



COVERSHEET

Minister	Hon Peeni Henare	Portfolio	Tourism
Title of Cabinet paper	Freedom Camping regulatory policy proposals	Date to be published	28 August 2023

List of documents that have been proactively released		
Date	Title	Author
November 2022	<i>Freedom Camping regulatory policy proposals</i>	<i>Office of Minister of Tourism</i>
16 November 2022	<i>Freedom Camping: Regulatory Policy Proposals</i> <i>DEV-22-MIN-0265 Minute</i>	<i>Cabinet Office</i>

Information redacted

NO

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Cabinet Economic Development Committee

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Freedom Camping: Regulatory Policy Proposals

Portfolio Tourism

On 16 November 2022, the Cabinet Economic Development Committee (DEV):

Background

- 1 **noted** that the Self-Contained Motor Vehicles Legislation Bill (the Bill) has a category 2 priority on the 2022 Legislation Programme (must be passed in 2022);
- 2 **noted** that the Bill contains regulation-making provisions, which are required to provide the detailed rules that will underpin the self-contained vehicle system;
- 3 **noted** that:
 - 3.1 on 24 August 2022, DEV agreed to the release of a discussion document on the proposed freedom camping regulations [DEV-22-MIN-0195];
 - 3.2 consultation on the government's proposals has concluded, with 125 submissions received;

Technical requirements for self-contained vehicles

- 4 **agreed** to a performance-based standards approach to setting technical requirements for self-contained vehicles;
- 5 **agreed** that the following three tiers of technical requirements be set out in regulations:
 - 5.1 Tier One: an objective that all certified self-contained vehicles must protect the natural environment from contamination and pollution from wastewater and solid waste, by prescribing the minimum facilities needed to contain the waste that vehicle occupants produce and to provide the fresh water they require;
 - 5.2 Tiers Two and Three: the functional and performance requirements that all self-contained vehicles must meet, and provide the following facilities for a minimum of three days:
 - 5.2.1 water supply systems that store and convey potable water securely and hygienically;
 - 5.2.2 fixed toilets that collect human waste securely and hygienically;

- 5.2.3 wastewater systems that collect and store grey and black water securely and hygienically;
- 5.2.4 sinks that are installed safely and drain to greywater tanks;
- 5.2.5 ventilation systems that remove odours from vehicles;
- 5.2.6 mechanisms for loading of water and off-loading of wastewater securely and hygienically;
- 5.2.7 secure rubbish storage;

6 **agreed** that the regulations contain a set of general technical requirements for all fittings, pipes, tanks and other equipment used in a vehicle's self-containment system, ensuring they are fit for purpose and constructed from appropriate materials, and are installed and secured according to good trade practice;

Approving persons as Certification Authorities

7 **agreed** that, in making an application to the Plumbers, Gasfitters and Drainlayers Board (the Board), a prospective certification authority must provide their name and contact details, New Zealand Business Number (if any), and details of their proposed certification operation, including the proposed coverage of operations and the range of vehicles that certifications will be offered for;

8 **agreed** that, in order to be an approved certification authority, applicants must satisfy the Board that they have in place:

- 8.1 appropriate processes for recognising vehicle inspectors, ensuring that vehicle inspectors meet competency requirements and have regard to any formal guidance issued by the regulator, and for providing advice and assistance to vehicle inspectors;
- 8.2 appropriate processes for monitoring vehicle inspector performance, recording inspection details, and issuing self-containment certificates and warrant cards;
- 8.3 appropriate record-keeping processes and IT systems that would enable inspection details to be entered into the national register of self-contained vehicles, the review of inspection details by the certification authority prior to issuing a certificate, and the issuing of a self-containment certificate and warrant;
- 8.4 an internal auditing system to ensure consistent, high-quality certification decisions;
- 8.5 if certifying their own vehicles, a means of managing conflicts of interest;
- 8.6 a means of ensuring that any third-party vehicle inspections are robust;
- 8.7 a means of managing customer complaints;

9 **noted** that where the Board is satisfied an applicant meets the criteria, it will appoint them as a certification authority for a period of five years;

10 **noted** that the Board may prescribe any forms for appointment or reappointment under its notice-making powers under the Plumbers, Gasfitters and Drainlayers Act 2006;

Competency requirements for vehicle inspectors

- 11 **agreed** that in order to be recognised as a vehicle inspector by a certification authority, a person must demonstrate competency in the following matters:
- 11.1 knowledge and understanding of the self-containment technical requirements;
 - 11.2 knowledge and understanding of how to correctly interpret the technical requirements when inspecting a vehicle;
 - 11.3 ability to enter inspection details into the national register of self-contained vehicles if required to do so by the certification authority;
 - 11.4 knowledge of how to seek assistance on the technical requirements and/or how to interpret the requirements;

Deeming certifying plumbers as certification authorities and issuing authorities

- 12 **agreed** that certifying plumbers be deemed under regulations to be certification authorities and vehicle inspectors during the Bill's transition period;

Self-containment documentation

- 13 **agreed** that the self-containment warrant be green in colour and contain the critical information needed to identify who owns the vehicle, the certification authority who certified the vehicle, and its self-containment status;
- 14 **agreed** that the warrant be required to be displayed on the inside left of the front window or windshield, with the warrant details facing out;
- 15 **agreed** that the self-containment certificate list the details about the vehicle's ownership, its self-containment warrant, details to identify the vehicle, and the technical details of the vehicle's self-containment facilities;

Infringement fees and fines

- 16 **noted** that on 27 October 2021, DEV agreed to the introduction of a tiered system for freedom camping infringement fees, with tiers of \$200, \$400, \$600, \$800 and \$1,000 [DEV-21-MIN-0219];
- 17 **noted** that DEV also noted that the relevant tiers for offences will be determined as part of developing regulations [DEV-21-MIN-0219];
- 18 **agreed** to the following infringement tiers:
- 18.1 \$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);
 - 18.2 \$600 – where there is deceptive behaviour or where a person disobeys a request from an enforcement officer (for example, where a person displays an altered or fraudulent warrant of self-containment, or presents one to an enforcement officer);
 - 18.3 \$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);

- 18.4 \$200 – administrative breaches (for example, where a person who owns a self-contained vehicle fails to display the self-containment warrant);
- 19 **agreed** that regulations provide for a maximum fine that is three times the level of the proposed fee, as provided for in the Bill;
- 20 **agreed** to the level of infringement fees and fines set out for infringement offences, as outlined in Appendix Two to the paper under DEV-22-SUB-0265;
- 21 **agreed** to add an infringement offence to the Bill for failing to display a self-containment warrant card;
- 22 **agreed** that the following penalties for the offence referred to in paragraph 21 above be prescribed in regulations:
- 22.1 infringement fee – \$200;
- 22.2 maximum fine – \$600;
- 23 **agreed in principle**, subject to the legislative process, to infringement fees and fines regulations coming into force as soon as practicable after the Bill receives the Royal assent;

Self-Containment Monitoring Levy

- 24 **noted** that the Bill contains a regulation-making power to prescribe a levy on owners of self-contained vehicles;
- 25 **noted** that the levy amount should be set at a rate that would recover costs to the Board of the following regulatory activities:
- 25.1 maintenance of the self-contained motor vehicles register;
- 25.2 auditing and monitoring the performance of certification authorities, and conducting investigations where required;
- 25.3 formulating and issuing guidance to the sector about compliance with self-containment related requirements (for example, guidance to vehicle inspectors about how to interpret the self-containment technical requirements);
- 25.4 educating stakeholders, including the owners of self-contained vehicles, about the new self-containment regulatory system;
- 26 **agreed** that the levy be set at \$120, including GST;
- 27 **agreed** that the levy be collected by certification authorities prior to the vehicle owner receiving the self-containment certificate for their vehicle;
- 28 **agreed** that certification authorities provide the levy collected from vehicle owners to the Board;
- 29 **noted** that the Minister of Tourism will seek to establish a memorandum account;

Certification Authority Application fee

- 30 **noted** that the Bill contains a regulation-making power to require payments of fees and charges on an application to the Board on an application to be appointed as a self-containment certification authority;

- 31 **noted** that the Bill contains a regulation-making power to prescribe the amount of fees and charges;
- 32 **agreed** that the application fee be set at \$375, plus GST (\$431.25 total);
- 33 **agreed** that the fee be payable each time an applicant applies or reapplies to be a certification authority;

Waivers and refunds

- 34 **agreed** that the Board be able to issue refunds and waivers of the application fee or the self-containment monitoring levy in the following circumstances:
- 34.1 in the case of an administrative error on the part of the Board or a certification authority;
- 34.2 if the Board considers, in any particular case, that it would be unreasonable or unfair to require payment of the whole of the levy or fee;

Review of self-containment charges

- 35 **noted** that there is uncertainty as to how many of the estimated 73,000 self-contained vehicles will transition to the new self-contained vehicles regulatory system;
- 36 **noted** that the self-containment monitoring levy and certification authority application fee should be reviewed after a period of five years from the regulations coming into force, to ensure the levy and fee are fit for purpose;

Legislative implications

- 37 **noted** that the policy decisions outlined above will be given effect by regulations to be made under the Freedom Camping Act 2011 and the Plumbers, Gasfitters and Drainlayers Bill, following the enactment of the Self-Contained Motor Vehicles Legislation Bill;
- 38 **invited** the Minister of Tourism to issue drafting instructions to the Parliamentary Counsel Office to give effect to the above paragraphs;
- 39 **authorised** the Minister of Tourism to release an exposure draft of some or all of the draft regulations prior to bringing final regulations to the Cabinet Legislation Committee for approval;
- 40 **authorised** the Minister of Tourism to make decisions, consistent with the policy decisions in the paper under DEV-22-SUB-0265, on any issues that arise during the drafting process.

Janine Harvey
Committee Secretary

Present: (see over)

Present:

Hon Grant Robertson (Chair)
Hon Dr Megan Woods
Hon Carmel Sepuloni
Hon David Parker
Hon Nanaia Mahuta
Hon Stuart Nash
Hon Michael Wood
Hon Kiri Allan
Hon Dr David Clark
Hon Dr Ayesha Verrall
Hon Priyanca Radhakrishnan
Hon Phil Twyford
Rino Tirikatene, MP
Dr Deborah Russell, MP

Officials present from:

Office of the Prime Minister
Officials Committee for DEV