-contained vehicle certification services
  - there is no national register of self-contained vehicles, which makes verification and enforcement difficult
12. These factors have resulted in a lack of public confidence in self-containment vehicle certification. For example, just under 22 percent of the submissions we received mentioned the 'blue sticker', and comments indicated many people lack confidence in the sticker as a way to assess whether a vehicle is legitimately certified as self-contained.
13. To address this, we propose that a regulatory system for self-containment of vehicles be established. Such a system would provide:
  - consistency of certification, through tighter criteria for issuing authorities, standards for testing officers, and education and monitoring of approved issuing authorities by a regulator

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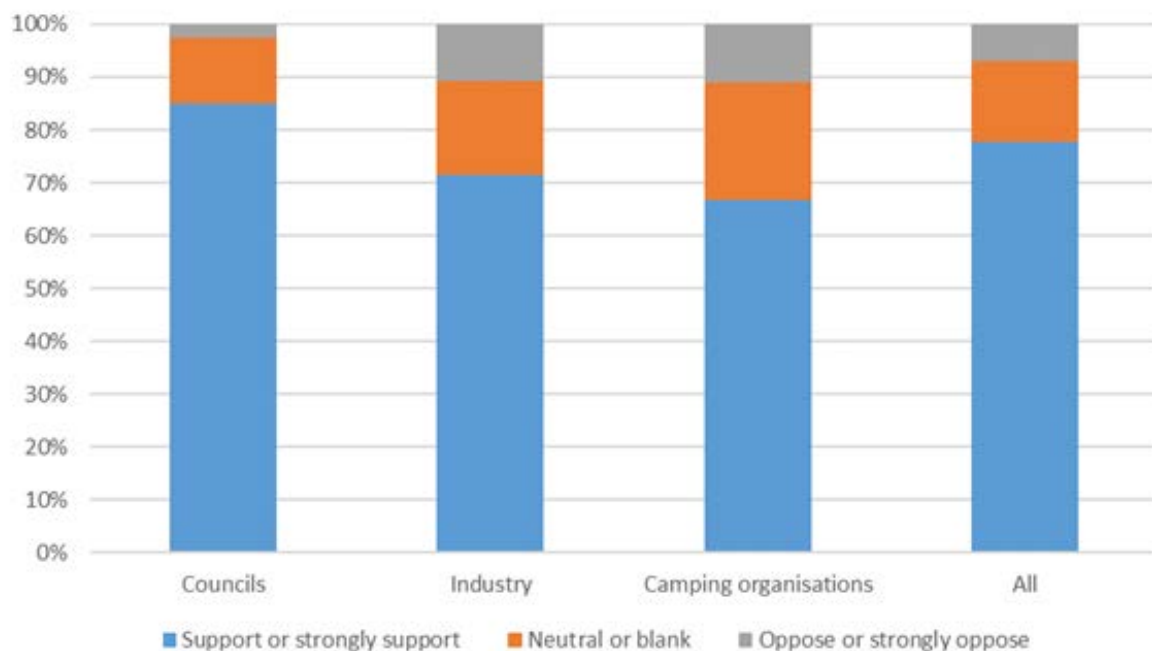
<sup>1</sup> Harm to the environment, to people who visit freedom camping areas, and to the health and safety of vehicle occupants (if their vehicle has poorly installed sanitary facilities).

- increased public trust that vehicles displaying a warrant of self-containment have been appropriately inspected and have the appropriate facilities
- certainty for enforcement officers of a vehicle's self-containment status, and enhanced verification, through the establishment of a national register of self-contained vehicles
- increased confidence that the self-containment sticker on a vehicle has been properly issued and can be relied upon<sup>2</sup>.

14. As outlined below, the feedback from submitters through the on-line survey showed moderate support for improvements to the regulatory system. The level of support is likely to be higher than indicated, as many submitters supported the need for a regulatory regime but disagreed with potential elements such as vehicle confiscation and higher fines.



15. Overall, key stakeholders strongly supported the need for a regulatory system, in particular local government submitters (see table below).



<sup>2</sup> Neither Councils nor DOC consider there is a need for their enforcement officers to have the power to search a vehicle as long as the self-containment certification process is regulated. As such, the power to search is not proposed.

15. Some submitters suggested that the regulator be a camping sector group rather than a government agency or statutory board. We did not consider this to be a feasible option given the fragmented nature of the freedom camping sector, along with the inherent conflicts of interest.

### **Designated the Plumbers, Gasfitters and Drainlayers Board as the regulator for self-containment of vehicles**

16. Self-contained vehicle certification involves inspecting a vehicle and assessing whether minimum plumbing-related requirements around matters such as toilets, waste management, and drinking water management have been met. As such, we consider that the PGDB is best placed to be the regulator self-contained vehicle certification.
17. The PGDB's current functions align well with what would be required. The PGDB already regulates plumbers (who are able to act as self-containment issuing authorities and testing officers under the voluntary standard), approves organisations under employer licences, and audits sanitary plumbing work. It operates a registration and licensing register (albeit primarily focused on individuals) and is well placed to host a stand-alone national self-contained vehicle register. The PGDB has indicated its support for taking on the proposed regulatory oversight role.
18. Many submitters preferred Waka Kotahi as the regulator. It already approves vehicle certification authorities in respect of vehicle safety such WoF issuing authorities. It also:
  - maintains the national motor vehicle register and Motochek (an on-line search portal for authorised users), which could host the proposed national register of self-contained vehicles, and
  - issues annual vehicle licence labels, which could potentially also contain any self-containment details for a vehicle.
19. Waka Kotahi considers self-contained vehicle certification as a sanitary plumbing matter, rather than a vehicle safety matter (the latter being Waka Kotahi's primary concern), and does not consider that it is connected to vehicle licensing. For these reasons, Waka Kotahi and the Ministry of Transport consider self-contained vehicle certification to be outside of its core business.
20. On balance, we agree that the PGDB is better placed to be the regulator than Waka Kotahi. Notwithstanding this, we are separately looking at how the proposed national self-contained vehicle register might interface with Waka Kotahi's motor vehicle register and Motochek.

### **Provide the PGDB with appropriate additional powers to provide national oversight**

21. We propose that the PGDB be provided with additional functions and powers to enable it to regulate self-containment vehicle certification. The proposed functions and powers would be those commonly held by regulators providing similar oversight of a certification process<sup>3</sup>, including:
  - approving organisations/individuals who apply to be issuing authorities if satisfied that criteria have been met
  - establishing and maintaining a register of approved issuing authorities
  - a monitoring function and auditing powers to ensure that self-containment certification is carried out properly and in accordance with the self-containment certification

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<sup>3</sup> Waka Kotahi (approval of warrant of fitness issuing authorities), PGDB (approval of gasfitting employer licences), and Electrical Workers Registration Board (approval of electrical safety employer licences).



technical requirements (as prescribed in Regulations), including being able to inspect the records held by issuing authorities

- the ability to request, where reasonable, that a vehicle owner present a self-contained vehicle for inspection to check if it has been certified correctly
- fining an approved issuing authority if it wrongfully issues a self-containment certificate
- ultimately revoking approval of an issuing authority if it is not carrying out self-containment certification services to the appropriate standard
- revoking, or requiring that an issuing authority revoke, a self-containment certificate, warrant or sticker if it is satisfied on reasonable grounds that these have been issued incorrectly or improperly
- having the power to require that other associated vehicle(s) be re-inspected within a reasonable time period where an issuing authority's practices have been questioned
- removing a vehicle from the register if its self-containment certificate has expired
- managing complaints against issuing authorities.

## **Criteria for approval as an issuing authority**

### *Current criteria*

22. NZS 5465:2001 outlines a set of conditions for the issuing of self-contained certificates. These conditions require that in order to be an issuing authority for such certificates, organisations or persons:

- shall operate a scheme of qualification for testing officers they employ
- shall make documentation of this qualification scheme available on a public website or on request
- have testing officers attending a course of instruction, and be tested to prove their competence.

23. Plumbers registered under the Plumbers Gasfitters and Drainlayers Act 1976<sup>4</sup> are automatically recognised as issuing authorities and testing officers.

### *Proposed criteria*

24. We consider that the approval conditions in NZS 5465:2001 are too subjective in a regulatory context. There are no details of what is an appropriate qualification, course of instruction or competency test. Similarly, there is no monitoring to ensure that issuing authorities are correctly certifying vehicles and issuing self-containment certificates. This lack of independent oversight essentially enables organisations to 'appoint' themselves as issuing authorities if they consider that they have met the criteria.

25. We propose that a set of tighter criteria be established and set out in Regulations, in particular, that an issuing authority would need to have in place:

- a process to ensure that testing officers are competent and have sufficient understanding of the applicable self-containment requirements
- a list of recognised testing officers

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<sup>4</sup> This is an incorrect reference in the Standard. It should be '2006'.

- a process for inspecting vehicles to assess whether the applicable self-containment requirements have been met
  - a process for recording the results of the inspection process
  - a process for issuing a self-containment certificate, and warrant sticker
  - a process for entering the appropriate self-containment certification details into the proposed national register of self-contained vehicles
  - a process for removing a vehicle from the register if it no longer meets the certification requirements
  - an internal auditing system to ensure that certification decisions are transparent and correct.
26. The details of the approval criteria would be developed in conjunction with key stakeholders, and publicly consulted on as part of the development of the regulations (we envisage this would occur as the Bill progresses through Parliament). We also recommend that existing issuing authorities under the Standard have to apply to the PGDB to become issuing authorities under the new regime.
27. Given the potential differences in nature and scale of issuing authorities, we envisage PGDB having the option of requiring that an applicant's policies and procedures be reviewed by an appropriate auditor to enable the PGDB to be satisfied that the policies and procedures are fit for purpose. This review should be an option that the PGDB can use on a case-by-case basis rather than being mandatory for all applicants<sup>5</sup>.
28. The PGDB will incur costs in processing applications for approval as an issuing authority. Fees set on a cost recovery basis will need to be prescribed in Regulations. We will work with the PGDB to provide detailed costings for inclusion in the cost recovery impact statement to accompany the Regulations.

*We do not recommend requiring work to be undertaken by a plumber*

29. Consideration was also given to making it mandatory for all vehicle-related plumbing work to be carried out and then certified by a certifying plumber. This would mean that:
- plumbing-related conversions and installations could only be done by a certifying plumber – thereby eliminating any DIY work
  - issuing authorities would have to employ a certifying plumber to sign off on all self-contained vehicle certifications.
30. While this would simplify the regulatory system, it would impose unreasonable costs on participants, especially given the current shortage of certifying plumbers and the likely reluctance of certifying plumbers to work for issuing authorities.

### **The proposed regulatory system will be light-handed**

31. The proposed regulatory system is light-handed in line with the level of potential harm caused by incorrectly certified 'self-contained' vehicles. As such:
- third party review/ISO 9001 accreditation of an applicant's policies and procedures is not proposed to be mandatory – in contrast to this being a requirement for electrical and gasfitting employer licences

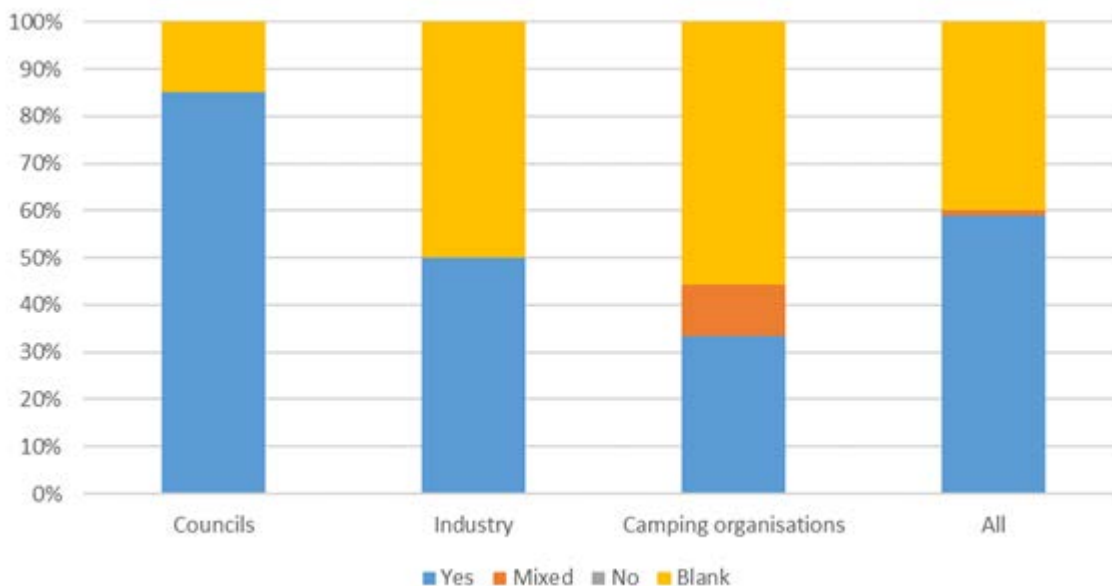
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<sup>5</sup> The PGDB currently sends applications for employer gasfitting licences to Telarc for review.

- testing officers will not be required to be individually licensed – assurance of their competence will be provided through the issuing authority having appropriate competency assessment and training system, and we envisage that the PGDB would issue guidance to issuing authority applicants on these aspects
  - periodic formal reviews will not be required in order for an issuing authority to remain approved – assurance will be provide through the issuing authority submitting a self-assessment and key certification management information (to be prescribed in Regulations) to the PGDB every five years
  - The responsible person of the issuing authority would not need to undergo ‘fit and proper person’ check.
32. The proposed regulatory system will enable the PGDB to provide robust national oversight without imposing excessive costs on freedom camping participants. It will still enable the PGDB to audit those issuing authorities who are the subject of frequent complaints about vehicles being inappropriately certified.
33. Under the proposed approval process, we see opportunities for rental companies and vehicle manufacturers to become issuing authorities, as long as they can demonstrate how they will manage the potential conflict of interest.
34. The format of the self-containment certificate, and warrant sticker issued to the vehicle owner, will be prescribed in Regulations.

### **PGDB will establish and maintain a national register of self-contained vehicles**

35. We recommend that a national register of self-contained vehicles be established and maintained by the PGDB. Local government submitters strongly supported a register, with moderate support overall from other key stakeholders.



36. The proposed national register would be the repository for self-contained vehicle certification details entered by issuing authorities. The register, or parts of the register, would be searchable by:
- warranted DOC and local authority enforcement officers, for enforcement purposes
  - the PGDB for the purposes of auditing the performance of issuing authorities and managing any complaints against issuing authorities

- the public to check whether a vehicle has been certified as self-contained.
37. It is anticipated that access would be along the following lines:
- warranted DOC and local authority enforcement officers would search by registration plate details or scan a proposed QR code on the warrant sticker and be able to access registered owner<sup>6</sup>, issue and expiry dates of the self-containment certificate, and the maximum occupants that the vehicle has been certified for
  - the PGDB would search by issuing authority and/or registration plate details and be able to access the certification details entered by the issuing authority
  - the public would search by registration plate details, and only be able to access whether or not that vehicle has been certified as being self-contained.
38. Officials are working with Waka Kotahi and the PGDB to identify the necessary application programming interfaces (APIs) between the proposed register and the motor vehicle register to support enforcement. The scoping work (including initial cost estimates) is yet to be completed, and will inform the final design and location of the register.
39. Discussions will need to be held with:
- local authorities and DOC to ensure that the register and associated QR code on the self-contained vehicle warrant sticker meets their enforcement needs
  - existing issuing authorities on how best to transition current certification information to the new system.

## **Having a stronger infringement scheme**

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### **Tiered infringement fee framework**

40. Existing freedom camping requirements are enforced by local authority and DOC compliance staff. This will continue, but to make enforcement more effective we recommend introducing a tiered system for infringement fees.
41. Currently, all infringement fees are \$200. As discussed with you on 30 June 2021, under the proposed tiered framework, offences which could result in greater harm but with a low likelihood of being detected would have a significantly higher infringement fee than others<sup>7</sup>.
42. The Ministry of Transport has developed a policy framework for setting financial penalties such as infringement fees. We will work with the Ministry to use the tool as a reference to developing the tiered freedom camping infringement fee framework.
43. The tiered framework of new and existing infringement fees will be prescribed in Regulations, and will be consulted on as part of the process of developing the Regulations.

### **Making rental companies, as the registered owners of vehicles, liable for fines incurred by hirers**

44. Currently, rental companies that receive infringement notices (as the registered owner of a vehicle) have the option of charging the credit card of hirers during or after the hire. Most, if not all, rental companies hold a bond to cover matters such as unpaid fines. The bond is released a few days after the hire has finished.

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<sup>6</sup> Now known as the 'registered person'

<sup>7</sup> The maximum infringement fee under the Freedom Camping Act is \$1,000.

45. Instead of using the bond to pay unpaid fines, however, many rental companies choose to transfer liability to the hirer and provide the hirer's contact details to the issuing enforcement authority to re-issue the infringement to the hirer. Rental companies do this because many hirers are overseas visitors who have left New Zealand by the time the infringement notice is received by the rental company. This makes it difficult to recover the infringement fee, especially if the hirer cancels their credit card as soon as they depart the country.
46. We considered requiring that rental companies take all practicable steps to recover unpaid infringement fees from hirers before seeking to transfer liability and leaving it to enforcement authorities to chase up payment. This would involve enforcement authorities requiring evidence of the steps that rental companies have taken before agreeing that liability can be transferred to the hirer (Briefing 2021-3955) refers. Overall, MBIE considered that this option was relatively light touch, in line with magnitude of the fee and offence. It was also supported by rental companies.
47. However, we also noted that this approach would result in additional time and cost for enforcement authorities. You therefore directed us to develop the proposal consulted on as part of proposal three – that rental companies be liable for unpaid fines from hirers in situations where the infringement notice is issued to the registered owner of the vehicle<sup>8</sup>. This would be done by removing their ability, as the registered owner of a vehicle, to have liability transferred.
48. This is a simpler process that would provide certainty that fines are paid. Rental companies would be incentivised to make it clear to hirers that they would recover unpaid fines from them. Rental companies would however strongly oppose such a process. They argue that infringement notices come in the mail long after a hire is completed, making it extremely difficult from them to recoup these debts from hirers. They also consider that it would be unfair and inappropriate to penalise them for the conduct of their customers, which is beyond their control. Moreover, that the administrative costs associated with recouping these debts would inevitably need to be recovered through higher rental rates.
49. We consider that there is a compliance burden involved in this approach. To mitigate these costs we will work with enforcement authorities to test whether, for example, infringement notices can be served by email in order to reduce the time it takes for a rental company to receive an infringement notice. We note that some councils have already established processes for working with rental companies to recover infringement fees. We also propose an accelerated process for the payment of freedom camping infringements.

### **Establish an accelerated process for freedom camping infringements**

50. Rental companies and enforcement authorities raised the issue of the length of time offenders had to pay an infringement fee, noting that the 28 day payment period and subsequent 28 day reminder notice period gave sufficient time for international visitors to depart New Zealand without either being aware that they had committed an offence and/or paying the infringement fee. They asked that these periods be reduced.
51. As such, we are investigating the feasibility of shortening the infringement payment and subsequent notice period from 28 days to 14 days. This accelerated infringement notice already applies to infringements for biosecurity border, civil aviation and trade in endangered species offences, and is designed for infringement offences committed by people arriving in New Zealand and who may well depart relatively quickly.
52. We consider that freedom camping infringements fall into the same category given that before the borders closed, an estimated 63 percent of freedom campers were international

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<sup>8</sup> Infringements can be issued to the registered owner of the vehicle or the individual hirer of the vehicle. If the latter, the rental company will not be held liable.

visitors. As such, an accelerated infringement procedure could reasonably be applied to freedom camping infringements.

53. The Ministry of Justice (MoJ) is however, opposed to an accelerated infringement procedure. It argues that:
- The 28 day period allows a fair period of time for the person to either pay the infringement or to challenge the notice if there are appropriate circumstances to do so, and may give rise to Bill of Rights Act issues.
  - Reducing the payment period to less than 28 days could have a disproportionate impact on individuals with lesser financial means as it reduces the time available to gather the money to pay an infringement fee. Given that some freedom campers choose that style of travel as they are unable to spend a lot of money when travelling, this risk could be heightened in this context.
  - The perceived difficulty around freedom camping infringements is more about how these offences are enforced as opposed to whether or not the period for payment or challenge should be reduced.
54. We disagree, and consider that a 14 day payment together with a 14 day reminder period would still provide sufficient 'access to justice' safeguards to vehicle hirers.

## **Transitional arrangements**

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55. We recommend that there is a staged transition, potentially over a two-three year timeframe, to the new regulatory system. This balances the time to fully establish the new regulatory system and realising the associated benefits
56. It will be beneficial for public trust and for enforcement authorities if vehicles that have a current certificate issued under the voluntary NZ Standard transition as quickly as possible to regulated certification<sup>9</sup>.
57. However, there are estimated to be at least 70,000 certified vehicles; recertification, even if spread over two years, would need to occur at a rate of about 700 vehicles per week. Some vehicles will not meet the new requirements (eg for a permanent toilet) and will need upgrading if the owner wishes to use the vehicle for freedom camping. New certifications will also continue to be sought through this period. This volume is likely to be difficult to manage given the small number of issuing authorities currently, and the constraints in the construction sector.
58. Leading up to, and through the transition period, a number of steps will need to be taken:
- the PGDB will need to establish processes for approving issuing authorities, and disseminate this to the sector
  - the national register of self-contained vehicles will need to be established
  - issuing authorities that wish to operate under the new regulatory system will also need time to ensure their processes will comply with the approval criteria, and apply to the PGDB for approval
  - the voluntary Standard will need to be withdrawn or reviewed in the light of the changes

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<sup>9</sup> This would involve having the vehicle inspected in accordance with new certification requirements, and being issued a self-containment certificate and new coloured warrant by an approved issuing authority.

- bylaws will need to be reviewed, and some updated, to ensure alignment with the regulatory changes.
59. We are currently working through the details of the time required for these steps, and how quickly the current regime can be phased out. We are seeking to introduce the new elements as rapidly as possible, possibly by allowing parts of the two systems to operate in parallel for a period. For example, the 'blue stickers' may remain a valid form of certification for a limited period.
60. Free and frank opinions

## Other matters

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### *Requiring fixed toilets*

61. You have agreed that we ensure that the self-containment technical requirements that replace the voluntary Standard make it clear that portable toilets are not sufficient to gain certification, and you further directed that a 'fixed toilet' must be unable to be easily removed from the vehicle.

### *Concerns raised about by-law making powers*

62. You have asked for further information on amending the bylaw making powers under the Freedom Camping Act. Options include:
- Extending the grounds on which a bylaw may restrict or prohibit freedom camping in a particular area
  - Consideration of enabling bans on freedom camping in a local authority area.
63. We will provide you information on these options separately for you to discuss with the Minister of Local Government.

## Next steps

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### *Cabinet reportback*

64. Cabinet has invited you, in consultation with the Minister of Local Government, Minister of Transport and Minister of Conservation, to report back on the outcome of the consultation and with final policy proposals.
65. If you agree with the recommended improvements to the regulatory tools for freedom camping as outlined in this paper, officials will include these in the report back Cabinet paper.

### *Costings for the new regulatory regime*

66. As noted in Briefing 2021-3955, there will be a mix of one-off and ongoing costs associated with establishing a new regulatory regime, in particular introducing a national register of self-contained vehicles and ensuring it has the necessary functionality. We are working on detailed costings and will report back with further information for inclusion in a cost recovery impact statement that will accompany the Regulations.
67. Ongoing costs such as processing applications for issuing authorities, monitoring and auditing, and maintaining the national register will be funded on a cost recovery basis through self-containment certificate issuing fees, to be prescribed in Regulations. These will be consulted on as part of the process of developing Regulations.

68. In order to meet your expectation that key elements of the new regulatory regime be in place by summer 2022/23, we anticipate co-designing aspects of the Regulations with key stakeholders shortly after you obtain Cabinet policy approval in August 2021. This will enable the draft Regulations to be released for consultation with stakeholders around February 2022 as the Bill progresses through Parliament.