



BRIEFING

Freedom Camping Regulations: Result of Departmental Consultation

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|---------------------------------|----------------|-------------------------|-----------|
| Date: | 17 August 2022 | Priority: | High |
| Security classification: | In Confidence | Tracking number: | 2223-0519 |

| Action sought | | |
|---|--|----------------|
| | Action sought | Deadline |
| Hon Stuart Nash Minister of Tourism | <p>Note changes to the draft freedom camping discussion document and draft Cabinet paper made as a result of departmental consultation.</p> <p>Agree, subject to your review of these changes, to lodge these papers with the Cabinet Office to be considered at the Cabinet Economic Development Committee on 24 August 2022.</p> | 17 August 2022 |

| Contact for telephone discussion (if required) | | | | |
|--|---|----------------------------|----------------------------|-------------|
| Name | Position | Telephone | | 1st contact |
| Dale Elvy | Manager, Tourism Operations and Partnerships | Privacy of natural persons | Privacy of natural persons | ✓ |
| Dave Fraser | Senior Advisor, Tourism Operations and Partnerships | Privacy of natural persons | | |

| The following departments/agencies have been consulted |
|--|
| MBIE Building Policy, Department of Conservation, Department of Internal Affairs, Department of Prime Minister and Cabinet, Kāinga Ora, Ministry of Transport, New Zealand Transport Agency Waka Kotahi, Land Information New Zealand Toitū te Whenua, Ministry of Health, Ministry of Housing and Urban Development, Ministry of Justice, Ministry of Social Development, Plumbers, Gasfitters and Drainlayers Board, Te Puni Kōkiri, and Treasury. |

Minister's office to complete:

Approved

Declined

Noted

Needs change

Seen

Overtaken by Events

See Minister's Notes

Withdrawn

Comments



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Purpose

This briefing provides you with the outcome of departmental consultation on the draft Freedom Camping Regulations Discussion Document (the draft discussion document) and associated draft Cabinet paper.

It also recommends that, subject to any final feedback from you, your office lodge these papers with the Cabinet Office to be considered at the Cabinet Economic Development Committee (DEV) on 24 August 2022.

Recommended action

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

- a **Note** that departmental consultation on the draft discussion document and Cabinet paper has closed and that all those who provided comment were supportive, with only minor suggestions.

Noted
- b **Note** that changes have been made to the draft discussion document and Cabinet paper to reflect agency feedback, and minor and technical drafting.

Noted
- c **Agree** that, subject to any final feedback, the Cabinet paper and discussion document be lodged for consideration by the Cabinet Economic Development Committee on 24 August 2022.

Agree / Disagree
- d **Note** that the discussion document will be released after it is considered by Cabinet and the Bill is referred to select committee.

Noted
- e **Note** MBIE will work with your office on communication material to support its release.

Noted



Dale Elvy
Manager, Tourism Operations and Partnerships
Labour, Science and Innovation, MBIE

15 / 08 / 2022

Hon Stuart Nash
Minister of Tourism

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Background

1. On 1 November 2021, Cabinet agreed to implement improvements to the management of vehicle-based freedom camping by introducing a Bill (the Self-Contained Motor Vehicles Legislation Bill) to change the Freedom Camping Act (CAB-21-MIN-0442 refers).
2. Regulations are required to fully implement these changes. Public consultation on a set of options for regulations is required under the Bill¹, and will help to ensure that the regulatory settings are fit for purpose.
3. On 27 July 2022 we briefed you on a draft discussion document and associated draft Cabinet paper, and commenced agency consultation (Briefing 2122-4548 refers).
4. The discussion document will consult the public on options (including preferred options) for the following matters:
 - a. technical requirements for self-containment certifications
 - b. criteria for an organisation to be approved as a certification authority
 - c. competency requirements for vehicle inspectors
 - d. application process for certification authority approval
 - e. format of the self-containment documentation
 - f. infringement fees
 - g. exemptions
 - h. fees and levies.
5. We expect the Cabinet paper and discussion document to be considered DEV on 24 August 2022. The public consultation is scheduled to occur for four weeks once the Bill has been referred to a select committee.

Update on departmental consultation

6. We consulted with 14 departments and the Plumbers, Gasfitters and Drainlayers Board. All those who provided comment were broadly supportive of the proposals in the discussion document and the content of the Cabinet paper.
7. Regulatory exemptions were raised by the Responsible Camping Working Group at the meeting of 11 August 2022. Feedback from the group was that an exemptions regime would undermine the reforms and would be difficult to enforce. We noted that as part of regulatory best practice the Regulatory Discussion Document will canvas a wide range of options (but having exemptions at this time is not MBIE's preferred option).
8. **Annex One** has a table of the key feedback we received during department consultation and how this feedback has been reflected in the discussion document and Cabinet paper. As noted above, this feedback is minor.
9. **Annex Two** contains the current draft discussion document, which has been updated in response to agency feedback. We have also made minor technical edits.

¹ Clause 172C, Self-Contained Motor Vehicles Legislation Bill.

10. **Annex Three** contains an updated version of the draft Cabinet paper, which tracks in our response to agency feedback. We have also made minor technical edits.

Next steps

11. Subsequent to your final feedback, the draft discussion document and Cabinet paper are ready to be lodged with the Cabinet Office.
12. The intention is for your office to lodge the draft discussion document and Cabinet paper for consideration by DEV on 24 August 2022.
13. You will receive a suite of documents to support you at DEV. This will contain talking points and back pocket Questions and Answers.
14. Public consultation on the discussion document will commence after it is agreed to by Cabinet and when the Bill is referred to select committee. Although this is dependent on the Government's House priorities, we expect consultation would begin in early September 2022. MBIE Tourism will work with your office to provide communications information to support the release of the discussion document.

Annexes

Annex One: Key feedback received during departmental consultation

Annex Two: Draft discussion document

Annex Three: Draft Cabinet paper

Annex One: Key feedback received during departmental consultation

| Department | Context | Feedback received | Treatment |
|--------------------------------|--|--|---|
| MBIE Building Policy | Chapter Five provides options for exemptions from regulatory requirements. MBIE's preferred option is for no regulatory exemptions. We also provide options for smaller camping vehicles (Option 2) and for exclusions for vintage vehicles (Option 3). | Suggested defining "vintage vehicle" in the Cabinet paper (Option 3, page 10) and the discussion document Chapter 5, page 38) as one that is at least 40 years old. | We agree that a definition is desirable. We worked with MBIE Building Policy and Ministry of Transport, on the definition, and have selected one that aligns with the definition of "vintage vehicle" in Land Transport Regulations. We have updated the Cabinet paper and the discussion document to reflect that a "vintage vehicle" is one that is at least 40 years old on the date it was registered, reregistered or licensed. |
| Ministry of Social Development | MBIE is required to note the population impacts of policy proposals in the Cabinet paper. Currently, enforcement officers are advised to use their discretion to avoid penalising people (e.g. by issuing infringement notices) experiencing homelessness. | Suggested enhancing the "Population impacts" section of the Cabinet paper, to more clearly capture the impact on people experiencing homelessness and the policy intent around the interaction between enforcement and homeliness. | We have redrafted the population impacts section of the Cabinet paper (page 13) and added a section into the discussion document (Chapter Four, page 32) discussing the policy intent around enforcement officers using their discretion not to issue infringement notices to people experiencing homelessness. |
| Ministry of Justice (MOJ) | Chapter Four of the discussion document provides options for setting infringement fee tiers. We had noted that the options were informed by the likelihood of detection (i.e. that offences that were | MOJ noted that raising penalty levels will not have a positive impact on recouping enforcement costs, when the non-payment of fines is also an issue, and that the enforceability of an offence should | We have removed references to "low likelihood of being detected" from the considerations of penalty levels on page 33 (this is relevant for Options 1 and 2). We agree that only raising penalty levels |

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| | <p>difficult to detect would have a higher fee).</p> <p>We also originally scored options against the degree to which they would recover council's enforcement costs.</p> | <p>not be a consideration when setting penalty levels.</p> | <p>will not necessarily make enforcement more effective. We have also removed references to making enforcement more effective from Chapter Four.</p> |
| <p>Ministry of Health</p> | <p>The freedom camping changes brought about in the Bill are first and foremost about responding to environmental and community concerns rather than public health concerns.</p> <p>To that end Cabinet previously decided to establish a "light touch" regulatory system, which is proportionate to the level of harm to the environment.</p> | <p>Ministry of Health queried whether the term a "light touch" regulatory system was appropriate and asked for health impacts to be included throughout the discussion document.</p> | <p>We reiterated Cabinet's previous decision to establish a "light touch" regulatory system. And noted that the freedom camping changes are first and foremost about responding to environmental and community concerns rather than public health concerns.</p> <p>We are not proposing to include health impacts throughout the discussion document, but we are incorporating some of the health benefits associated with the new regulatory regime.</p> |