



Freedom Camping Regulations

DISCUSSION DOCUMENT | SEPTEMBER 2022



MINISTRY OF BUSINESS,
INNOVATION & EMPLOYMENT
HĪKINA WHAKATUTUKI

Te Kāwanatanga o Aotearoa
New Zealand Government

Ministry of Business, Innovation and Employment (MBIE) Hikina Whakatutuki – Lifting to make successful

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The purpose of this discussion document

A Bill has been introduced to Parliament that, if passed, will mean changes for how freedom camping works in Aotearoa New Zealand. You can have your say about what these changes might look like.

This discussion document contains our (MBIE) proposals for new freedom camping regulations. Regulations are the detailed rules that are not written in the Bill. They include details like 'how much a fine will be' or 'what technical requirements self-contained vehicles must meet'. Your feedback on the proposals in this document will be used to help the Government make its final decisions about the new freedom camping regulations.

HOW TO HAVE YOUR SAY

You can tell us what you think of the proposals in this discussion document. The deadline for providing your feedback is 5pm Thursday, 6 October 2022.

Submissions received after the deadline will not be considered. Extensions to this deadline will only be granted in exceptional circumstances. If you think you need an extension, please contact us at the email address below as soon as possible to discuss whether an extension will be granted.

You are welcome to make your written submission about one, some, or all of the discussion questions in this document. You can also raise any other relevant points. Your submission can be a short letter or a detailed response. Where possible, please provide relevant facts, figures, data, examples and documents to support your views.

You can have your say by:

- Completing your submission on our website: www.mbie.govt.nz/have-your-say
- Emailing your submission to us at: responsiblecamping@mbie.govt.nz
- Mailing your submission to us at:

Ministry of Business, Innovation and Employment
15 Stout Street
PO Box 1473, Wellington 6140
Attention: Responsible Camping Submissions

Where possible, we appreciate receiving submissions electronically. If you are emailing us an attachment, we prefer Microsoft Word or searchable PDF formats.

WHAT DO WE WANT TO KNOW?

We want to know your views on the best way to regulate the following aspects of freedom camping:

- the technical requirements for self-contained vehicles
- the criteria for approval as a self-containment certification authority
- the format of the self-containment certificate and warrant
- the fees and fines attached to each infringement offence
- exemptions from the need to be certified as self-contained
- levies and fees

We want to know about how the proposals and options presented in this document would impact you. These proposals and options affect everyone who freedom camps, certifies vehicles as self-contained, or is otherwise involved with freedom camping. We want to know what you think the benefits of the proposals and options might be, as well as their drawbacks. We want to ensure the regulations are fair and do not place unnecessary burdens on the people they affect.

You might want to have your say on the changes to the Bill, as well as the proposed regulations in this discussion document. You can do that by making a submission to Parliament. The Parliament website has more information about this:

www.parliament.nz/en/pb/sc/

BACKGROUND AND SUPPORTING MATERIALS

The Government has published a range of background and supporting materials about the freedom camping changes online. You can find these materials at the following link:

www.mbie.govt.nz/immigration-and-tourism/tourism/tourism-projects/responsible-camping/freedom-camping-changes/

Documents available on this page include relevant Cabinet papers and briefings discussing proposals and options for freedom camping reforms. These have been proactively released by the Minister of Tourism to support public consultation.

HOW WILL WE USE YOUR SUBMISSIONS?

The information provided in submissions will be used to inform our policy development process and advice to Ministers on freedom camping regulations. When making a submission, you can do so anonymously and choose not to provide contact details. We may contact people who make submissions directly if we require clarification of any matters in their submission, or would like further information from them.

RELEASE OF INFORMATION

We will analyse the submissions we receive and publish a summary of them on our website at www.mbie.govt.nz

In addition to the summary of submissions, we intend to publish PDF copies of all submissions we receive to our website. When making a submission, we will consider you to have consented to it being published unless you specify otherwise.

If your submission contains any information that is confidential or you do not wish for us to publish it, please:

- indicate this on the front of the submission, with any confidential information clearly marked within the text
- and provide a separate version of your submission, excluding the relevant information, for publication on our website

Submissions may be requested under the Official Information Act 1982. If you have any objection to the release of any information in your submission Please set out clearly in the cover letter or email accompanying your submission. Please clearly indicate which parts you consider should be withheld, together with the reasons for withholding the information and the grounds under the Official Information Act 1982 you believe apply. We will take such objections into account and will consult with submitters when responding to requests under the Official Information Act 1982.

Private information

The Privacy Act 2020 establishes certain principles with respect to the collection, use and disclosure of information about individuals by various agencies, including ours. Any personal information you supply to us in the process of making a submission will only be used for the purpose of assisting in the development of policy advice in relation to this review. Please clearly indicate in the cover letter or email accompanying your submission if you do not wish for your name, or any other personal information, to be included in any summary of submissions that we may publish.

Background to freedom camping in Aotearoa New Zealand

Freedom camping has a long history in Aotearoa New Zealand. Many New Zealanders enjoy travelling around the country, staying outside of established campgrounds. Freedom camping is also a popular way for many international visitors to travel around New Zealand. Prior to COVID-19, an estimated 154,000 international visitors spent part of their trip freedom camping, representing around 63 percent of all people who freedom camped in 2019¹.

Freedom camping can have a complementary relationship with other kinds of camping experiences. Freedom campers who want access to greater amenities (such as bathrooms, power, a full kitchen or laundry) often choose to camp at either a commercial campground or a Department of Conservation (DOC) campground.

The Freedom Camping Act 2011 (the Act) defines freedom camping as camping in a tent, motor vehicle or caravan (other than at a camping ground) “within 200 m of a motor vehicle accessible area or the mean low-water springs line of any sea or harbour, or on or within 200 m of a formed road or a Great Walks Track.” The Act provides local authorities and DOC with the ability to manage freedom camping through local bylaws and notices. About half of Aotearoa New Zealand’s territorial authorities have freedom camping bylaws in place.

FREEDOM CAMPING POSES CHALLENGES FOR AOTEAROA NEW ZEALAND COMMUNITIES

Freedom camping has, at times, received mixed levels of support from different communities around Aotearoa New Zealand. In recent years the number of freedom campers, and therefore their cumulative impact, has steadily increased. This has led some communities to raise concerns about freedom campers’ environmental impact and the cost of hosting them.

Approximately 76 percent of Aotearoa New Zealand residents think that freedom camping has negative impacts on the local environment². This view is shared by councils and DOC rangers in key freedom camping regions who still face problems such as freedom campers bathing in natural areas, littering and the misuse of local waterways³.

The Government has responded to these concerns by providing financial support to communities through the Responsible Camping Fund. This support has been used to provide more camper education, enforcement, maintenance of facilities and new infrastructure. However, these interventions cannot resolve the problems entirely. Concerns remain about the subset of freedom campers who stay in cars, or vans with sleeping platforms, that are not self-contained.

¹ Fresh Info, Responsible Camping Research 2019/20, (April 2020). Accessible at <https://www.mbie.govt.nz/dmsdocument/11909-responsible-camping-research-2019-20-pdf>

² Ministry of Business, Innovation and Employment, *Summary of submissions: Supporting sustainable freedom camping in Aotearoa New Zealand*, (24 August 2021), at page 2. Accessible at <https://www.mbie.govt.nz/dmsdocument/18090-summary-of-submissions-supporting-sustainable-freedom-camping-in-aotearoa-new-zealand>

³ Fresh Info, Responsible Camping Research 2019/20, (April 2020), at page 4. Accessible at <https://www.mbie.govt.nz/dmsdocument/11909-responsible-camping-research-2019-20-pdf>

In addition, there is a lack of public trust in how the voluntary Aotearoa New Zealand Standard for self-containment of motor caravans and caravans (the Standard)⁴ is currently implemented. Just under half of all submissions on the discussion document *Supporting sustainable freedom camping in Aotearoa New Zealand* noted that they had observed people staying in uncertified vehicles at freedom camping sites⁵. Many freedom camping bylaws and notices require campers to stay in a vehicle certified to the Standard, as this has been the best way for enforcement authorities to ensure that vehicles meet the minimum sanitary requirements to date. However, because there is no regulator to oversee the Standard, implementation of vehicle certification has been inconsistent or inappropriate.

We have also received information that the blue self-containment stickers are being counterfeited⁶. As there is no register of certified vehicles, it is difficult for enforcement authorities to verify whether a vehicle is, in fact, certified.

IN 2021 THE GOVERNMENT CONSULTED ON CHANGES TO SUPPORT SUSTAINABLE FREEDOM CAMPING

The Government decided that reforms to the Freedom Camping Act 2011 were required to address the challenges above.

From 9 April 2021 – 16 May 2021, the Government publicly consulted on four proposed changes to support sustainable freedom camping in Aotearoa New Zealand. A discussion document set out the Government’s concerns about the impact freedom campers who stay in vehicles that are not self-contained and who do not camp responsibly have on our communities, our environment and on our international tourism brand. Following the consultation period, the Government published a summary of submissions. You can find these documents here: <https://www.mbie.govt.nz/immigration-and-tourism/tourism/tourism-projects/responsible-camping/freedom-camping-changes/>

On 30 November 2021, the Minister of Tourism announced a series of changes the Government intends to make to freedom camping⁷. These changes seek to improve the sustainability of freedom camping in Aotearoa New Zealand, protect the natural environment and local communities’ enjoyment of it, and support efforts to ensure that all freedom camping is done responsibly. The Minister of Tourism announced that these changes would be made by introducing new legislation to Parliament. The new legislation, if passed, would create a new regulatory system for self-contained vehicles.

THE GOVERNMENT HAS INTRODUCED A BILL TO CHANGE FREEDOM CAMPING LAWS

The Self-Contained Motor Vehicles Legislation Bill (the Bill) was introduced to Parliament on 25 August 2022 and is currently being considered by the Economic Development, Science and Innovation Select Committee.

⁴ Standards New Zealand reference number NZS 5465:2001

⁵ Ministry of Business, Innovation and Employment, *Summary of submissions: Supporting sustainable freedom camping in Aotearoa New Zealand*, (24 August 2021), figure 4 at page 11.

⁶ Ministry of Business, Innovation and Employment, *Summary of submissions: Supporting sustainable freedom camping in Aotearoa New Zealand*, (24 August 2021), quote from the Ashburton District Council at page 25. See also Hamish McNeilly, “‘Ain’t no toilet in there’: New Zealand flush with fake ‘self-contained’ bumper stickers”, *Stuff* (February 10 2019), accessible at <https://www.stuff.co.nz/national/110429938/aint-no-toilet-in-there-new-zealand-flush-with-fake-selfcontained-bumper-stickers>

⁷ <https://www.beehive.govt.nz/release/new-freedom-camping-rules-right-vehicle-right-place>

At a glance, the Bill would change the law to:

- require vehicle-based freedom campers to use a certified self-contained vehicle when they stay on council land, unless a council designates the site as suitable for non-self-contained vehicles
- establish a regulated system for the certification and registration of self-contained vehicles
- require vehicles to have a fixed toilet to be certified as self-contained
- strengthen the infringement system for freedom camping
- extend the Freedom Camping Act 2011 to include land managed by Waka Kotahi New Zealand Transport Agency and Toitū Te Whenua Land Information New Zealand.

THE BILL WOULD CREATE A NEW REGULATORY SYSTEM

The Government considers that regulation is the best way to address some of the negative environmental and community impacts of vehicle-based freedom camping. It also considers that regulation would enable a more sustainable freedom camping system.

The Bill would require the Government to make regulations that provide the legal detail on the following matters:

- the technical requirements for self-contained vehicles
- the criteria for approval as a self-containment certification authority
- the format of the self-containment certificate and warrant card
- the fees and fines attached to each infringement offence
- exemptions from the need to be certified as self-contained
- levies and fees.

There are also public health benefits associated with regulating self-contained vehicles. The health benefits associated with self-containment include the reduction or removal of human waste on the ground.

THE PLUMBERS, GASFITTERS AND DRAINLAYERS BOARD WILL OVERSEE THE SELF-CONTAINED VEHICLE REGULATORY SYSTEM

Under the Bill, the Plumbers, Gasfitters and Drainlayers Board (PGDB) will be the regulator of the self-contained vehicle system. What this means in practice is that the PGDB will:

- approve prospective certification authorities (those individuals and organisations who wish to offer self-containment certification services)
- provide advice and guidance to certification authorities, vehicle inspectors and owners of self-contained vehicles
- oversee the work of the certification authorities and vehicle inspectors, including through routine audits
- where necessary, conduct investigations into issues and complaints
- maintain the national register of self-contained vehicles.

The PGDB is a body corporate continued under the Plumbers, Gasfitters and Drainlayers Act 2006. It is responsible for administering the registration and licensing systems for plumbers, gasfitters and drainlayers and in doing so, is responsible for ensuring those persons carrying out regulated work are competent to do so. You can find more information about the PGDB at <https://www.pgdb.co.nz/>

How were the proposals in this discussion document developed?

THE PROPOSALS IN THIS DISCUSSION DOCUMENT ARE BASED ON PREVIOUS CONSULTATION AND ADVICE

We developed the options in this discussion document by analysing the advice, feedback and information collected on this issue to date. Some of the options were also informed by a cross-sector technical advisory group (refer to the end of this section for further details about this group).

HOW WE ARE CHOOSING TO ANALYSE REGULATORY OPTIONS

Freedom camping regulations are intended to increase public trust in the self-contained vehicle system, and reduce the environmental impacts of vehicle-based freedom camping. In particular, freedom camping regulations aim to meet one or more of the following outcomes:

- **Environmental protection** – vehicles should meet minimum technical requirements in order to be certified self-contained. Harm to the natural environment associated with the inappropriate disposal of waste and camping in unsuitable vehicles or in unsuitable areas is reduced.
- **Public trust and confidence** – the self-contained vehicle system is trustworthy, and issues with the social licence to freedom camp are mitigated.
- **A ‘light touch’ approach** – the regulatory system is ‘light-handed’ and in-line with the level of potential harm caused by incorrectly certified “self-contained” vehicles, while still enabling the regulator to provide robust national oversight.

What are the regulatory options?

This discussion document functions as an interim Regulatory Impact Analysis (RIA) by weighing up the regulatory policy options set out in Chapters One to Six against the stated criteria of the desired outcomes.

What criteria will be used to evaluate the merits of policy options?

This discussion document uses the criteria in Chapters One to Five (below) to assess the merits of different policy options:

- **Costs** – the costs on participants in the regulatory system, which includes self-contained vehicle owners, certification authorities, vehicle inspectors and the PGDB.
- **Practicality** – how easy each option is to implement.
- **Effectiveness** – the potential to drive freedom camping reform and regulatory outcomes.

Chapter Six, which covers options for fees and levies, uses a separate set of criteria common to analysing fees and levies across Government. This is explained in detail in that chapter.

Key for qualitative judgments in tables

+ 2	Considerably better than doing nothing / the status quo
+ 1	Better than doing nothing / the status quo
0	About the same as doing nothing / the status quo
- 1	Worse than doing nothing / the status quo
- 2	Considerably worse than doing nothing / the status quo

SOME OF OUR PROPOSED OPTIONS ARE INFORMED BY A CROSS-SECTOR TECHNICAL ADVISORY GROUP

We established a cross-sector technical advisory group to help with the development of some of the proposals in this discussion document. The group helped with the proposals relating to:

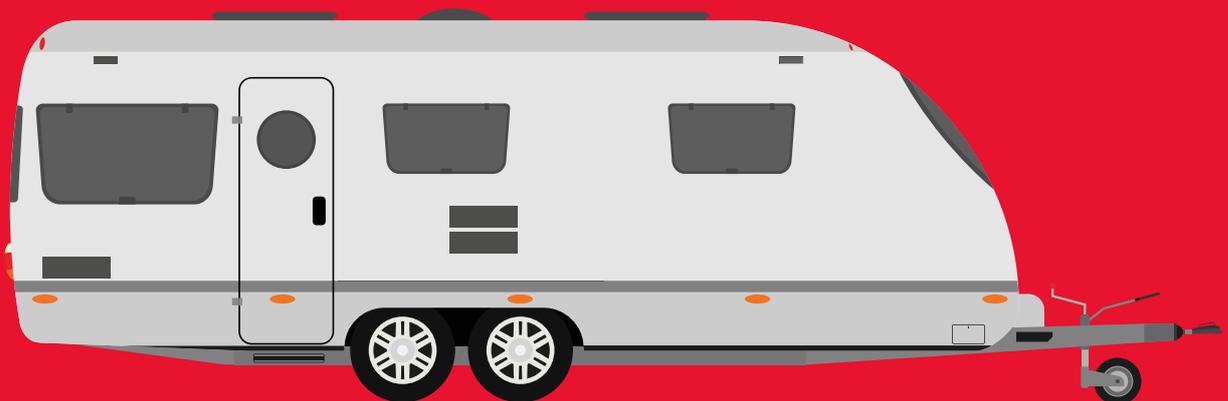
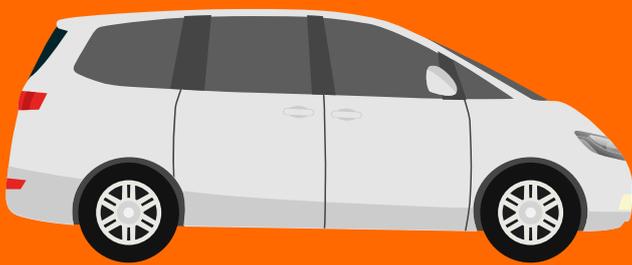
- setting fit-for-purpose technical requirements for self-containment
- the criteria for approval as a self-containment certification authority and vehicle inspector competency requirements
- the self-containment documentation issued (the self-containment certificate and warrant).

The cross-sector technical advisory group is made up of representatives from the following organisations:

- New Zealand Motor Caravan Association (NZMCA) – an issuing authority and advocacy group
- Taituarā - Local Government Professionals Aotearoa – representing local government
- Plumbers, Gasfitters and Drainlayers Board (PGDB) – the regulator of the self-contained vehicle system
- Master Plumbers Association – representing plumbers
- Self-Contained NZ – an issuing authority
- NZ Lifestyle Camping – an issuing authority and advocacy group
- NZ Rental Vehicle Association – representing rental operators
- NZ Recreational Vehicle Association – representing manufacturers
- Tourism Holdings Ltd – major fleet owner
- Action Manufacturing – manufacturer of motorhomes

We thank the group members for their time and willingness to provide constructive feedback.

Chapter 1: Self-containment technical requirements



Chapter One: Self-containment technical requirements

CURRENT SELF-CONTAINMENT TECHNICAL REQUIREMENTS UNDER THE VOLUNTARY STANDARD

The voluntary Standard *Self containment of motor caravans and caravans (NZS 5465:2001)* (the Standard) specifies the requirements for “water supply, sanitary plumbing and drainage installation and solid waste containment in motor caravans and caravans for the purpose of obtaining a self-containment certificate.” You can find the Standard here: www.standards.govt.nz/shop/nzs-54652001

At a glance, the Standard requires self-contained vehicles to have a:

- freshwater tank: 4L per person per day for no less than 3 days
- sink: via a smell trap/water trap connected to a watertight sealed wastewater tank
- grey/black wastewater tank: 4L per person per day (12L per person minimum, vented and monitored if capacity is less than the freshwater tank)
- evacuation hose: 3m for fitted tanks or long enough to connect to a sealed portable tank
- sealable refuse container (rubbish bin with a lid)
- toilet (portable or fixed): minimum capacity 1L per person per day (3L net holding tank capacity per person minimum).

Compliance with the Standard is not compulsory, but compliance enables an occupied vehicle to enter some areas where it would otherwise be denied (for example where a council permits only self-contained vehicles to stay overnight at a particular site).

Problems with the current self-containment technical requirements

There is a lack of trust in the implementation of the Standard – the key tool currently relied on by enforcement authorities to manage freedom camping. The Standard is implemented inconsistently or inappropriately, self-containment stickers can be easily counterfeited, and there is no national register of self-contained vehicles to support enforcement.

This creates issues of fairness. Many vehicle-based freedom campers do the right thing and have their vehicles certified under the voluntary Standard. However, an unknown number of campers are choosing to freedom camp in uncertified vehicles, sticking fraudulent self-contained stickers to their vehicles. This behaviour is impacting the social licence for freedom camping and undermining the integrity of the voluntary Standard.

WHAT THE BILL WOULD CHANGE

The Self-Contained Motor Vehicles Legislation Bill would:

- create a ‘light touch’ regulatory system for self-contained vehicles with the Plumbers, Gasfitters and Drainlayers Board (PGDB) as the regulator
- enable the creation of regulation-making powers to specify the technical requirements that must be met for a motor vehicle to be certified as self-contained. These regulations would eventually replace the current voluntary Standard

- ensure the new regulatory requirements for self-contained vehicle certification require a toilet to be fixed within the vehicle and exclude portable toilets
- ensure that, after the Bill is enacted, a vehicle may not be re-certified as self-contained under the Standard if it has a portable toilet.

The impact of the fixed toilet requirement is outside the scope of this discussion document

The impact on self-contained vehicle owners who need to upgrade their vehicle to meet the fixed toilet requirements (i.e., a toilet that is permanently fixed to the vehicle and drains to a cassette or a blackwater tank) is not within the scope of this discussion document. This is because this change is being made through the Bill rather than through regulations.

The impact on vehicle owners with a portable toilet is therefore covered in the Regulatory Impact Statement (RIS) for the Bill. If you want to provide feedback on the fixed toilet requirements, you should do this by making a submission to Parliament: www.parliament.nz/en/pb/sc/

For completeness' sake, we have provided the information included in the RIS where we estimated the costs associated with upgrading a larger vehicle's toilet to a fixed toilet at \$1,600 for a basic conversion, though this may be higher in some vehicles⁸. A member of the technical advisory group estimated the cost of conversion at between \$1,188 - \$1,825 minimum, based on their knowledge of self-contained vehicle facilities (including purchasing a toilet and external locker and installation labour).

The RIS also notes that an unknown number of vehicles currently used for freedom camping will not be able to be upgraded to meet the new toilet requirements due to size restrictions. These vehicles do not have sufficient space to install a fixed toilet in addition to other required self-containment facilities, such as sinks and wastewater facilities. A member of the technical advisory group estimated a minimum area of 450mm x 650mm would be needed to install a fixed toilet along with a minimum wall height of 700mm.

WE ARE CONSULTING WITH YOU ABOUT OPTIONS FOR THE NEW TECHNICAL REQUIREMENTS

Below we have listed some options for how the new technical requirements could be set out in regulations. We have included:

- Option 1: 'light-touch' performance-based requirements.
- Option 2: prescriptive approach to setting technical requirements.

Option 1: 'light-touch' performance-based requirements

Under this option, technical requirements would be less prescriptive than the voluntary Standard. The requirements would set outcomes or objectives and provide flexibility as to how these are met.

For example, rather than specifying that "an evacuation hose must be at least 3m in length," the technical requirements would instead require that "the hose be fit-for-purpose," with guidance on how to determine what "fit-for-purpose" means in that context.

⁸Ministry of Business, Innovation and Employment, *Impact Statement: Reducing negative impacts of freedom campers*, (14 October 2021), p 27 - 28.

This option would set out the self-containment technical requirements in the following four tiers:

- An objective – the social or environmental objective that must be achieved.
- Functional requirements – what the regulated thing must do to satisfy the objective.
- Performance requirements – the qualitative or quantitative criteria the regulated thing must meet in order to comply.
- Details on how requirements should be interpreted, to ensure consistency in certification decisions, for example a standard inspection manual for vehicle inspectors to use when inspecting a vehicle’s self-containment facilities.

The first three tiers would be set in freedom camping regulations, whilst the fourth would be in the formal guidance, referred to above, that would be issued by the PGDB, in consultation with the sector.

The performance requirements would also specify, where practical, applicable Aotearoa New Zealand and international standards (or parts thereof) that will be recognised as demonstrating compliance.

Regulations would be made shortly after the Bill is enacted and come into force six months after the Bill comes into force. The formal guidance issued by the PGDB would be gazetted and come into force around the same time that it is issued. Interpretation material will be produced by the PGDB. The Standard would be withdrawn two years after the Bill is enacted.

Appendix One sets out how these technical requirements could look in detail. It also sets out some additional matters for consideration.

Option 2: prescriptive approach to setting technical requirements

This option would see the technical requirements set out in sections 1 to 10 of the Standard set out in regulations and modified, where necessary, to comply with the fixed toilet requirements in the Bill and other quality of life upgrades to modernise other technical requirements. You can access these requirements free of charge at the following link: www.standards.govt.nz/shop/nzs-54652001

Regulations would maintain the Standard’s current scope, objectives and definitions. Most notably, the requirements would continue to prescribe the particulars of water supply systems, plumbing requirements, sanitary fittings, toilets (which would need to be fixed), waste tanks, evacuation hoses, wastewater treatments and solid waste containment.

This would mean regulations would specify pipe diameters and length, and minimum volumes for potable and wastewater containers. For example, it would be explicit that all waste pipes with a length of less than 3m from sanitary fitting to waste tank must not be of a diameter less than 18 millimetres (mm). For pipes that exceeded 3m, the diameter must not be less than 25mm.

Regulations would be made shortly after the Bill was enacted and come into force six months after the Bill came into force. Prior to the making of regulations, we would undertake more regulatory design work to modernise the technical requirements.

Guidance on how to meet prescriptive technical requirements may not be needed, but if it was, the PGDB, in consultation with the sector, would be able to issue things like inspection

manuals and other guidance that vehicle inspectors could use. The Standard would be withdrawn two years after the Bill is enacted.

ASSESSMENT OF OPTIONS

Option	Costs – the costs on participants in the regulatory system	Practicality - how easy each option is to implement	Effectiveness – the potential to drive freedom camping reform and regulatory outcomes	Overall score
Option 1: 'light-touch' performance-based requirements	<p>Likely to result in lower costs to vehicle owners where there are multiple ways of complying with a requirement.</p> <p>There will be new ongoing costs for the regulator associated with producing guidance material.</p> <p>1</p>	<p>Requires formal guidance to be produced by the PGDB in consultation with the sector and gazetted to interpret performance requirements.</p> <p>Also requires vehicle inspectors to be made aware of, and understand, the new requirements.</p> <p>Vehicle inspectors will exercise more personal judgment about whether self-containment facilities meet standards.</p> <p>-1</p>	<p>Enables owners of vehicles to provide innovative solutions.</p> <p>Technical requirements are flexible, while still providing assurance that minimum requirements are met.</p> <p>Avoids the need to frequently update regulations.</p> <p>2</p>	2
Option 2: prescriptive approach to setting technical requirements	<p>Similar to the status quo but can impose unnecessary costs on vehicle owners if there are cheaper ways to comply with the outcome being sought.</p> <p>0</p>	<p>Would require more policy work to update the current prescriptive requirements.</p> <p>However, once complete there would be very clear requirements, which are unlikely to require second order guidance to interpret.</p> <p>-1</p>	<p>Would need to be frequently updated to keep up with innovation in motorhome and motor caravan technology and products.</p> <p>The process of updating regulations can be time consuming and difficult.</p> <p>-1</p>	-2

OUR PREFERRED OPTION AND ADDITIONAL MATTERS

At this stage, our preferred option is for regulations to prescribe a set of 'light touch' performance-based technical requirements. Our view is that this option should result in lower costs and impacts on vehicle owners, and it aligns strongly with the freedom camping regulatory outcomes. Although it would require guidance to implement, we think this is outweighed by not needing to frequently update the regulations to keep up with changes in motorhome and motor caravan technologies and products.

QUESTIONS

Question 1. To what extent do you agree with Option 1: 'light-touch' performance-based requirements?

Please explain your reasons.

Question 2. To what extent do you agree with Option 2: prescriptive approach to setting technical requirements?

Please explain your reasons.

Chapter 2: Self-containment certification authorities and vehicle inspectors



Chapter Two: Self-containment certification authorities and vehicle inspectors

CURRENT CONDITIONS FOR ISSUING SELF-CONTAINMENT CERTIFICATES UNDER THE VOLUNTARY STANDARD

The voluntary Standard outlines a set of conditions for the issuing of self-containment certificates. In order to be an issuing authority for self-containment certificates, organisations or people:

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

Plumbers registered under the Plumbers, Gasfitters, and Drainlayers Act 2006 are automatically recognised as issuing authorities and testing officers for self-containment certificates.

We understand that currently the majority of vehicle inspectors used by the country's two largest issuing authorities (the New Zealand Motor Caravan Association and New Zealand Lifestyle Camping) are retirees, and many are volunteers.

Problems with the current conditions for issuing self-containment certificates

The approval conditions in the voluntary Standard are too subjective. There are no details of what constitutes an appropriate qualification, course of instruction or competency test for testing officers.

Similarly, there is no oversight or 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. As such, we do not know how many issuing authorities there are nor whether all authorities are certifying vehicles to the current standards.

There is a lack of robust, independent assurance that vehicle inspectors are competent and that issuing authorities are issuing certificates appropriately in line with the voluntary Standard's conditions.

WHAT THE BILL WOULD CHANGE

To assure the public that the certification system is robust and fit-for-purpose, the Bill would require:

- that certifications are only carried out by certification authorities approved by the PGDB, and that vehicle inspections are only carried out by a 'competent person'

- the creation of new regulations setting out:
 - approval criteria for certification authorities
 - an application process for potential new certification authorities, which would be assessed by the PGDB against the approval criteria
 - requirements that people must meet to be considered a ‘competent person’ for vehicle inspection purposes.

It is anticipated that some certification authorities will both inspect and certify vehicles, whereas others may just certify vehicles and outsource inspections to a third party. The proposed approval criteria reflects both operating models.

WE ARE CONSULTING YOU ABOUT OPTIONS FOR CERTIFICATION AUTHORITY APPROVAL CRITERIA AND VEHICLE INSPECTOR COMPETENCY REQUIREMENTS

In this section of the discussion document, we have listed some options for how the approval criteria for certification authorities and the vehicle inspector competency requirements could be set out in regulations.

Certification authority approval criteria

Below we present the following options:

- Option 1: a robust approach to approvals with multiple pathways.
- Option 2: a more rigorous and prescriptive certification approval criteria.
- Option 3: requiring a third-party review of certification authority systems.

Options 1 and 2 are alternative approaches to the setting of technical requirements, whereas Option 3 could compliment either option.

We also present a separate option for feedback, which is to deem certifying plumbers as certification authorities and vehicle inspectors under the new regulations.

Option 1: a robust approach to approvals with multiple pathways

This option would consist of a robust criteria of requirements with multiple pathways that certification authorities can use to demonstrate how they meet the criteria.

At a high level, the proposed approval criteria cover:

- processes to ensure vehicle inspectors are competent and have sufficient understanding of the relevant self-containment requirements
- processes for inspecting vehicles to determine whether they meet the relevant self-containment requirements
- processes around recording inspection details and issuing self-containment certificates and warrant cards
- appropriate record-keeping processes
- an internal auditing system to ensure consistent, high-quality certification decisions.

The application process would be a straightforward pathway that prospective certification authorities would follow when making an application to the PGDB. Prospective authorities would need to show that their processes and systems meet the criteria to be approved.

The proposed regulatory system would be ‘light touch’ through providing multiple pathways for demonstrating how criteria are met but would still enable the PGDB to provide robust

national oversight without imposing excessive costs on certification authorities. For example, a prospective certification authority would need to demonstrate to the PGDB that its auditing system and record-keeping systems meet the criteria.

Option 2: a more rigorous and prescriptive certification approval criteria

This option would have a set of robust requirements that prospective certification authorities would need to meet in order to be approved by the PGDB. This option would use the same criteria set out in Option 1.

The key difference would be that the PGDB would approve standardised vehicle-inspector training and auditing systems, which certification authorities would be required to embed in order to be approved. Such requirements would be more prescriptive and would require certification authorities to embed standardised training and auditing systems approved by the PGDB. This may mean that certification authorities have to upgrade or invest in new auditing and training systems and processes in order to meet the approval criteria.

Under this option, the PGDB would be required to undertake work to establish the standardised training and auditing systems prior to the first applications of prospective certification authorities. Further work would be required to align any new training systems for vehicle inspectors with the vocational learning system. For example, any new qualifications would need to be developed alongside the relevant Workforce Development Council and in consultation with the New Zealand Qualifications Authority and the Tertiary Education Commission.

Option 3: requiring a third-party review of certification authority systems

Under this option, a third-party assurance body (such as Telarc or International Accreditation New Zealand) would be required to review the proposed systems of prospective certification authority. The reviewer would provide their findings to the PGDB and advise if the systems satisfy the prescribed criteria. Such third-party overview can be a common step in regulatory approval. We understand that an ISO 9001 audit of a small business might take 1.5 days and cost over \$2,000.

This third-party review would be run in addition to either of Options 1 or 2.

ASSESSMENT OF OPTIONS

We are assessing the options against the status quo, which in this case is the conditions under the voluntary Standard.

Option	Costs – the costs on participants in the regulatory system	Practicality - how easy each option is to implement	Effectiveness – the potential to drive freedom camping reform and regulatory outcomes	Overall score
Option 1: a robust approach to approvals with multiple pathways	<p>There will be small new costs for those issuing authorities (IAs) who transition to the new regulatory regime associated with demonstrating how they meet criteria.</p> <p>No direct costs for owners of self-contained vehicles.</p> <p>-1</p>	<p>Straightforward to implement as it is based on similar processes the PGDB performs for approving employer licences.</p> <p>2</p>	<p>Is 'light touch', which is likely to encourage existing IAs and vehicle inspectors (VIs) to be recognised under the new regulatory regime.</p> <p>Still enables PGDB to provide national oversight of regulated parties.</p> <p>1</p>	2
Option 2: a more rigorous and prescriptive certification approval criteria	<p>Would add a higher compliance burden on some current IAs.</p> <p>Would add additional costs on to the regulator associated with establishing standardised auditing and training systems.</p> <p>Ultimately, may increase levies and certification costs paid by owners of self-contained vehicles.</p> <p>-1</p>	<p>Would require the regulator to undertake further work to establish of standardised training and auditing systems.</p> <p>-2</p>	<p>Would provide a very high level of certainty that CAs had required processes in place.</p> <p>1</p>	-2
Option 3: requiring a third-party review of certification authority systems	<p>Would increase costs on certification authorities on top of the approval criteria.</p> <p>May result in higher certification costs paid by owners of self-contained vehicle.</p> <p>-2</p>	<p>Would require coordination between prospective CA's, the PGDB, and the third-party reviewer.</p> <p>-1</p>	<p>Would provide a very high level of certainty that CAs had required processes in place.</p> <p>1</p>	-2

OUR PREFERRED OPTION

We discuss our preferred option for the approval criteria at the end of this chapter.

Vehicle inspector competency requirements

Below, we present the following options for vehicle inspector competency requirements:

- Option 1: requiring vehicle inspectors to be knowledgeable.
- Option 2: requiring vehicle inspectors to have a relevant trade qualification.
- Option 3: requiring vehicle inspectors to be assessed as “fit and proper”.

Options 1 to 3 are based on a common set of requirements set out in **Appendix Two**. Options 2 and 3 would be additional requirements that could be placed on top of Option 1.

Option 1: requiring vehicle inspectors to be knowledgeable

Under this option, regulations would include a set of competency requirements based around vehicle inspectors needing to:

- know about and understand the technical requirements
- be able to inspect a vehicle’s performance against the regulatory requirements by using PGDB-issued guidance and inspection manuals
- know how to enter the results of the inspection into the national register of self-contained vehicles (if applicable)
- know where to seek help if they are unsure about the technical requirements or how to interpret them.

Under this option, a certification authority would recognise a person as a vehicle inspector where that person was able to demonstrate their competency in the requirements listed above.

Option 2: requiring vehicle inspectors to have a relevant trade qualification

Under this option, regulations would include a set of competency requirements set out in Option 1 above.

In addition, prospective vehicle inspectors would be required to demonstrate they have a relevant trade qualification. The types of qualifications could be in mechanical engineering, plumbing, building or related trades. The prospective vehicle inspector would need to provide proof of their qualification(s) to the certification authority that employed them prior to them starting inspection work.

Option 3: requiring vehicle inspectors to be assessed as “fit and proper”

Under this option regulations would include a set of competency requirements set out in Option 1 above.

Under this option a certification authority would also need to check that a prospective vehicle inspector was a “fit and proper person”. This is a common regulatory check and is used to provide assurance that people applying for a position are reputable.

The certification authority would need to undertake a background check of prospective vehicle inspectors, which would look at their previous behaviour including their criminal

history and previous relevant work disciplinary records. The certification authority would then assess whether the person was “fit and proper” to be a vehicle inspector.

ASSESSMENT OF OPTIONS

We are assessing the options against the status quo, which in this case is the conditions under the voluntary Standard.

Option	Costs – the costs on participants in the regulatory system	Practicality - how easy each option is to implement	Effectiveness – the potential to drive freedom camping reform and regulatory outcomes	Overall score
Option 1: requiring vehicle inspectors to be knowledgeable	Largely reflects the different processes of current issuing authorities (IAs) and is unlikely to add substantially to the regulatory burden for IAs and Vehicle Inspectors (VIs). Minimal costs on regulator. 0	Largely reflects the different processes of current IAs. 0	Is ‘light touch’, which is likely to encourage existing IAs and VIs to be recognised under new regulatory regime. Still enables PGDB to provide national oversight of regulated parties. 2	2
Option 2: requiring vehicle inspectors to have a relevant trade qualification	Would increase costs for existing VIs, who would need a trade qualification to practice. Heightens the risk of the current network of volunteers falling over if existing VIs do not transition to new regime. -1	Would be reasonably straightforward for certification authorities to implement. 0	Would provide a higher level of certainty that a VI has knowledge and expertise. 1	0
Option 3: requiring vehicle inspectors to be assessed as “fit and proper”	Would increase costs on VIs and certification authorities (CAs). Heightens the risk of the current network of volunteers falling over if existing VIs do not transition to new regime. -1	Would create another layer of processes that prospective VIs and CAs would need to complete. -1	Would provide a level of certainty that a VI has knowledge and expertise and is a fit and proper person. 1	-1

OPTION FOR REGULATIONS TO DEEM CERTIFYING PLUMBERS AS CERTIFICATION AUTHORITIES AND VEHICLE INSPECTORS

Plumbers registered under the Plumbers, Gasfitters, and Drainlayers Act 2006 are automatically recognised as issuing authorities and testing officers for self-containment certificates.

Under this option, certifying plumbers would continue to be deemed as certification authorities and vehicle inspectors where applicable and this would be specified in regulations.

The Certifying class is the top-level registration and licence. Certifiers have demonstrated they possess the advanced competencies required to design, manage the installation of, test and certify their own work, as well as be responsible for the work of those they supervise. They are the only plumbers that can verify work for official purposes (e.g., sign off compliance documents for local councils). Certifying plumbers, like all plumbers operating in Aotearoa New Zealand, are required to be registered by the PGDB.

This option would continue the status quo under the voluntary Standard. However, the PGDB would consider how to ensure that certifying plumbers upskill themselves on the new self-containment regulatory requirements as part of implementing the new regulatory system.

In the absence of deeming certifying plumbers in regulations, this group of plumbers would be required to apply to be certification authorities under the application criteria and/or meet the competency requirements expected of other vehicle inspectors.

ASSESSMENT OF OPTION

Option	Costs – the costs on participants in the regulatory system	Practicality - how easy each option is to implement	Effectiveness – the potential to drive freedom camping reform and regulatory outcomes	Overall score
Deem certifying plumbers as certification authorities and vehicle inspectors	Would not increase costs on plumbers who choose to work in this field. 0	Reasonably straight forward to implement. PGDB would consider how to support existing plumbers working in this field to transition to the new regulatory regime, this is likely to be through education and communication campaigns. -1	Continues the status quo that plumbers are assumed to have a high level of competency to undertake work in this field. 2	1

OUR PREFERRED OPTION FOR CERTIFICATION APPROVAL CRITERIA AND COMPETENCY REQUIREMENTS FOR VEHICLE INSPECTORS

We are acutely aware of the fragility of the current vehicle inspector network and risks associated with not having enough existing vehicle inspectors and issuing authorities transitioning to the new regime.

At this stage, our preferred option is for regulations to set out a reasonably robust criteria of requirements with multiple pathways which certification authorities can use to demonstrate how they meet the criteria, and competency requirements for vehicle inspectors based around vehicle inspectors being able to demonstrate they are knowledgeable. We also think that regulations should deem plumbers as certification authorities and vehicle inspectors.

The preferred option will be 'light-touch' but will still enable the PGDB to provide robust national oversight without imposing excessive costs on certification authorities and vehicle inspectors.

More details of our proposed option are available in **Appendix Two**.

QUESTIONS

Certification authority approval criteria

Question 3. To what extent do you agree with Option 1: **a robust approach to approvals with multiple pathways?**

Please explain your reasons.

Question 4. To what extent do you agree with Option 2: a more rigorous and prescriptive certification approval criteria?

Please explain your reasons.

Question 5. To what extent do you agree with Option 3: requiring a third-party review of certification authority systems?

Please explain your reasons.

Competency requirements for vehicle inspectors

Question 6. To what extent do you agree with Option 1: requiring vehicle inspectors to be knowledgeable?

Please explain your reasons.

Question 7. To what extent do you agree with Option 2: requiring vehicle inspectors to have a relevant trade qualification?

Please explain your reasons.

Question 8. To what extent do you agree with Option 3: requiring vehicle inspectors to be assessed as “fit and proper”?

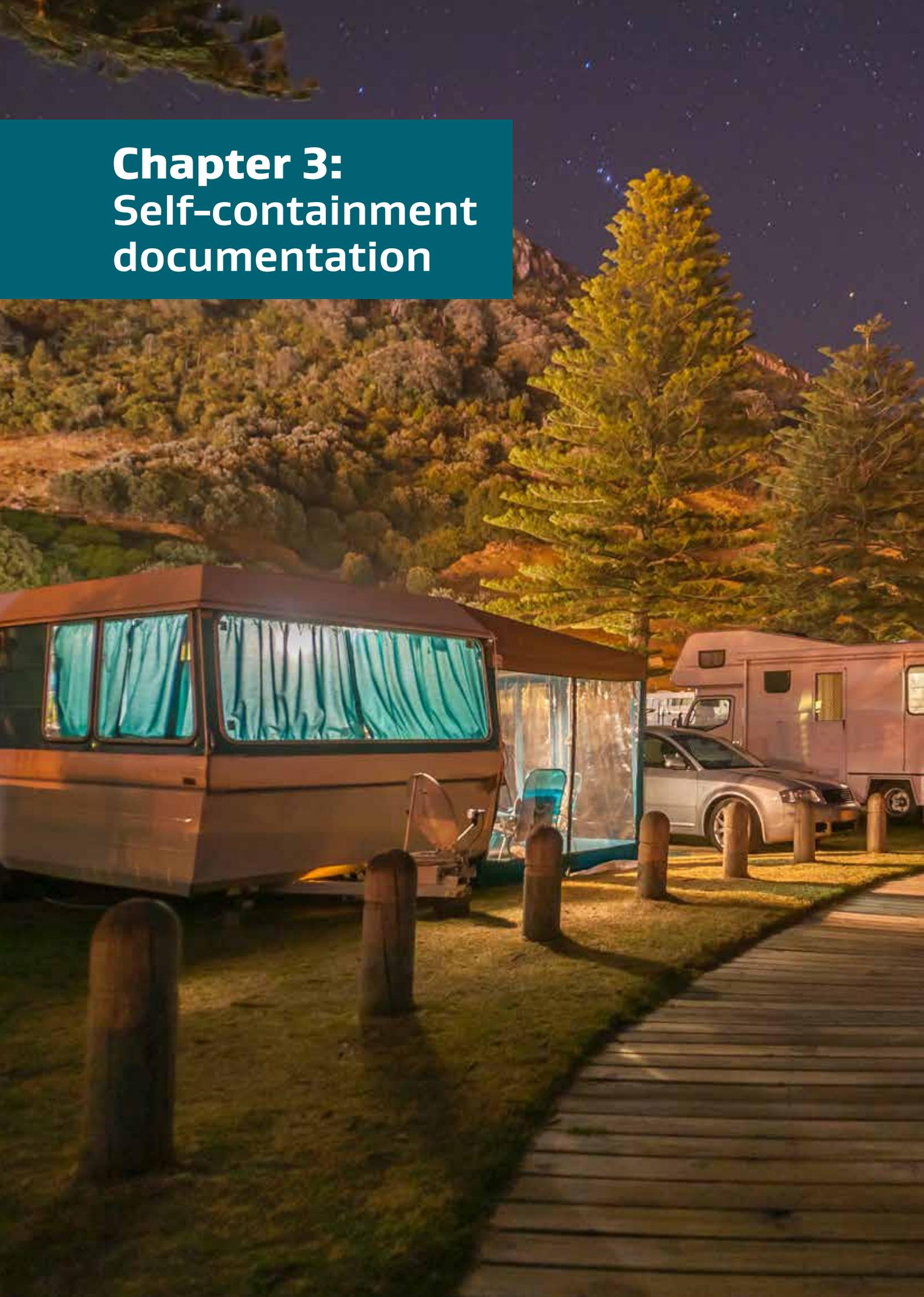
Please explain your reasons.

Deeming plumbers as certification authorities and vehicle inspectors

Question 9. To what extent do you agree that certifying plumbers should be deemed as certification authorities and vehicle inspectors under regulations?

Please explain your reasons.

Chapter 3: Self-containment documentation



Chapter Three: Self-containment documentation

CURRENT SELF-CONTAINMENT DOCUMENTATION ISSUED UNDER THE VOLUNTARY STANDARD

Under the voluntary Standard, vehicles certified as self-contained are issued with a self-containment certificate, a self-containment warrant and a self-containment sticker. The Standard sets out:

- the form of a self-containment certificate, warrant and sticker
- where the warrant and sticker must be placed on a self-contained vehicle.

A vehicle's self-containment certificate is a detailed document. It lists the details of the plumbing facilities fitted, the minimum diameter and length for these (as applicable), and the number of people the vehicle's fresh and wastewater systems can support. The certificate gives enforcement officers additional documentation if they have concerns about the reliability of the vehicle's self-containment warrant.

A vehicle's self-containment warrant is a blue card that is fixed to the front of the windscreen. It lists only the critical details: the licence plate of the vehicle, the issuing authority who certified the vehicle, the date of certification, the number of people for which the vehicle is self-contained, the expiry date of the warrant and a unique reference number.

A generic blue coloured self-containment sticker is issued once a testing officer certifies the vehicle as self-contained. This sticker is placed on the rear of the vehicle. It does not contain any details that link it to that vehicle, such as the licence plate number. But it provides evidence that a vehicle has been certified under the Standard. This can be useful for vehicle owners between the time a vehicle has been certified as self-contained and their warrant has been issued to them.

Having self-containment documentation issued costs the vehicle owner money. This cost may be:

- included in membership fees, if the owner is a member of an organisation that provides these services to members⁹
- bundled into an overall testing fee¹⁰
- charged specifically to the vehicle owner¹¹.

Problems with the current self-containment documentation

There is a lack of public trust in the implementation of the voluntary Standard. Many freedom camping bylaws and notices require campers to stay in a vehicle certified to the Standard, because this is the best available way for enforcement authorities to ensure that vehicles will

⁹ For example, the New Zealand Motor Caravan Association maintains a network of testing officers, which its members can approach for testing. Many of these testing officers are volunteers. NZMCA incorporates the costs of issuing documentation in its membership fee.

<https://www.nzmca.org.nz/certified-self-containment-fags> The current membership fee is \$90. <https://www.nzmca.org.nz/join-us>

¹⁰ For example, Self Contained New Zealand offers self-containment testing and issuing of documentation at \$119 for a 20-minute test. <https://selfcontained.co.nz/collections/campervan-self-containment-kit>

¹¹ For example, New Zealand Lifestyle Camping currently charges a fee of \$45 to process self-containment documentation. It notes that this is additional to any testing officer charges. <https://www.nzlifestylecamping.com/northisland>

meet minimum sanitary requirements. However, the lack of oversight by a regulator has led to allegations of inconsistent and inappropriate certification of vehicles¹². We have heard that the generic blue self-containment stickers are also being counterfeited and, because there is no register of certified vehicles, it is difficult for enforcement authorities to check whether a vehicle is genuinely certified.

This creates issues of fairness in the system. Many vehicle-based freedom campers do the right thing and have their vehicles certified under the voluntary Standard. However, an unknown number of campers are choosing to freedom camp in uncertified vehicles sticking fraudulent self-contained stickers to their vehicles. This behaviour is impacting the social licence for freedom camping and undermining the integrity of the voluntary Standard.

WHAT THE BILL WOULD CHANGE

The Self-Contained Motor Vehicles Bill would:

- create a Register of Self-Contained Vehicles. This would be an online register established by the PGDB. Enforcement officers would be able to access the register to check a vehicle's self-containment information, vehicle inspectors and certification authorities would be able to access the register to input a vehicle's self-containment information and certificate and warrant details, and the general public would be able to search the register to see whether a vehicle has been certified as self-contained
- replace the current blue-coloured warrant card with a new green warrant card. The green card would signal that the vehicle meets the new self-containment regulations. There would be a transitional period between the current unregulated self-containment system to the new regulated system
- require certification authorities to issue both a self-containment certificate and a warrant to vehicle owners if their vehicle has been assessed as meeting the self-containment technical requirements. A vehicle's certificate and warrant would be issued to the vehicle owner (likely by email) at the time of certification. The vehicle inspector would also enter the details of each inspection into the online national Register of Self-Contained Vehicles
- make each warrant and certificate valid for four years
- make new infringement offences related to people not complying with warrant obligations, for example by not displaying a warrant or displaying an expired warrant
- enable regulations to be made that specify the format of the new self-containment certificate and warrant card.

WE ARE CONSULTING YOU ABOUT OPTIONS FOR THE FORMAT OF THE SELF-CONTAINMENT CERTIFICATE AND WARRANT CARD

In this section of the discussion document, we have listed some options for the format of the certificate, warrant card and generic identifier options. We have included:

Self-containment certificate options:

- Option 1: continue to record the details of a vehicle's self-containment facilities on the self-containment certificate.

¹² Ministry of Business, Innovation and Employment, *Summary of submissions: Supporting sustainable freedom camping in Aotearoa New Zealand*, (24 August 2021), 18. Accessible at <https://www.mbie.govt.nz/dmsdocument/18090-summary-of-submissions-supporting-sustainable-freedom-camping-in-aotearoa-new-zealand>

- Option 2: a simplified self-containment certificate.

Self-containment warrant:

- Option: retain the format of the current self-containment warrant but make the colour green.

Generic identifier options:

- Option 1: not having a generic identifier
- Option 2: having another generic identifier.

OPTIONS FOR THE SELF-CONTAINMENT CERTIFICATE

Option 1: continue to record the details of a vehicle's self-containment facilities on the self-containment certificate

Under this option, the format of the self-containment certificate would largely mirror the format prescribed in the voluntary Standard. Therefore, the warrant would record:

- the licence plate details of the vehicle
- the date the warrant was issued
- the date the warrant expires (which would be four years from the date of issue, as long as no major modifications are made to the vehicle)
- the name of the certification authority that issued the warrant
- the maximum number of people for which the vehicle has been certified as self-contained
- a unique number that identifies the vehicle
- the technical details of a vehicle's self-containment facilities as set out in the online register (e.g., pipe diameters and length, the size of fresh and wastewater tanks, the length of evacuation hoses and diameter of release valves, or other detail about how technical requirements have been met).

The self-containment certificate would be issued by the certification authority immediately after it had reviewed the vehicle's inspection and the vehicle owner had paid the self-containment monitoring levy (and any fee charged by the certification authority).

Information about a vehicle's technical requirements would not be required to be displayed on a warrant. These details would be entered into the national Register of Self-Contained Vehicles. This register will be available for enforcement officers to check online either at the site, or, in the case of there being little to no internet access at a site, back in the office, as well as by the certification authority that certified the vehicle and the PGDB.

However, vehicle owners may want to have an easily accessible copy of their self-containment particulars. For example, to prove to other parties (e.g., potential vehicle buyers) with the self-containment facilities' particulars that are listed on the register. This would enable the other party to compare the particulars listed on the vehicle's self-containment certificate with the vehicle's fittings. (Prospective buyers should still make sure that a vehicle is both road-worthy and self-contained, for example, by consulting a mechanic/self-containment testing officer).

Option 2: a simpler self-containment certificate

Under this option, the format of the self-containment certificate would be simplified so it only includes the name and contact information of the vehicle’s owner and the following information:

- the licence plate details of the vehicle
- the date the warrant was issued
- the date the warrant expires (which would be four years from the date of issue, as long as no major modifications are made to the vehicle)
- the name of the certification authority that issued the warrant
- the maximum number of people for which the vehicle has been certified as self-contained
- a unique number that identifies the vehicle.

Under this option, the certificate would not list the technical details of the vehicle’s self-containment facilities. The technical details of vehicles’ self-containment facilities will be entered into the national Register of Self-Contained Vehicles. This register will be available for enforcement officers to check online, either at the site, or, in the case of there being little to no internet access at a site, back in the office.

Prospective vehicle buyers of self-contained vehicles would not be able to access a list of the particulars of a vehicle’s self-containment facilities but would be able to search the register to see whether a vehicle held a current certificate of self-containment. (Prospective buyers should still make sure that a vehicle is both road-worthy and self-contained, for example, by consulting a mechanic/self-containment testing officer).

The self-containment certificate would be issued by the certification authority immediately after it had reviewed the vehicle’s inspection and the vehicle owner had paid the self-containment monitoring levy (and any fee charged by the certification authority).

Assessment of options for the self-containment certificate

Option	Costs – the costs on participants in the regulatory system	Practicality - how easy each option is to implement	Effectiveness – the potential to drive freedom camping reform and regulatory outcomes	Overall score
Option 1: continue to record the details of a vehicle’s self-containment facilities the on the self-containment certificate	Similar cost to certification authorities and vehicle owners as the status quo. 0	Would require more regulatory design work to implement if technical requirements are prescriptive based. Would require even further additional policy and design work to implement if technical requirements are performance-based. -1	A lot of the information about the vehicle’s self-containment facilities would duplicate what is on collected on the register of self-contained vehicles. But it could provide additional assurance to prospective vehicle buyers that the vehicle’s self-containment facilities meet regulatory requirements. 2	1

Option 2: a simplified self-containment certificate	Similar cost to certification authorities and vehicle owners as the status quo. 0	Straightforward to implement and administer. 0	Removes unnecessary detail from the current certificate that enforcement officers had previously relied on. However, vehicle owners would not have access to the details of their vehicle's self-containment facilities. 1
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OPTION FOR THE SELF-CONTAINMENT WARRANT

Retain the format of the current self-containment warrant but make the colour green.

We propose that the format of the warrant card stays much the same as it is now. Warrants would include:

- the licence plate details of the vehicle
- the date the warrant was issued
- the date the warrant expires (which would be four years from the date of issue, as long as no major modifications are made to the vehicle)
- the name of the certification authority that issued the warrant
- the maximum number of people for which the vehicle has been certified as self-contained
- a unique number that identifies the vehicle
- a scannable QR code or barcode included to access the above information.

The new self-containment warrant card would be green. Since the current warrant cards (issued under the voluntary Standard) are blue, this would make it easy for enforcement officers to see whether a vehicle has been certified under the voluntary Standard or the new regulations.

The requirement for where the warrant card is displayed would stay the same. This would mean a warrant card would continue to be displayed in the inside left of the front window/windshield with the warrant details facing out.

Alternative options

We have not put any alternative options for the format of the self-containment warrant because we consider that the format set out above is fit-for-purpose.

At the end of this chapter, we ask whether there is any information you would like to see added to or removed from the warrant card.

OPTIONS FOR THE GENERIC IDENTIFIER

We are not proposing to keep the generic blue sticker

We are not proposing to keep the generic blue sticker. We consider these stickers to be too closely associated with the voluntary Standard and no longer needed. The technical details of vehicles' self-containment facilities will be entered into the national Register of Self-Contained

Vehicles. This register will be available for enforcement officers to check online, either at the site, or, in the case of there being little to no internet access at a site, back in the office.

Option 1: not having a generic identifier

Under this option, there would be no generic identifiers (e.g., a generic sticker) issued by vehicle inspectors after a vehicle was certified.

Option 2: having another generic identifier

Under this option, a generic identifier would be issued by vehicle inspectors. This could be, for example, a generic green sticker that indicates a vehicle has been certified as self-contained under the new regulatory requirements.

Further policy and regulatory design work would be required to determine the format of the generic identifier, which would be prescribed in regulations.

Assessment of options for a generic identifier

Option	Costs – the costs on participants in the regulatory system	Practicality - how easy each option is to implement	Effectiveness – the potential to drive freedom camping reform and regulatory outcomes	Overall score
Option 1: not having a generic identifier	Reduces costs for certification authorities (CAs) and vehicle owners. 1	Straightforward to implement and administer. 0	Removes public concern about fraudulent use of generic identifiers. Increases confidence in the system. 2	3
Option 2: having another generic identifier	Slight increase in costs for CAs to replace the generic blue stickers with a new generic identifier. -1	Would require further design work to implement, in particular to design a generic identifier that could not easily be forged. -1	A generic identifier is unnecessary because certificates would be issued to vehicle owners very soon after a vehicle has passed its self-containment inspection. -1	-3

OUR PREFERRED OPTIONS FOR SELF-CONTAINMENT DOCUMENTATION

At this stage, we prefer the following options:

- continuing to record the details of a vehicle’s self-containment facilities on the self-containment certificate
- a new green self-containment warrant
- not having a generic identifier.

The current certificate contains the technical details for many of the certified vehicle’s self-containment facilities. Enforcement officers currently use the self-containment certificate to check the validity of a vehicle’s warrant, especially in remote places. If the Bill passes, the technical details of a vehicle’s self-containment facilities will be entered into the national

Register of Self-Contained Vehicles. This register will be available for enforcement officers to check online (either at a freedom camping site, or back in the office). However, we think that, because vehicle owners will not be able to access this information on the online register, it should continue to be provided on a certificate.

We consider that the information proposed to be displayed on a new green warrant card set out above would provide critical self-containment information to enforcement staff.

We also consider the generic blue sticker to be ineffective because it shows no specific details about the certified vehicle and can therefore be stuck on any vehicle regardless of its self-containment facilities and certification status. Counterfeit stickers can easily be made and this problem could persist if another generic identifier was used. Enforcement officers would still be able to check the warrant card on the front windscreen for evidence of certification, meaning there is no additional need for a generic identifier.

QUESTIONS

Self-containment certificate

Question 10. To what extent do you agree with Option 1: continue to record the details of a vehicle's self-containment facilities on the self-containment certificate?

Please explain your reasons.

Question 11. To what extent do you agree with Option 2: a simplified self-containment certificate?

Please explain your reasons.

Self-containment warrant

Question 12. To what extent do you agree with the option for the self-containment warrant?

Please explain your reasons.

Question 13. Is there any additional information that should be collected?

Question 14. Is there any information proposed to be collected that does not need to be?

Generic identifiers

Question 15. To what extent do you agree with Option 1: not having a generic identifier?

Please explain your reasons.

Question 16. To what extent do you agree with Option 2: having another generic identifier?

Please explain your reasons.

Chapter 4: Infringement fees and fines



Chapter Four: Infringement fees and fines

WHAT ARE INFRINGEMENT OFFENCE SYSTEMS?

Infringement offences are an easy way to encourage people to follow the law. Infringement offences are common to many regulated parts of our lives, such as police giving tickets to people who are caught breaking the speed limit, or fisheries officers giving tickets to people who have taken more fish than legal regulations allow. For freedom camping, infringement offences enable enforcement officers to issue instant fees where there are reasonable grounds to believe that a person freedom camping has committed a relatively low-level breach of freedom camping laws, such as the inappropriate disposal of waste.

A person who commits an infringement offence is liable to receive a penalty, which is often a fee. Infringement fees are a fixed amount a person is immediately liable to pay upon being served an infringement notice. The level of infringement offence fees in other regulatory settings is normally low (i.e., often less than \$1,000 but up to \$5,000 per infringement). This is because the level of offending involved is low. The intent of these low-level fees is to encourage people to follow simple, specific laws like speed limits and fishery quotas. A person who commits an infringement offence does not receive a criminal conviction.

Infringement offences help to stop the courts from being overburdened with a lot of relatively straightforward and low-level offences. The courts will generally only become involved if an infringement fee is not paid or if the person that received the infringement notice challenges it. If the matter is referred to the courts, the courts may decide a person who has broken the law will be given a fine. The amount of money involved in each fine associated with an infringement offence is determined by the court in accordance with sentencing principles.

Enforcement officers have the discretion to not impose an infringement fee if there are good reasons to do so, for example if educating the person or warning them may be more effective.

THE CURRENT FREEDOM CAMPING ACT INFRINGEMENT SYSTEM

Currently, section 20(1) of the Freedom Camping Act 2011 sets out several infringement offences. These infringement offences range from freedom camping in a local authority area in breach of a prohibition or restriction made in a council bylaw to inappropriately dumping waste on conservation land. An enforcement officer can currently issue an infringement notice to anyone who commits an infringement offence.

This is how the current infringement system is outlined in the Freedom Camping Act 2011:

- Section 20(1) specifies the offences which are infringement offences.
- All the infringement offences are subject to an infringement fee of \$200.
- Section 23(1) provides for regulations to prescribe different infringement fee levels; however, no regulations have yet been made.
- The maximum infringement fee is \$1,000.

Both local authorities (councils) and the Department of Conservation can give out infringement fees for freedom camping infringement offences on the land that they manage. Infringement fees issued by local authority enforcement offices are payable to the relevant local authority. Infringement fees issued by the Department of Conservation are payable to the Crown.

Infringements and homelessness under the Freedom Camping Act

People experiencing homelessness often stay in vehicles and tents, and many local authorities report people experiencing homelessness being present at some freedom camping sites and in their districts. The 2018 Severe Housing Deprivation Report shows 2,070 people living in a mobile dwelling and 1,347 living in an improvised dwelling (such as a tent). Additionally, a further 1,521 people were living at a campground¹³.

There is no direct reference to homelessness in the Act, but the Act covers the living conditions of those experiencing homelessness. Currently, enforcement authorities use their discretion to avoid issuing infringement notices to people experiencing homelessness who may be in breach of freedom camping bylaws or notices. This is the approach recommended by Local Government New Zealand¹⁴.

The policy intent is to continue to support enforcement authorities in applying their discretion and not to issue infringement notices to people experiencing homelessness.

Problems with the current infringement system

Currently, a standard infringement fee of \$200 is applied to any infringement offence, no matter how severe. This raises questions about proportionality and harm. For example, is it fair that the same penalty applies to a person who freedom camps in a local authority area in breach of a prohibition or restriction and to a person who interferes with or damages an area, its flora or fauna or any structure in the area?

Additionally, local authorities are concerned about the cost of enforcing the current laws. They note that the revenue from current infringement fees is not enough to cover the cost of enforcing the laws. Several territorial authorities have reported relatively low infringement fee collection rates, with most reporting that less than 60 percent (in some cases, around 40 percent) of infringement fees are usually paid.

WHAT THE BILL WOULD CHANGE

The Self-Contained Motor Vehicles Bill would strengthen the infringement system in a number of ways, including:

- new infringement offences relating to minor non-compliance with self-containment obligations
- giving enforcement authorities the option of issuing infringement notices by email so that they get to the vehicle owner or hirer much more quickly
- prescribing fines associated with an infringement offence at three-times the level of the infringement fee.

¹³Dr Kate Amore et al. "Severe housing deprivation in Aotearoa New Zealand, 2018 June 2021 update, (University of Otago, June 2021) at page 32.

¹⁴Local Government New Zealand, *Good practice guide for freedom camping* (April 2018) 22-23.

Cabinet has supported a move towards a tiered structure for infringement fee levels. We do not think a set fee of \$200 is a fair or effective penalty. Tiered penalty levels will increase the deterrence effect.

WE ARE CONSULTING YOU ABOUT OPTIONS FOR THE TIERS FOR INFRINGEMENT FEES AND FINES

In this section of the discussion document, we have listed some options for what the tiers of infringement fees and fines could be. We have included the following options:

- Option 1: a tiered approach to the level of infringement fees at a maximum of \$800.
- Option 2: a tiered approach to the level of infringement fees at a maximum of \$1,000.

Current law-making practice is for Acts to prescribe a maximum fine associated with an infringement offence¹⁵. Some Acts enable maximum fines to be prescribed in regulations¹⁶. However, the Freedom Camping Act 2011 does not currently prescribe any infringement fine, only infringement fees.

Current practice is to set a maximum infringement fine at between two to three times the amount of the infringement fee. Under this option, maximum infringement fines are set significantly higher than infringement fees to dissuade people who are served infringement notices from failing to pay the initial fee or from frivolously challenging the notice in court.

Under either option, regulations would provide a maximum fine that is three times the level of the proposed fee.

Option 1: a tiered approach to the level of infringement fees at a maximum of \$800

The current blanket \$200 infringement fee does not reflect the fact that some offences are more serious than others. To make enforcement more effective, this option would introduce a tiered system for infringement fees (as currently allowed under Section 23(1) of the Freedom Camping Act 2011) with fee tiers of \$200, \$400, \$600 and \$800.

Offences that could result in greater harm would have a significantly higher infringement fee. For example, inappropriate disposal of waste has a higher fee than failing to display a self-containment warrant card, because inappropriate disposal of waste is more damaging than failing to have a warrant card and it is harder to catch someone doing it¹⁷.

Infringement fee levels would be aligned with equivalent conservation-related infringement fee levels, where practical¹⁸. To ensure this alignment, we sought input from the Department of Conservation when developing our proposed infringement fees.

The new infringement offences in the Bill would be assigned to a fee tier as follows:

- \$800 – where actual damage or adverse impacts have occurred, for example where a person freedom camping interferes with or damages an area, its flora or fauna, or any structures in the area.

¹⁵ This is in line with the Ministry of Justice's 'Policy Framework for New Infringement Systems' and Legislation Design Advisory Committee Guidelines.

¹⁶ For example, section 48C(1)(b) of the Conservation Act 1987.

¹⁷ The approach we used to determine the right tier for each infringement offence has taken into account the Ministry of Justice's Policy Framework for New Infringement Systems, and Legislation Design Advisory Committee Guidelines.

¹⁸ There are infringement offences (e.g., inappropriate disposal of litter/animal products and undertaking inappropriate activities in restricted or prohibited areas) in the Conservation (Infringement Offences) Regulations 2019 and the Reserves (Infringement Offences) Regulations 2019 that are similar to freedom camping infringement offences.

- \$600 – where there is an intent to deceive, for example where a person displays an altered or fraudulent warrant of self-containment, or presents one to an enforcement officer.
- \$400 – where there is a breach of national or local restrictions, for example where a person freedom camps in an area in breach of any prohibition or restriction in a bylaw or freedom camping notice issued by the Department of Conservation.
- \$200 – administrative breaches. For example, where a person who owns a self-contained vehicle fails to display the self-containment warrant.

Infringement fees would not be set at the \$1,000 maximum allowed under the Act¹⁹. This would encourage compliance, not unduly penalise freedom campers and would align with similar penalties in Conservation legislation.

Option 2: a tiered approach to the level of infringement fees at a maximum of \$1,000

Option 2 is similar to Option 1, but with a higher maximum fee of \$1,000.

Under Option 2, there would be the following tiers:

- \$1,000 – where actual damage or adverse impacts have occurred, for example where a person freedom camping interferes with or damages an area, its flora or fauna, or any structures in the area.
- \$600 – where there is an intent to deceive, for example where a person displays an altered or fraudulent warrant of self-containment, or presents one to an enforcement officer.
- \$400 – where there is a breach of local or national restrictions, for example where a person freedom camps in an area in breach of any prohibition or restriction in a freedom camping notice issued by the Department of Conservation or in a bylaw made by a local authority.
- \$200 – administrative breaches. For example, where a person who owns a self-contained vehicle fails to display the self-containment warrant.

THE CLOSEST FEE AND FINE COMPARISONS ARE FOUND CONSERVATION LEGISLATION

In 2019, a series of conservation portfolio infringement regulations were made by Government. These regulations contain penalties for infringement offences that are comparable to the infringement offences included in the Self-Contained Motor Vehicle Bill. In the table below, we set out the most relevant infringement offences, their penalties, and, where required, how they relate to similar infringement offences included in the Bill.

Comparative infringement fees in comparative conservation legislation				
Act	Infringement offence	Infringement fee	Infringement fine	Relation to Self-Contained Motor Vehicle Bill Infringement offences
Conservation (Infringement Offences) Regulations 2019	Damaging, or causing to be damaged, marginal strip, or using marginal strip for purpose contrary to	800	1,600	Similar to proposed infringement offences relating to damaging an area or flora/fauna

¹⁹ Section 43(1)(a), Freedom Camping Act 2011.

	provision or requirement			
	Failing to produce permits, etc., on demand	200	400	Similar to proposed infringement offence failure to display a valid self-containment warrant
	Using hazardous substances, etc., to take or destroy fish	800	1,600	Similar to proposed infringement offence of depositing waste in or on an area (other than into an appropriate waste receptacle)
Reserves (Infringement offences) Regulations 2019	Littering	300	600	
	Anchoring or mooring of boat in breach of notice or permit	800	1,600	Similar to proposed infringement offence related to freedom camping in an area in breach of a prohibition or restriction (e.g., in council bylaw or Department of Conservation notice)

ASSESSMENT OF OPTIONS FOR THE LEVEL OF INFRINGEMENT FEES AND FINES

We are assessing the options against the status quo, which in this case is a set \$200 infringement fee for all infringement offences.

Option	Costs – the costs on participants in the regulatory system	Practicality - how easy each option is to implement	Effectiveness – the potential to drive freedom camping reform and regulatory outcomes	Overall score
Option 1: a tiered approach to the level of infringement fees to a maximum of \$800	Penalties are set proportionate to the nature of offending and align with similar conservation penalties. 2	Administratively straightforward to update infringement notices. Enforcement officers would need to be made aware of changes to fee tiers. -1	Would enhance public trust and confidence that offensive behaviour is proportionately addressed. 2	3
Option 2: a tiered approach to the level of infringement fees at a maximum of \$1,000	Penalties are less proportionate than Option 1 but largely align with similar conservation penalties. 1	Administratively straightforward to update infringement notices. Enforcement officers would need to be made aware of changes to fee tiers. -1	A maximum \$1000 fine may be perceived as unduly harsh, and may not encourage compliance. -1	-1

OUR PREFERRED OPTION

At this stage, the preferred option is to take the tiered approach to penalty levels set out under Option 1. This option introduces a tiered fee and fine structure that proportionately addresses the harm caused by offensive behaviour. It would ease issues that some councils have faced with cost-recovering their enforcement activities. It also aligns strongly with freedom camping regulatory outcomes. We also think that a maximum fee tier of \$1,000 may be perceived as unduly harsh and may discourage compliance with the law. Option 1 also aligns more closely with comparative penalties in Conservation legislation.

QUESTIONS

Question 17. To what extent do you agree with Option 1: a tiered approach to the level of infringement fees to a maximum of \$800?

Please explain your reasons.

Question 18. To what extent do you agree with Option 2: a tiered approach to the level of infringement fees at a maximum of \$1,000?

Please explain your reasons.

Chapter 5: Exclusions from regulatory requirements



Chapter Five: Exclusions from regulatory requirements

REGULATORY EXEMPTIONS

Sometimes requiring a person to comply with the law might be impractical or result in hardship to that person. In such cases, it may be necessary to empower a government body or office holders to exclude or exempt a particular person or class of people, transactions, or things from all or part of an Act or regulations²⁰.

CURRENT FREEDOM CAMPING EXCLUSIONS

Because there is no regulatory system for self-contained vehicles, there are no current freedom camping exclusions and exemptions for self-contained vehicles.

WHAT THE BILL WOULD CHANGE

The Self-Contained Motor Vehicles Legislation Bill would provide for regulations to exclude a specific set of motor vehicles from some or all of the regulatory requirements.

WE ARE CONSULTING YOU ON OPTIONS FOR EXCLUSIONS FROM REGULATORY REQUIREMENTS

In this section, we are consulting on the following options for exclusions from regulatory requirements:

- Option 1: no exclusions from new regulatory requirements.
- Option 2: excluding smaller freedom camping vehicles from the requirement to have a fixed toilet.
- Option 3: excluding vintage vehicles²¹ from the requirement to be certified as self-contained.

Option 1: no exclusions from new regulatory requirements

Under this option, there would be no exclusions set out in regulations. This would mean that vehicle owners would need to have their vehicles certified self-contained under the new regulatory requirements (including having a fixed toilet) if they wish to camp in designated freedom camping areas managed by local authorities, the Department of Conservation, or Land Information New Zealand.

Option 2: excluding smaller freedom camping vehicles from the requirement to have a fixed toilet

Under Option 2, smaller freedom camping vehicles, such as “tear-drop”, “retro”, and other smaller or older freedom camping vehicles²² would be excluded from the fixed toilet

²⁰ Exemptions and exclusions can also be known as waivers, dispensations, concessions or other terminology.

²¹ There is no agreed definition of what a vintage camping vehicle is. Some argue that “vintage” refers to any caravan built before 1970 <https://gingerbrown.com.au/portfolio-item/caravan-world-vintage-caravans-restoration/#:~:text=Caravans%20built%20prior%20to%201970,vintage%20van%20groups%20in%20Australia>. Others consider a vintage camper to be one that is at least 25 years old <https://justdownsize.com/how-old-does-a-camper-have-to-be-to-be-vintage/>.

²² The models of vehicles we think could be captured by this exclusion include, for example, older Toyota Hi-Ace vans, Volkswagen Combis, Ford Bedfords through to, smaller newer camping vehicles like the Volkswagen California 6.1 Ocean and the Mercedes Marco Polo.

requirement. These vehicles are practically unable to have a fixed toilet inserted into them, given the amount of space required to put in a cassette toilet. Such vehicles could continue to have a portable toilet. Other than this requirement, these vehicles would still need to meet other self-containment regulatory requirements and pay the self-containment monitoring levy.

The exemption would be written into regulations. Given the potentially wide range of vehicles that could be captured under this exclusion, MBIE would need to do further policy work to determine:

- what the threshold for meeting the exclusion would be. We note that there would be challenges in trying to define what vehicles are “retro”, “smaller” or “older”
- the sort of documentation that would be issued to owners of vehicles that qualified for an exemption
- the impact on PGDB/certification authority resourcing of having an unknown number of smaller vehicles entering the self-contained vehicle regulatory system.

Option 3: excluding vintage vehicles from the requirement to be certified as self-contained

Under Option 3, so-called vintage vehicles would be excluded from the requirement to be self-contained. These vehicles may be vintage caravans built in the 1960s or earlier or older campervans and vans built before the 1980s. Not all models included fixed toilets, kitchens could be very small, and bathrooms could be non-existent or rudimentary. Although, in many cases vehicle owners have renovated such vehicles to make them compliant with the voluntary Standard, this can be costly to do, and we have heard concerns that doing this can compromise a vehicle’s vintage status. Though as noted above there are groups that consider “vintage” to also include more recent models of campervans and vehicles; i.e. those that were manufactured in the 1980s up until the mid-1990s.

For the purposes of Option 3, a “vintage vehicle” would be any caravan or campervan that is at least 40 years old. Regulations would state that a vehicle would be classed as vintage if it is at least 40 years old on the date it is registered, reregistered, or licensed under the Land Transport (Motor Vehicle Registration and Licensing) Regulations 2011, and was manufactured on or after 1 January 1919. This would align with the definition of “vintage motor vehicle” in those Regulations. We think this strikes a balance between different ideas of what is classed as “vintage” and aligns with a comparable regulatory regime.

MBIE would need to undertake additional policy work to determine:

- whether these vehicles would still need to be tested by a vehicle inspector and certified by a certification authority
- the sort of documentation that would be issued to vehicle owners
- whether owners would be required to pay the monitoring levy
- the impact on PGDB/certification authority resourcing of having an unknown number of vintage vehicles entering the self-contained vehicle regulatory system.

ASSESSMENT OF OPTIONS FOR REGULATORY EXCLUSIONS

We are assessing the options against the status quo, which in this case is that there are no exclusions under the voluntary Standard.

Option	Costs – the costs on participants in the regulatory system	Practicality - how easy each option is to implement	Effectiveness – the potential to drive freedom camping reform and regulatory outcomes	Overall score
Option 1: no exclusions from new regulatory requirements	There are some vehicles that are unable to be certified under the self-containment regulatory requirements. -1	Very straightforward to administer a system of no exclusions. 0	Promotes the integrity of the regulatory system, whereby there is one standard for all vehicles to meet. 2	1
Option 2: excluding smaller freedom camping vehicles from the requirement to have a fixed toilet	These vehicles would be able to be treated as if they had a fixed toilet, for the purposes of staying in designated freedom camping areas. 0	Adds a lot of complexity to the regulatory system in terms of designing and implementing an appropriate system. Also adds on-the-ground difficulties for enforcement officers in terms of identifying an excluded vehicle. -2	Undermines integrity regulatory regime, as it creates two tiers of vehicles. More likely to see inappropriate disposal of waste as research indicates portable toilets are less likely to be used. -2	-4
Option 3: excluding vintage vehicles from the requirement to be certified as self-contained	These vehicles would be able to be treated as being self-contained, for the purposes of staying in designated freedom camping areas. 0	Adds a lot of complexity to the regulatory system in terms of designing and implementing an appropriate system. Also adds on-the-ground difficulties for enforcement officers in terms of identifying an excluded vehicle. -2	Undermines integrity regulatory regime, as it creates two tiers of vehicles. Encourages owners not to upgrade their vehicles to meet new requirements, and wait until their vehicle meets the vintage threshold. Vehicle owners who have already upgraded their vintage camping vehicles to be self-contained are likely to be unhappy. More likely to see inappropriate disposal of waste as portable toilets are less likely to be used. -2	-4

OUR PREFERRED OPTION

At this stage, our preferred approach is Option 1 – that there be no exclusions from the new regulatory requirements. We do not consider there is a strong case to be made for any exclusions. We considered whether the regulations should specify exclusions, and whether a case could be made for certain types of vehicles to be excluded from the requirement that freedom camping can only occur on local authority land if the vehicle is self-contained, or from the requirement for a fixed toilet in order to be certified.

Ultimately, we think that excluding specific vehicles in regulations would result in unnecessary complexity, make enforcement difficult and undermine the integrity of the regulatory system.

We further note that under the Bill there will be a two-year transition period to the new regime (this transition period is set out in further detail in Chapter Seven). This will provide time for owners of smaller vehicles or vintage vehicles to consider whether or not to upgrade their vehicles to meet the new regulatory requirements.

Owners who decide not to upgrade their vehicles have the option of staying in one of the hundreds of conservation camping grounds that allow non-self-contained vehicles, or commercial camping grounds around New Zealand. They will also be able to stay at places designated by local authorities as suitable for non-self-contained vehicles.

QUESTIONS

Question 19. To what extent do you agree with Option 1: no exclusions from new regulatory requirements?

Please explain your reasons.

Question 20. To what extent do you agree with Option 2: excluding smaller freedom camping vehicles from the requirement to have a fixed toilet?

Please explain your reasons.

Question 21. To what extent do you agree with Option 3: excluding vintage vehicles from the requirement to be certified as self-contained?

Please explain your reasons.

Question 22. Are there other types of vehicles that should be excluded?

Please explain your reasons (for example, what regulatory requirements do you suggest the vehicles be excluded from? Why should these vehicles be excluded from the identified regulatory requirements?).

Chapter 6: Levies and fees



Chapter Six: Levies and fees

THERE ARE NO REGULATED FEES OR LEVIES UNDER THE VOLUNTARY STANDARD

We are aware that issuing authorities seek to recover the costs of providing self-containment oversight, administration and vehicle inspections through a variety of methods, including via an annual membership fee or by charging a person when they take their vehicle for an inspection. The existing fee charged by issuing authorities for a self-containment certificate ranges from no cost (in that the cost is included in a membership fee²³) to about \$100.

Currently, organisations wanting to certify self-contained vehicles need to determine that they meet the criteria in the voluntary Standard. In the current system, no-one checks whether these criteria have been met, because there is no regulatory body.

WHAT THE BILL WOULD CHANGE

The Self-Contained Motor Vehicles Bill would enable the following freedom camping related fees and levies to be set in regulations:

- a monitoring levy that self-contained vehicle owners would pay once every four years, at the time of certification, to recover the PGDB's regulatory oversight costs
- a certification authority approval application fee that certification authority applicants would pay directly to the PGDB at the time of application.

The Bill would not prescribe a fee payable by a vehicle owner for the cost of having their vehicle inspected. As with warrant of fitness (WoF) inspection fees, the organisation doing the inspection would set this price itself. At this stage, it is unclear how much a certification authority would charge for a self-containment certification inspection. It is likely this price will vary between certification authorities.

HOW DO LAW-MAKERS USUALLY APPROACH LEVY- AND FEE-SETTING?

The Treasury and the Auditor-General have developed guidelines on public sector charging to help identify which charging mechanisms are suitable for different types of activities, and what things to consider when assessing which options are most feasible.

When analysing charging options for a service or activity, officials consider who should pay based on who benefits and who is adversely affected. This analysis is based on four types of economic "goods": public, industry (club), private and merit. In this case, the services we analysed are:

- regulatory oversight of the self-contained vehicle certification system, delivered by the PGDB
- approval of certification authorities, delivered by the PGDB.

²³ The current membership fee for the New Zealand Motor Caravan Association is \$90 per year. <https://www.nzmca.org.nz/join-us>
Members are entitled to receive a range of benefits, from discounted ferry trips, fuel savings, to access to a nation-wide network of parking sites. <https://www.nzmca.org.nz/member-benefits>

Oversight of the self-contained vehicle certification system is an industry good

We consider regulatory oversight of the self-contained vehicle certification system an industry (club) good. An industry good is when a specific group benefit from the service²⁴. Owners of self-contained vehicles, as a group, would benefit from regulatory oversight because they would:

- have greater confidence in the certification process
- be able to freedom camp in any local authority area (unless otherwise prohibited)
- have greater confidence that owners of non-self-contained vehicles who choose to illegally freedom camp will be identified and appropriately sanctioned.

It is therefore appropriate that owners of self-contained vehicles pay a levy to fund the PGDB's regulatory oversight costs. The levy would be collected by approved certification authorities when they issue a certification. The certification authorities would then pass this levy on to the PGDB.

The approval of certification authorities is a private good

We consider the approval of certification authorities to be a private good. A private good is where the good has been specifically generated for a person and can only be used by that person²⁵. In this case, applicants will directly benefit from the PGDB receiving and assessing their application, because only approved applicants will be able to certify self-contained vehicles. It is therefore reasonable to recover this cost of this service via a fee paid by each applicant when they apply.

WE ARE CONSULTING YOU ABOUT OPTIONS FOR THE LEVY AND THE FEE

In this section of the discussion document, we have listed some options for the self-containment certification monitoring levy amount. We have included the following options (which are all GST inclusive):

- Option 1: a levy of \$91.40.
- Option 2: a levy of \$101.
- Option 3: a levy of \$120.

We are also consulting you about the proposed application fee a prospective certification authority would pay to the PGDB when it applied to be certification authority. We have listed some options for how much this fee should cost. We have included:

- Option 1: a set fee of \$431.25.
- Option 2: a scalable fee.

We have also included a single recommended approach for waivers and refunds.

How we have calculated levy options

We have used an overhead allocation approach to calculating the PGDB costs to be fully recovered through a levy. This involved calculating the direct costs of regulating the self-containment certification system by:

²⁴ The Treasury, *Guidelines for Setting Charges in the Public Sector* (April 2017), at page 19.

²⁵ The Treasury, *Guidelines for Setting Charges in the Public Sector* (April 2017), at page 19.

- assessing every existing role at the PGDB and determining what percentage (if any) of their time and therefore salary would likely be applied to the new function
 - identifying new roles dedicated solely to the new function
 - identifying associated direct operating costs solely attributable to the new function such as travel, accommodation and contract resource, communications, etc.
 - determining the appropriate amount of depreciation
- calculating the applicable overhead costs based on the overall percentage of staff resource required, including IT-related support and maintenance, communications and marketing, audit, bank fees, printing and stationery, office rent, staff training, phones, internet and Board honoraria.

Comparison with similar types of charges

It can be useful to compare the proposed levy with what is charged in other regulatory regimes. For example:

- Commercial vessels must pay an annual maritime levy. A small fishing boat would expect to pay around \$140 per annum, a small passenger boat \$235, a large fishing trawler \$1,950 and a large foreign cruise ship \$13,520 per port visit. Funding from the Maritime Levy allows Maritime New Zealand to maintain important regulatory activities and functions that are critical to maritime safety and protection of the marine environment. In addition, it can be used to fund regulatory activities undertaken by the Maritime New Zealand or the Crown in the performance or exercise of functions, duties or powers under the Maritime Transport Act 1994.
- Operators of freight, vehicle recovery, rental service and passenger transport services industries are required to comply with a range of rules and regulations. In most cases this includes holding an appropriate Transport Service Licence (TSL). For a small passenger service, the application fee for a TSL is \$449.80.
- The cost of a four-year electrical warrant of fitness certificate for a campervan ranges from \$85 to \$200. However, this price does not include any levy because the issuing system for these certificates is not overseen by a regulator.

While these are not an exact comparison, the above levies do indicate that the proposed levy options (which work out to between \$20 and \$30 per year) is not out of step with similar charges.

Review of fees and levies

Regulating the self-containment certification process is a new activity for the PGDB. To reflect this new activity, fees and levies will be reviewed within five years to ensure that the PGDB is efficiently delivering the appropriate level of regulatory oversight and the amount is appropriate to fund the required level of oversight.

The PGDB will report annually on the levy revenue it has obtained and the cost of regulating self-containment certification. A detailed memorandum account will also be kept.

OPTIONS FOR THE SELF-CONTAINMENT MONITORING LEVY

Option 1: a levy of \$91.40

Under this option, a levy of \$91.40 would be collected from vehicle owners by a certification authority prior to receiving its self-containment certificate. The certification authority would then pass the levy on to the PGDB.

This option applies the bare minimum resources to self-contained vehicle certification activities. It would enable the PGDB to undertake its regulatory functions, which include assessing applications from prospective certification authorities, investigating complaints, undertaking disciplinary actions and maintaining the register of self-contained vehicles. There would be no additional funding available to put towards implementation activities such as an education campaign as well as dedicated IT support for the register of self-contained vehicles. These activities would have to be met from existing PGDB resources.

It has both minimal dedicated self-contained vehicle certification (SCVC) expenditure and fewer full-time equivalents (FTE) dedicated to SCVC matters (an additional 3.85 new FTEs would be provided rather than 5 FTEs under Options 2 and 3) with a further \$449,500 in savings from that option.

If adopted, the levy under this option would be \$91.40 including GST (\$79.44 plus GST) for a four-year certificate (\$22.85 per year including GST).

Option 2: a levy of \$101

Under this option, a levy of \$101 would be collected from vehicle owners by a certification authority prior to receiving its self-containment certificate. The certification authority would then pass the levy on to the PGDB.

This is an alternative option to Option 1. It would provide slightly more funding to enable the PGDB to perform its regulatory role as described in Option 1. There would be an additional 5 FTEs (1.15 more FTEs than Option 1). The additional 1.15 FTEs would go towards additional human resources (HR) and accounting support for the PGDB. Additional HR and accounting support would reflect the overall increase in the number of staff at the PGDB, as well as the new self-containment oversight work.

If adopted, the levy under this option would be \$101 (\$88 plus GST) for a four-year certificate (\$25.25 per year including GST).

Option 3: a levy of \$120

Under this option, a levy of \$120 would be collected from vehicle owners by a certification authority prior to receiving its self-containment certificate. The certification authority would then pass the levy on to the PGDB.

This option ensures a smooth implementation of the new SCVC system. Under this option, the PGDB would get the additional 5 FTEs under Option 2, and additional resources dedicated solely to SCVC. This option would provide funding for the following activities:

- running a targeted awareness campaign for the first five years to ensure that vehicle owners are fully aware of their certification obligations under the new regulatory system
- providing dedicated IT support for the new online register of self-contained vehicles

- obtaining technical advice by setting up and supporting a sector stakeholder group, which would provide the PGDB with appropriate advice on certification-related matters.

Under this option, the PGDB would incur an estimated \$1,898,000 per annum in regulatory oversight costs. Based on an estimated 18,250 self-contained vehicle certifications per annum, the cost per vehicle would be \$104 plus GST (\$120 total). Since the certificate is for four years, this would come to \$30 total including GST per year, per vehicle.

This option is more expensive than the two alternative options. However, it is lower than the estimated \$125 plus GST levy we referred to during consultation on the discussion paper *Supporting Sustainable Freedom Camping in Aotearoa New Zealand* at public meetings held in April/May 2021. You can access that document here: www.mbie.govt.nz/dmsdocument/13853-discussion-document-supporting-sustainable-freedom-camping-in-aotearoa-new-zealand

The impact of our levy options on freedom campers

This is a new levy and will have an impact on freedom campers. The extent of this impact will depend on what owners of vehicles that have been certified under the current unregulated system decide to do:

- Get their vehicle certified under the new regulatory system, pay the associated monitoring levy, and have the choice of freedom camping at any site that permits freedom camping.
- Not get their vehicle certified and be limited to only freedom camping on Department of Conservation land and sites that councils have designated as being suitable for non-self-contained vehicles.
- Not get their vehicle certified and stop freedom camping.
- Not get their vehicle certified and camp on land regardless of whether freedom camping in non-self-contained vehicles is permitted, and risk incurring associated fines.

It is unclear at this stage what option freedom campers will choose. However, we consider that the impacts on owners are proportionate to similar costs borne by campervan owners for the electrical warrants of fitness and fishing boat owners.

The Bill will provide for transitional arrangements between the current and new regulatory regime. Vehicle owners with a current blue warrant will not need to have their vehicle certified under the new regulatory requirements until two years after the new regime comes into force (unless they are a vehicle rental fleet owner, in which case the time period is 1.5 years).

We are assessing options against cost recovery principles for the proposed levy

There are four cost recovery principles that have underpinned our approach to calculating the proposed levy and application fee. These are:

- Fairness – that costs of services are recovered from the users who benefit from them or who create the risk the service is designed to manage.
- Effectiveness – the levy rate needs to support the policy outcome of the freedom camping regulations.
- Efficiency – the cost recovery charges should be efficient to administer for levy payers and the regulator.
- Transparency – the basis and costings for proposed levies should be clear to payers.

As there is no current levy, these options are being assessed against Option 1, which is the lowest-cost option.

Cost recovery option	Is it fair?	Is it effective?	Is it efficient?	Is it transparent?	Overall Score
Option 1: a levy of \$91.40	<p>Only owners of vehicles that have been certified as self-contained will pay the levy as they are the ones that will benefit from having the PGDB provide regulatory oversight of the certification process.</p> <p>Vehicle owners would benefit from a thorough vehicle certification process. Certification would enable them to camp anywhere in Aotearoa New Zealand where freedom camping is permitted.</p> <p>0</p>	<p>This is the lowest cost option with little margin if implementation costs are higher than anticipated. This option may lead to implementation delays.</p> <p>Likely to be less effective than alternative options as there would be no additional funding for educational campaigns for vehicle owners.</p> <p>0</p>	<p>The proposed levy amount reflects full cost recovery for the PGDB.</p> <p>0</p>	<p>The PGDB will report annually on the levy revenue it has obtained and the cost of regulating self-containment certification. A detailed memorandum account will also be kept.</p> <p>0</p>	0
Option 2: a levy of \$101	<p>Only owners of vehicles that have been certified as self-contained will pay the levy as they are the ones that will benefit from having the PGDB provide regulatory oversight of the certification process.</p>	<p>This option would enable the PGDB to effectively manage the additional staff resources set out in Option 3.</p> <p>But any additional SCVC activities would need to be absorbed into existing business as usual activities. For example, SCVC public awareness</p>	<p>The proposed levy amount reflects full cost recovery for the PGDB.</p> <p>There are slightly more resources</p>	<p>The PGDB will report annually on the levy revenue it has obtained and the cost of regulating self-containment certification. A detailed memorandum</p>	2

	<p>Vehicle owners would benefit from a thorough vehicle certification process. Certification would enable them to camp anywhere in Aotearoa New Zealand where freedom camping is permitted.</p> <p>0</p>	<p>would be rolled into the PGDB’s existing communication channels rather than be a stand-alone campaign.</p> <p>1</p>	<p>available to the PGDB to improve the efficiency of levy collection if required.</p> <p>1</p>	<p>account will also be kept.</p> <p>0</p>
<p>Option 3: a levy of \$120</p>	<p>Only owners of vehicles that have been certified as self-contained will pay the levy as they are the ones that will benefit from having the PGDB provide regulatory oversight of the certification process.</p> <p>Vehicle owners would benefit from a thorough vehicle certification process. Certification would enable them to camp anywhere in Aotearoa New Zealand where freedom camping is permitted.</p> <p>0</p>	<p>Provides greater assurance that:</p> <ul style="list-style-type: none"> • implementation would go smoothly • both freedom campers and certification authorities are aware of their obligations under the new regulatory system • the PGDB has sufficient resources to provide appropriate regulatory oversight. <p>2</p>	<p>The proposed levy amount reflects full cost recovery for the PGDB.</p> <p>There are more resources available to the PGDB to improve the efficiency of levy collection if required.</p> <p>2</p>	<p>The PGDB will report annually on the levy revenue it has obtained and the cost of regulating self-containment certification. A detailed memorandum account will also be kept.</p> <p>4</p> <p>0</p>

OUR PREFERRED OPTION

At this stage, we prefer Option 3 because it provides greater assurance that:

- implementation would go smoothly
- both freedom campers and certification authorities are aware of their obligations under the new regulatory system
- the PGDB has sufficient resources to provide appropriate regulatory oversight.

This assurance will be particularly important given the significant transition period, when new certification authorities will need to certify an estimated 73,000 motor vehicles over four years, using new regulations and will need to record these details on a new online register.

The calculations and assumptions underpinning this option are set out in **Appendix Three**.

OPTIONS FOR THE APPLICATION FEE

Below we present the following two options for the application fee a person or organisation applying to be a certification authority must pay to the PGDB:

- Option 1: a set application fee of \$431.25.
- Option 2: a scalable application fee.

Option 1: set application fee of \$431.25 (including GST), payable every five years

Under this option, people or organisations applying to be a certification authority would pay a set fee to have their application assessed by the PGDB.

We estimate that an assessment of whether an applicant's proposed certification system and procedures meet the criteria for approval and the required evidence, as set out in regulations, will take five hours at an hourly rate of \$75.00 plus GST. The hourly rate and effort are the same as used by the PGDB when assessing applications for employer licences.

The proposed fee of \$375 plus GST (\$431.25 total) includes the cost of receiving the application, assessing the proposed system against the prescribed criteria and evidence requirements, assessing how the prescribed competency requirements for vehicle inspectors will be met, and issuing the five-year approval.

Option 2: a scalable application fee

Under this option, the application fee would be scalable, depending on how much time the PGDB takes to process the application. There would be a base fee based on three hours of PGDB effort, plus an hourly rate of \$75.00 plus GST for every additional hour spent on the application. This would reflect that some applications may contain large amounts of evidence and be complex to assess.

Under this option the fee would start at a minimum of \$258.75 (including GST) for each application.

Either option is likely to be less than the most comparable regime

As a comparison, the fee for approval as a WoF inspecting organisation by Waka Kotahi is \$1,437.50 (including GST). This includes one site assessment with additional inspection sites incurring an additional charge (\$184 per hour, with an average site assessment costing \$552). In addition, a person must pay an application fee of \$494.50 to Waka Kotahi in order to be approved as a vehicle inspector. We are not proposing that the PGDB carry out any site assessments. Nor are we proposing that persons be required to apply to the PGDB to be 'recognised' as vehicle inspectors – they will be assessed and recognised by certification authorities.

The impacts on applicants will be minimal

It is expected that certifying organisations would process approximately 91,000 applications over a five-year period. The organisations would be able to set the cost of this themselves. We expect the cost of our preferred fee option (Option 1) to be minimal compared to income generated by certification authorities from the total number of applications processed.

We are assessing options against cost recovery principles for the application fee options

Cost recovery option	Is it fair?	Is it effective?	Is it efficient?	Is it transparent?	Overall score
Option 1 a set application fee of \$431.25	<p>Certification authorities benefit from being approved as a certification authority. This is because it enables them to provide self-containment certification services and issue self-containment documentation to vehicle owners.</p> <p>Certifications will only be allowed to be carried out by approved certification authorities.</p> <p>0</p>	<p>Assessing an application for approval as a certification authority is a new and discrete activity for the PGDB.</p> <p>Five hours is the estimated to be the time it would take to assess an application.</p> <p>A set fee provides certainty for all application on the amount they would need to pay.</p> <p>2</p>	<p>The proposed application fee is based on the amount of effort and cost currently taken to assess applications for gas-fitting employer licences. We understand this is the closest assessment process to that of an application to be a certification authority. This similarity is because both focus on processes and procedures.</p> <p>The fee will be reviewed within five years to ensure that the estimated effort still reflects the actual resource required to fully assess an application for approval as a certification authority.</p> <p>Likely to incentivise existing issuing authorities to transition to the new regime.</p> <p>2</p>	<p>The PGDB will report annually on the fee revenue it has obtained and the length of time taken to process an application.</p> <p>0</p>	4
Option 2: a scalable application fee	<p>Certification authorities benefit from being approved as a certification authority. This is because it enables them to provide self-containment certification services and issue self-containment documentation to vehicle owners.</p>	<p>Assessing an application for approval as a certification authority is a new and discrete activity for the PGDB.</p> <p>A scalable fee may dissuade some agencies from applying to be a certification authority.</p>	<p>The proposed application fee is based on the amount of effort and cost currently taken to assess applications for gas-fitting employer licences. We understand this is the closest assessment process to that of an application to be a certification authority. This similarity is because both focus on</p>	<p>The PGDB will report annually on the fee revenue it has obtained and the length of time taken to process an application.</p> <p>0</p>	3

<p>Certifications will only be allowed to be carried out by approved certification authorities.</p> <p>Scalable fee is fairer as certification authorities would be billed for the actual time taken to assess an application.</p> <p>1</p>	<p>1</p> <p>processes and procedures.</p> <p>The fee will be reviewed within five years to ensure that the estimated effort still reflects the actual resource required to fully assess an application for approval as a certification authority.</p> <p>1</p>
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OUR PREFERRED OPTION

At the moment, we support Option 1 – a set fee – as this more strongly aligns with the outcome that we are seeking. This option is less fair than Option 2. However, it provides more certainty to applicants and is more likely to incentivise existing issuing authorities to transition to the new regime. While Option 2 an attractive option, it trades off fairness against certainty. We are also mindful that PGDB staff may initially need to spend more time on applications due to it being a new regulatory function. A set fee will therefore not disadvantage any applicant.

We are keen to ensure an orderly transition to the new regulated system. To that end, we favour certainty for all prospective applicants and certainty for the PGDB. However, we recognise that as the system matures, it may be preferable to move to a scalable fee model. We expect that scalable and fixed fee models would be considered during the fee review, which will take place within five years.

Waivers and refunds

We propose that the regulations authorise the Registrar of the self-contained vehicles register to grant a waiver or refund of the proposed levy or application fee in the following circumstances:

- in the case of an administrative error on the part of the PGDB or a certification authority
- if the Registrar considers, in any particular case, that it would be unreasonable or unfair to require payment of the whole of the levy or application fee.

Questions

Self Containment monitoring levy

Question 23. To what extent do you agree with Option 1: a levy of \$91.40?

Please explain your reasons.

Question 24. To what extent do you agree with Option 2: a levy of \$101?

Please explain your reasons.

Question 25. To what extent do you agree with Option 3: a levy of \$120?

Please explain your reasons.

Certification Authority Application Fee

Question 26. To what extent do you agree with Option 1: a set application fee of \$431.25?

Please explain your reasons.

Question 27. To what extent do you agree with Option 2: a scalable application fee?

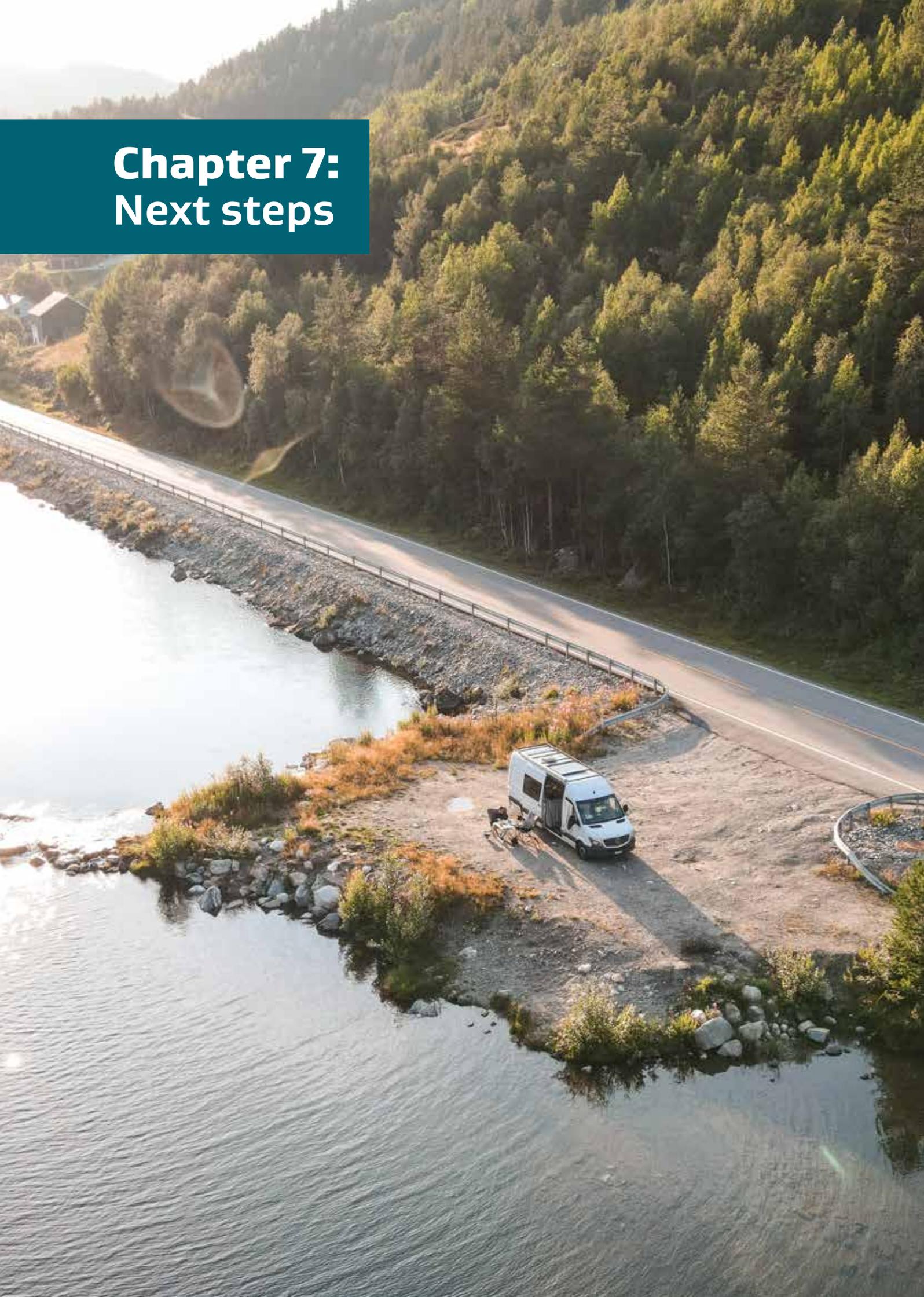
Please explain your reasons.

Waivers and refunds

Question 28. To what extent do you support the proposal for granting waivers and refunds?

Please explain your reasons.

Chapter 7: Next steps



Chapter Seven: Next steps

The Self-Contained Motor Vehicles Amendment Bill sets out a two-year transition from the current unregulated voluntary Standard to the new regulated self-contained vehicle system. This transition is set out in the timeline below, and is based on the Ministry’s preferred options.

WHAT HAPPENS NEXT? THE TIMELINE FOR REGULATORY CHANGES

Timing	What will happen?
Self-Contained Motor Vehicles Legislation Bill enacted	<ul style="list-style-type: none"> • Vehicle-based freedom camping on council land will now be done in a certified self-contained vehicle, unless at a site specifically designated by the local council for freedom camping in non-self-contained vehicles. Councils will be able to use bylaws to designate sites as appropriate for non-self-contained vehicles. • Existing bylaws that designate areas as suitable for non-self-contained vehicles will continue to apply. • The voluntary Standard will still be used to demonstrate proof of self-containment and blue warrant cards will still be issued. • Only vehicles with a fixed toilet (not portable) will be able to be certified as self-contained from now on, but vehicles with a portable toilet which are already certified will still be able to freedom camp. • New freedom camping offences will be introduced, and infringements will now be emailed.
Six months after enactment: regulations will be made	<ul style="list-style-type: none"> • Organisations, including existing issuing authorities, will be able to apply to the Plumbers, Gasfitters and Drainlayers Board to become certification authorities, and once approved, will be able to start issuing green warrant cards. • The register of self-contained vehicles will be operational and enforcement officers will be able to access it to verify whether a vehicle has been certified as self-contained. Certification authorities will start recording the details of certifications. The public will be able to access the register of self-contained vehicles to see whether a vehicle has been certified as self-contained. • Certification will be able to be done by either: existing issuing authorities (using the voluntary Standard and issuing blue warrant cards), or new certification authorities (using the technical requirements in regulations and issuing green warrant cards). • Vehicle owners wishing to have their vehicles certified under the new regulatory requirements will be required to pay a levy. • The new tiered infringement framework will be in place. Higher fines may be issued for non-compliance with freedom camping rules. • Blue warrant cards will still be evidence of self-containment as well as green warrant cards.
One year after enactment	<ul style="list-style-type: none"> • Vehicles will no longer be able to be certified using the old voluntary Standard with blue warrant cards. However, existing blue warrant cards will still be evidence of self-containment. • Only certification authorities will be able to certify vehicles. Only green warrant cards will be able to be issued. Any self-containment vehicle certification or re-certification must be done the new regulatory requirements.
One and half years after enactment	<ul style="list-style-type: none"> • Rental vehicles used for freedom camping must now be certified with a green warrant card. • Existing blue warrant cards on rental vehicles will no longer be evidence of self-containment. • Existing blue warrant cards on non-rental vehicles will still be evidence of self-containment.

**Two years after
enactment**

- All vehicles used for freedom camping must now be certified with a green warrant card.
- Blue warrant cards will no longer meet the minimum requirements for demonstrating that a vehicle is self-contained.

Appendix One – Proposed technical requirements for self-containment

TIER ONE: OBJECTIVE

We propose an objective focusing on protecting the natural environment

Our performance-based technical requirements are set out in four tiers. The top tier is a high-level objective that all certified self-contained vehicles must satisfy.

We propose that the Freedom Camping Regulations technical requirements have the following objective:

“To protect the natural environment from contamination and pollution from wastewater and solid waste, by prescribing the minimum facilities needed to contain the waste which vehicle occupants produce and to provide fresh water which they require.”

TIER TWO: FUNCTIONAL REQUIREMENTS

We propose seven functional requirements and a set of general technical requirements

The second tier of our performance-based technical requirements is the functional requirements that all certified self-contained vehicles must meet.

We propose that the Freedom Camping Regulations have seven functional requirements that all certified self-contained vehicles must meet. The vehicles must be able to meet these functional requirements for a minimum of three days. The seven functional requirements are:

- a water supply system which stores and conveys potable water to sanitary appliances for the purposes of safe food preparation and personal hygiene
- a fixed toilet to collect the human waste of a camping vehicle’s occupants
- a wastewater system of adequate capacity for the secure and safe collection and storage of grey water and black water
- a sink which is supplied with potable water, installed with a waste trap and which drains to a grey water tank
- ventilation systems to ensure unpleasant or unhealthy odours do not accumulate in a camping vehicle
- mechanisms for the safe loading of water and off-loading of wastewater which avoid spillage, leakage or cross-contamination
- sufficient secure storage of occupants’ rubbish.

We also propose that Regulations include the following set of general technical requirements for self-contained vehicles:

Fittings

A fitting or item of equipment to be used in a camping vehicle’s self-containment system must be constructed in a way and of appropriate materials which make it clearly fit for the purpose and use intended of it.

Pipes, fittings and tanks

Pipes and fittings, such as taps and valves, which reticulate water in a camping vehicle must be made of non-toxic materials suitable for contact with potable water.

Tanks for the storage of wastewater as well as associated pipes, pipe fittings and valves should be made of non-corrodible material.

Standards of installation

Fittings and equipment in a camping vehicle's sanitary system shall be installed and secured according to good trade practice.

Tanks must be securely mounted and capped to avoid damage or leaks from volumes of water moving about when the camping vehicle is moving.

Water reticulation pipes shall be fitted so that they do not fail or leak at the system's design pressure.

Appliances, fixtures, fittings, tanks and pipes used in a wastewater system must be made of non-toxic, non-corrodible, stable materials and shall be securely fixed, fastened or glued.

Water drainage pipes must be of sufficient diameter, without leaks and laid at grades which allows for the convenient egress of wastewater from sinks, basins and showers into a grey water tank.

Interpretation

'Fit-for-purpose' means that an element of a vehicle's self-containment system has been designed for the purpose or function for which it is being used and has been installed or is used in a way which ensures that it remains functional at least for the certification period.

'Good trade practice' refers to a standard of work done in any installation of a self-containment system which is consistent with what would be expected from a qualified tradesperson.

TIER THREE: PERFORMANCE REQUIREMENTS

We propose a set of performance requirements for specific items in a self-contained vehicle

The third tier of our performance-based requirements is the qualitative or quantitative performance requirements all certified self-contained vehicles must meet.

We propose the Regulations include a set of performance requirements for specific items that are critical components of self-containment. These performance requirements are:

1. Water systems

- 1.1 Water intended for human consumption, food preparation, utensil washing, or oral hygiene must be potable.
- 1.2 A potable water supply system must be:
 - a. protected from contamination

- b. installed in a manner that avoids the likelihood of contamination within the system and the water main
 - c. installed using components that will not contaminate the water
 - d. be able to breathe.
- 1.2 There must be sufficient capacity for storing potable water to meet the needs of the expected number of occupants of the vehicle for a minimum period of three days.
- 1.3 Tanks storing potable water shall be made of appropriate material and/or stored in such a way as to avoid contamination by sunlight.
- 1.4 Water supply systems must be installed in a manner that:
- a. pipe water to sanitary fixtures and sanitary appliances at flow rates that are adequate for the correct functioning of those fixtures and appliances under normal conditions
 - b. avoids the likelihood of leakage
 - c. allows reasonable access to components likely to need maintenance.
- 1.5 Tanks must be adequately supported and secured to avoid creating any hazard while the motor vehicle is in motion.
- 2. Toilets**
- 2.1 Toilets shall be manufactured by a reputable manufacturer and be fit-for-purpose for the expected number of occupants of the vehicle and the certified containment period (i.e., the three-day minimum).
- 2.2 Toilets shall be permanently fixed to the camping vehicle with the seat rigidly mounted in position and not required to be removed for the emptying of human waste.
- 2.3 Toilets shall drain or flush directly into a suitably designed and fitted cassette or black water tank.
- 3. Wastewater systems**
- 3.1 A self-contained wastewater system must safely and reliably convey wastewater from sanitary fixtures and appliances to storage tanks or vessels and store this wastewater securely within the camping vehicle at least until it is emptied out.
- 3.2 Storage capacity shall be sufficient to store the wastewater produced by the expected number of occupants of the vehicle for a minimum period of three days.
- 3.3 Wastewater must be stored separately as grey water and black water.
- 3.4 Black water must either be stored in removable cassettes which fit the vehicle's fixed toilet or in a fixed tank(s). If the latter, it must have a quick acting valve.
- 3.5 Grey water must be stored in fixed tanks or in portable tanks which are connected to the vehicle.

3.6 Water drainage pipes should be of sufficient diameter, without leaks and laid at grades which allows for the convenient egress of wastewater from sinks, basins and showers into a grey water tank.

4. Ventilation systems

4.1 The motor vehicle must be adequately ventilated to ensure unpleasant or unhealthy odours are not able to escape directly to the inside of the motor vehicle.

4.2 Venting pipes should be of sufficient diameters and installed in a way that ensures unpleasant odours or foul air can easily escape to the outside of the motor vehicle.

4.3 Wastewater storage tanks shall be ventilated to the outside of the vehicle to ensure that foul air and noxious gases do not accumulate in them.

4.4 Vent outlets for wastewater storage tanks shall be fixed at a height which will safely avoid wastewater leaking out.

4.5 Pipes connecting sanitary appliances and fixtures to wastewater storage tanks must be fitted with water traps to limit the passage of foul air and noxious gases from these tanks into the inside of the camping vehicle.

5. Loading and off-loading mechanisms

5.1 Pipes and hoses for loading water into water storage tanks shall either be completely separate from the tank or be fitted with mechanisms that prevent potential contamination of community water supplies through backflows from the tanks.

5.2 Pipes and hoses for discharging wastewater from a camping vehicle shall be of sufficient length, diameter, strength and durability for wastewater to be discharged cleanly, conveniently and safely into dump stations or other appropriate discharge points.

5.3 Pipes and hoses for discharging wastewater shall be appropriately stored to minimise any health risks associated with the residual contaminants left in them after use.

6. Occupant rubbish storage

6.1 Every self-contained camping vehicle shall have a sealable container of sufficient capacity to store the rubbish generated by the expected number of occupants of the vehicle for a minimum period of three days.

SOME ALTERNATIVE PERFORMANCE-BASED TECHNICAL REQUIREMENTS WERE PROPOSED BY MEMBERS OF THE TECHNICAL ADVISORY GROUP

Members of the technical advisory group generally are supportive of performance-based technical requirements. However, some of the group's members have suggested alternatives to performance-based technical requirements outlined above. These options are:

Self-containment period – reduce the number of days a motor vehicle must be self-contained from three days (as is currently required in the Standard) to two days. This would better suit freedom campers who wish to camp for two nights over a weekend. It would also reduce the storage requirements and may allow for reduced water and waste storage tanks. It is understood that the average size of a cassette is 17–18L. Therefore, this alternative option would enable most vehicles with cassette toilets to

meet self-containment requirements with one cassette rather than having to carry a spare cassette.

However, reducing the period to two days could result in difficulties in discharging waste due to the distance between some dump stations.

Separate toilet compartments – in addition to the requirement that toilets be fixed, it was suggested that all toilets be located inside a separate toilet compartment on the basis that this would increase the likelihood the toilet would be used. This requirement for would be difficult for smaller camping vehicles due to limits on floor space.

Sufficient capacity for occupant solid waste storage (e.g., rubbish, food scraps etc.) – It was suggested that the technical requirements for solid waste storage be removed. This is on the basis that solid waste storage should not continue to be a critical facility, noting that there are many more waste bins that freedom campers can use for solid waste than there are dump stations. This change would mean that self-contained vehicles would not need to have a sealed rubbish bin on board.

Consideration of the alternative performance-based technical requirements proposed by members of the technical advisory group

We do not have sufficient information on the costs, benefits and potential impacts of each of these alternative options to be able to assess whether any should be considered for adoption. Your feedback on any of these is welcome.

For example:

- Are there other relevant pros and cons for reducing the minimum containment period from three days to two days?
- How much floor space would be required to install a separate toilet compartment?
- What would the installation cost be?
- How critical is a solid waste container in ensuring a motor vehicle is sufficiently self-contained?

Appendix Two – Proposed criteria for approval as a self-containment certification authority, the approval process, and competency requirements for vehicle inspectors

It is proposed that regulations state:

“In order to be approved as a certification authority, the PGDB will need to be satisfied that an applicant (other than a certifying plumber) has in place, and will comply with, a system that will ensure that the certification of vehicles as self-contained is done consistently well.”

1. How to apply for approval as a certification authority

- (a) An application for approval as a certification authority must be in the form prescribed by the PGDB, and be accompanied by the application fee under these regulations.
- (b) An application must include the following information:
 - i. Details of the applicant, including:
 - i. their full legal name
 - ii. trading name (if different from legal name)
 - iii. the NZ Business Number (NZBN) of the organisation (if any)
 - iv. the physical address of their principal place of business
 - v. their postal address (if different from physical address)
 - vi. their other contact details, including email address and phone number
 - vii. the address of their internet site.
 - ii. Details of the individual responsible for the application and who will be in management control of the certification operation, including:
 - i. their full name
 - ii. their title or role (in relation to the applicant)
 - iii. their contact details, including email address and phone number.
 - iii. Details of the proposed certification operation, including:
 - i. the proposed coverage of operations (national or regional)

- ii. the range of vehicles that certification will be offered for – whether this will be any vehicle, or a limited range. If the latter, what this range/mix of vehicles is likely to be
- iii. any other information required by the PGDB.

(c) This section does not apply to a person who is a certifying plumber – they are deemed to be a certification authority and a recognised vehicle inspector (as applicable) and do not have to meet the criteria set out in the following sections.

2. Approval Criteria

Applicants for approval as a certification authority must satisfy the PGDB that it meets the following criteria:

- (a) a process, with details on each step, for how a person is to be recognised as a vehicle inspector (VI)
- (b) means of ensuring that persons meet the competency requirements in section (3) of the regulations in order to become recognised VIs
- (c) means of ensuring that recognised VIs maintain the ongoing competency requirements
- (d) means of monitoring VI performance to ensure that VIs are consistently making correct certification decisions
- (e) means of providing assistance/advice to recognised VIs on the technical requirements and/or how to interpret these
- (f) means of providing updates to VIs on the technical requirements and/or how to interpret these
- (g) means of ensuring that VIs have regard to, or comply with (as applicable) any formal guidance issued by the PGDB under the Plumbers, Gasfitters, and Drainlayers Act 2006
- (h) if self-certifying, a means of ensuring that any conflicts of interest are well managed
- (i) if a third party is undertaking inspections on your behalf, a means of ensuring that such inspections are robust
- (j) means of managing customer complaints
- (k) appropriate IT facilities to enable:
 - i. inspection details to be entered into the national register of self-contained vehicles
 - ii. the review of inspection details prior to the issuing of a self-containment certificate
 - iii. the issuing of a self-containment certificate and warrant
- (l) means of collecting the self-containment levy and passing it on to the PGDB.

3. Competency Requirements for Recognised Vehicle Inspectors

In order to be recognised as a vehicle inspector by a certification authority, a person must demonstrate competency in:

- (a) knowledge and understanding of the self-containment technical requirements set out in these regulations
- (b) knowledge and understanding of how to correctly interpret the technical requirements set out in the regulations when inspecting a vehicle
- (c) ability to enter inspection details into the national register of self-contained vehicles
- (d) knowledge of how to seek assistance on the technical requirements and/or how to interpret these.

4. Ongoing competency requirements for Recognised Vehicle Inspectors

In order to continue to be a recognised vehicle inspector, a person must continue to demonstrate competency requirements set out in (3) above.

5. Evidence required to satisfy the PGDB that criteria have been met

The evidence required to satisfy the PGDB that the criteria in (2) and (3) have been met is set out in the following table:

Criteria	Required Evidence
(2)(a) A process for how a person is recognised as a vehicle inspector (VI)	Details of the recognition process from application through to recognition. Details of each step and what must be undertaken in order to move to the next step. Details of what happens at each step if a person does not meet the requirements to move to the next step.
(2)(b) - Means of ensuring that persons meet the competency requirements in section (3) of the regulations in order to become recognised VIs	Details of a training programme covering all of the requirements in (2)(a). Details of how the knowledge and understanding of the self-containment technical requirements will be assessed, including: <ul style="list-style-type: none">• the nature of the assessment (online, open book, in-person, oral interview)• the required pass mark• the number of times a person can be re-assessed before being declined as a VI.

	<p>Details of how the knowledge and understanding of how to correctly interpret the technical requirements when inspecting a vehicle will be assessed, including:</p> <ul style="list-style-type: none"> the required minimum number of inspections observed taking into account the information provided in (1)(c)(ii) on the mix of vehicles likely to be certified the process for identifying who is competent to undertake such assessments.
(2)(c) - Means of ensuring that recognised VIs maintain the ongoing competency requirements	Details of proposed training and upskilling plans, including any VI workshops or inspection days.
(2)(d) - Means of monitoring VI performance to ensure that VIs are consistently making correct certification decisions	<p>Details of the process whereby a technically competent person reviews each certificate prior to issuing.</p> <p>Proposed auditing plan of VI performance.</p>
(2)(e) - Means of providing assistance/advice to recognised VIs on the technical requirements and/or how to interpret these	Details of a centralised helpdesk or contact point for VI queries.
(2)(f) - Means of providing updates to VIs on the technical requirements and/or how to interpret these	Process for providing updates to VIs.
(2)(g) - Means of ensuring that VIs have regard to or comply with (as applicable) any formal guidance issued by the PGDB under the Bill	Process for checking VI adherence to formal guidance.
(2)(h) - If self-certifying, a means of ensuring that any conflicts of interest are well managed	<p>If installing and/or, manufacturing and certifying, the person certifying is a recognised VI.</p> <p>Details of what involvement (if any) the recognised VI has in the installation/manufacturing operation.</p>

	<p>Details of written procedures for transparently and appropriately managing conflicts of interest.</p> <p>Process whereby a technically competent person reviews each certificate prior to issuing.</p> <p>Details of internal auditing arrangements.</p>
(2)(i) - If a third party is undertaking inspections on your behalf, a means of ensuring that such inspections are robust	<p>Copies of MOUs and other written agreements with the 3rd party inspection provider.</p> <p>Details of any auditing arrangements.</p>
(2)(j) - Means of managing customer complaints	<p>Process for receiving and handling disputes and complaints in an appropriate manner.</p>
<p>(2)(k) - Appropriate IT facilities to enable:</p> <ul style="list-style-type: none"> • inspection details to be entered into the national register of self-contained vehicles • the review of inspection details prior to the issuing of a self-containment certificate • the issuing of a self-containment certificate and warrant. 	<p>Details of IT facilities that are, or will be, in place.</p>
(2)(l) - Means of collecting the self-containment levy and passing it on to the PGDB.	<p>Details of the process to be used to collect and pass on the levy.</p>

6. Approval as a certification authority

If the PGDB is satisfied that an applicant has met the criteria in (2) or (7) as applicable, then the PGDB will grant approval and notify the applicant that it is an approved certification authority for four years.

7. Renewal of approval as a certification authority

An application for the renewal of an approval must:

- (a) not be made earlier than 3 months before the approval's date of expiry; and
- (b) be in the form prescribed by the PGDB, and be accompanied by the renewal application fee under these regulations; and

(c) include the following information:

- i. an update on any of the information required by section 1 of these regulations (if applicable)
- ii. a declaration that the certification authority continues to comply with the criteria for approval in these regulations.

Appendix Three – Costing details for preferred levy option

GENERAL

A five-year horizon has been taken. This reflects a two-year implementation period and a further three years of business as usual before a full fees review.

Inflation has been factored in, with a 5 percent annualised wage inflation rate, and a five-year midpoint inflation figure of 12.5 percent.

ESTIMATED DIRECT COST CALCULATIONS

- Every existing role at the PGDB has been assessed as to what percentage (if any) of their time and therefore salary would likely be applied to the new function – this varied from 0 percent to 35 percent and totalled 3 FTE equivalents. These roles included communications, investigations, legal advice, complaints, human resources technical advice, finance etc. All up, these totalled \$388,130.
- The number of new roles that would need to be dedicated solely to oversight of self-containment certification was assessed at two – a manager and a senior auditor. Total estimated salary costs for these roles were \$225,000 per annum.
- Direct costs totalling \$340,500 were calculated for:
 - i. travel and accommodation, and contract resources for auditing
 - ii. a targeted awareness campaign for vehicle owners outlining their obligations under the new certification system
 - iii. IT support for the new register of self-contained vehicles
 - iv. establishing and running an industry technical advisory group.
- Depreciation for the proposed new national register of self-contained vehicles was calculated on a four-year straight-line period. This is a shorter period than the PGDB’s current register, which is being depreciated over a seven-year period. This is because the register of self-contained vehicles will be a completely new register and is likely to require changes through its life span. Based on an estimated register value of \$1.9 million, the depreciation cost will be \$475,000 per annum over the four-year period.

OVERHEAD ALLOCATION (INDIRECT COSTS)

- 21.7 percent of overheads have been applied to self-containment certification oversight based on the percentage of staff roles that will be applied to self-contained vehicle certification activities. These included IT-related support and maintenance, communications and marketing, audit, bank fees, printing and stationery, office rent, staff training, phones, internet and PGDB honoraria. These totalled \$469,371.

Overall

Direct costs \$1,428,630

Indirect costs	\$469,371	
Total to be recovered per annum from the levy		\$1,898,001

ASSUMPTIONS ON NUMBER OF CERTIFICATIONS PER YEAR

We estimate that there are approximately 73,000 self-contained vehicles, of which 68,000 are in private ownership and 5,000 in the rental fleet. An unknown number of these will have portable toilets. Owners of vehicles with portable toilets will need to decide whether to install a fixed toilet or restrict their freedom camping to Department of Conservation sites, and areas designated by local authorities as suitable for non-self-contained vehicles, or stop freedom camping altogether. In addition, an unknown number of vehicles undergo major modifications and as such require re-certification.

Given the level of uncertainty, we have gone with an estimate of 73,000 vehicles for the purposes of calculating the proposed levy amount. Given that certification lasts four years, this means that 18,250 vehicles can be expected to be certified per annum. A memorandum account will be established to smooth out any peaks and troughs in certification volumes over the implementation period. Following the initial four years, the fee level will be reviewed to ensure that it is set at an appropriate level.



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