



## COVERSHEET

<b>Minister</b>	Hon Peeni Henare	<b>Portfolio</b>	Tourism
<b>Title of Cabinet paper</b>	Plumbers, Gasfitters and Drainlayers (Self-Contained Vehicles) Regulations 2023	<b>Date to be published</b>	14 September 2023

<b>List of documents that have been proactively released</b>		
<b>Date</b>	<b>Title</b>	<b>Author</b>
August 2023	<i>Plumbers, Gasfitters and Drainlayers (Self-Contained Vehicles) Regulations 2023</i>	Office of the Minister of Tourism
24 August 2023	<i>Plumbers, Gasfitters and Drainlayers (Self-Contained Vehicles) Regulations 2023</i> LEG-23-MIN-0160 Minute	Cabinet Office

### **Information redacted**

**NO**

Any information redacted in this document is redacted in accordance with MBIE's policy on Proactive Release and is labelled with the reason for redaction. This may include information that would be redacted if this information was requested under Official Information Act 1982. Where this is the case, the reasons for withholding information are listed below. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.

Office of the Minister of Tourism  
Chair, Cabinet Legislation Committee

## **Plumbers, Gasfitters and Drainlayers (Self-Contained Vehicles) Regulations 2023**

### **Proposal**

- 1 This paper seeks authorisation for submission to the Executive Council of the Plumbers, Gasfitters and Drainlayers (Self-Contained Vehicles) Regulations 2023.

### **Policy**

#### **Self-containment regulations**

- 2 The Plumbers, Gasfitters and Drainlayers Act 2006 (the Act) was amended in June 2023 to establish the following new regulatory function for the Plumbers, Gasfitters and Drainlayers Board (the Board): oversight of the self-contained vehicle certification system. These amendments formed part of the Government’s freedom camping legislation reforms, which aim to reduce the negative environmental and social impacts of freedom camping. The Act as amended requires the Government to make Regulations that establish some of the detail of the self-contained vehicle certification system.
- 3 These Regulations are intended to make the self-contained vehicle certification system more trustworthy, so the public can have more confidence in it, and reduce the environmental impacts of vehicle-based freedom camping. In particular, these Regulations would aim to meet one or more of the following outcomes:
  - 3.1 Environmental protection – vehicles should meet minimum technical requirements in order to be certified self-contained. Harm to the natural environment that is associated with inappropriate disposal of waste, and camping in unsuitable vehicles or areas, is reduced.
  - 3.2 Public trust and confidence – the self-contained vehicle system is trustworthy and issues with the social licence to freedom camp are mitigated.
  - 3.3 Light touch approach – the regulatory system is light-handed, in line with the level of potential harm caused by incorrectly certified “self-contained” vehicles, while still enabling the Board to provide robust national oversight.
- 4 Between September and October 2022, the Ministry of Business, Innovation and Employment (MBIE) consulted on a series of options for freedom camping Regulations. In November 2022, Cabinet agreed to the policy decisions that this paper gives effect to [DEV-22-MIN-0265]. These decisions, at a high level, cover:
  - 4.1 the performance standards approach to technical requirements that a vehicle’s self-containment facilities must meet in order to be certified as self-contained.

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These technical requirements aim to protect the natural environment from contamination and pollution from self-contained vehicles;

- 4.2 criteria for the appointment of certification authorities by the Board, and the details an applicant must provide. This will assure the public that the certification system is robust and fit for purpose;
  - 4.3 the requirements that vehicle inspectors must be able to competently demonstrate that they can meet in order to inspect self-contained vehicles. This will assure the public that those who are inspecting vehicles are competent;
  - 4.4 the form of the self-containment certificate and warrant. These documents will provide proof that a vehicle has been certified as self-contained;
  - 4.5 a self-containment oversight levy of \$120 (GST inclusive) payable by owners of certified self-contained vehicles. The levy will recover the costs incurred by the Board in exercising its functions, duties and power that relate to the regulation of self-contained vehicles; and
  - 4.6 a fee of \$375 (plus GST) to cover the Board's assessment of a person's application to become a certification authority. This fee covers the Board's cost of assessing an application.
- 5 In late June 2023 MBIE undertook a short, targeted consultation with stakeholders on a set of draft technical requirements, which form Part 2 of these Regulations. During July 2023, MBIE also consulted the Board on the entire suite of draft Regulations. This consultation has helped to ensure these Regulations are fit for purpose.
- 6 The items listed in paragraphs 3.1 – 3.4 are made under section 172(1A) of the Act. Before making these Regulations, I am required to be satisfied they will facilitate the management of the adverse effects of freedom camping on the natural environment<sup>1</sup>.
- 7 I hereby announce that I am satisfied. These Regulations will help establish a Regulatory regime that will give the public confidence that freedom camping is being done responsibly in suitable vehicles that contain waste generated by freedom camping.

### Timing and 28-day rule

- 8 I propose that the Regulations be submitted to the Executive Council on 28 August 2023 and be published in the *New Zealand Gazette* on 31 August 2023.
- 9 In compliance with the 28-day rule the Regulations will come into force on 6 December 2023.

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<sup>1</sup> The Ministerial satisfaction test does not apply to Part 4 of these Regulations, as set out in new s172C(2) of the PGD Act, which will be inserted into that Act by s53 of the Self-contained Motor Vehicles Legislation Act 2023.

## **Compliance**

- 10 These Regulations comply with:
- 10.1 the principles of the Treaty of Waitangi;
  - 10.2 the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 or the Human Rights Act 1993;
  - 10.3 the principles and guidelines set out in the Privacy Act 2020; and
  - 10.4 the Legislation Guidelines (2021 edition), which are maintained by the Legislation Design and Advisory Committee.
- 11 Section 172C of the Act provides that the Minister may only recommend Regulations be made if he or she has undertaken consultation with affected persons and is satisfied that the Regulations facilitate the management of the adverse effects of freedom camping on the natural environment. MBIE conducted consultation on regulatory options between September and October 2022. This pre-commencement consultation has been treated as consultation for the purpose of section 172C<sup>2</sup>.

## **Human rights implications**

- 12 MBIE has considered whether provisions in Part 1 of the Regulations that require an applicant to provide information to the Board constitute an unjustified limitation on the right to freedom of expression, as set out in section 14 of the Bill of Rights Act. MBIE notes that the provisions apply only to those persons who actively choose to apply to become a certification authority. In order for the Board to be satisfied that an applicant meets criteria to be appointed as a certification authority, it needs information about the applicant. This may include a business name and contact details of the business and key person, and an overview of their intended scope of operations. This information will be used by the Board to contact the applicant to discuss the application and when issuing its approval to the prospective certification authority.
- 13 We further note that the Board cannot exercise powers to require any additional information outside of the context in which the powers have been delegated via the Self-contained Vehicles Legislation Act 2023. Information collected by the Board will be held by the Board in accordance with statutory obligations and safeguards, including those in the Privacy Act 2020 and the Official Information Act 1982.

## **Regulations Review Committee**

- 14 Officials consider that there are no grounds for the Regulations Review Committee to draw the Regulations to the attention of the House under Standing Order 327.

## **Certification by Parliamentary Counsel**

- 15 Parliamentary Counsel has certified the draft regulations as being in order for submission to Cabinet.

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<sup>2</sup> Clause 2, Schedule 1AA, Plumbers, Gasfitters, and Drainlayers Act 2006.

### **Impact Analysis**

- 16 A Regulatory Impact Assessment (RIS) was prepared by MBIE in accordance with the necessary requirements and was submitted at the time Cabinet approved policies alongside the paper “Freedom Camping regulatory policy proposals” [DEV-22-MIN-0265]. MBIE’s review panel considered the analysis partially meets the quality assurance criteria. This was due to the insufficient description of the likely impacts on the effectiveness of the regime of the regulatory changes in section 2 of the RIS, and that the RIS would benefit from clearer discussion of the interdependencies between the regulatory options.

### **Publicity**

- 17 I intend to work with MBIE to publicly announce the new Regulations. I note that Regulations have been well sign-posted with the sector.

### **Proactive release**

- 18 The paper will be proactively released, subject to any redactions consistent with the Official Information Act 1982.

### **Consultation**

- 19 MBIE undertook public consultation on the policy options between September and October 2022. In June 2023, MBIE undertook a small, targeted consultation with external stakeholders on Part 2 of these Regulations. MBIE has also consulted with the Plumbers, Gasfitters and Drainlayers Board on earlier drafts of the Regulations.
- 20 The following agencies were consulted on the Cabinet paper and draft Regulations: Department of Internal Affairs, Ministry of Transport, Ministry of Justice, Waka Kotahi, The Treasury, Land Information New Zealand, Department of Conservation, Te Puni Kōkiri, Whaikaha Ministry of Disabled People, Ministry of Health, Ministry of Social Development and Ministry of Housing and Urban Development.

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### Recommendations

I recommend that the Cabinet Legislation Committee:

- 1 note that on 16 November 2022 the Cabinet Economic Development Committee agreed to a series of regulatory policy proposals for freedom camping legislation, including proposals to establish some of the detail required to establish the self-contained vehicle certification regulatory system [DEV-22-MIN-0265];
- 2 note that the Plumbers, Gasfitters and Drainlayers (Self-Contained Vehicles) Regulations 2023 will give effect to the decision referred to in paragraph 1 above;
- 3 authorise the submission to the Executive Council of the Plumbers, Gasfitters, and Drainlayers (Self-Contained Vehicles) Regulations 2023;
- 4 note that the Plumbers, Gasfitters, and Drainlayers (Self-Contained Vehicles) Regulations 2023 come into force on 6 December 2023;
- 5 note that section 172C(1) of the Plumbers, Gasfitters and Drainlayers Act 2006 requires that the responsible Minister consult with people the Minister considers are likely to be significantly affected by the regulations or their representatives and be satisfied that the regulations facilitate the management of adverse effects of freedom camping on the natural environment before recommending the making of regulations under section 172(1A);
- 6 note that section 172C(2) of the Plumbers, Gasfitters and Drainlayers Act 2006 requires the responsible Minister to consult with people the Minister considers are likely to be significantly affected by the regulations or their representatives before recommending regulations be made under section 172A(1) or 172B(2);
- 7 note that clause 2 of Schedule 3 of the Self-contained Motor Vehicles Legislation Act 2023 provides that consultation carried out by the Minister before the commencement date about proposed regulations to be made under section 172(1A), 172A(1) or 172(B) is treated as consultation for the purpose of section 172C(1)(a) and (2); and
- 8 note the advice of the Minister of Tourism that the requirement under 172C(b) to be satisfied that regulations facilitate the management of the adverse effects of freedom camping on the natural environment has been met.

Authorised for lodgement

Hon Peeni Henare

Minister of Tourism

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