



COVERSHEET

Minister	Hon Matt Doocey	Portfolio	Tourism and Hospitality
Title of Cabinet paper	Plumbers, Gasfitters, and Drainlayers (Self-Contained Vehicles) Amendment Regulations 2024	Date to be published	4 September 2024

List of documents that have been proactively released

Date	Title	Author
July 2024	Plumbers, Gasfitters, and Drainlayers (Self-Contained Vehicles) Amendment Regulations 2024	<i>Office of Minister of Tourism and Hospitality</i>
25 July 2024	Plumbers, Gasfitters, and Drainlayers (Self-Contained Vehicles) Amendment Regulations 2024 <i>LEG-24-MIN-0139 Minute</i>	<i>Cabinet Office</i>

Information redacted

YES / NO (please select)

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 for Tourism and Hospitality
Chair, Cabinet Legislation Committee

PLUMBERS, GASFITTERS, AND DRAINLAYERS (SELF-CONTAINED VEHICLES) AMENDMENT REGULATIONS 2024

Proposal

- 1 This paper seeks authorisation for submission to the Executive Council of the Plumbers, Gasfitters, and Drainlayers (Self-Contained Vehicles) Amendment Regulations 2024 (**the Regulations**).

Executive Summary

- 2 On 29 May 2024, the Cabinet Economic Policy Committee agreed to amend the Plumbers, Gasfitters, and Drainlayers (Self-Contained Vehicles) Regulations 2023 [ECO-24-MIN-0090]. The amendments proposed are as follows.
 - 2.1 Only permanently fixed wastewater storage tanks are required to be directly ventilated to the exterior of the motor vehicle.
 - 2.2 Allow self-containment certification authorities to refund levy payments to individuals whose vehicles fail their inspection.
- 3 The Regulations make these amendments.

Policy

- 4 The Self-contained Motor Vehicles Legislation Act 2023 (**the Act**) and the Plumbers, Gasfitters, and Drainlayers (Self-Contained Vehicles) Regulations 2023 seek to improve the management of vehicle-based freedom camping. It creates a robust regulatory system that central and local government can rely on to reduce the negative effects of freedom camping on communities and the environment.
- 5 The Act amended the Freedom Camping Act 2011 and the Plumbers, Gasfitters, and Drainlayers Act 2006 (as well as minor amendments to the Privacy Act 2020 and the Summary Proceedings Act 1957).
- 6 The Act came into force on 6 June 2023 with gradual implementation over a 24-month period.
- 7 The Regulations amend the Plumbers, Gasfitters, and Drainlayers (Self-Contained Vehicles) Regulations 2023 in relation to two technical, operational issues – the ventilation of wastewater tanks in self-contained vehicles and the refund of levy payments.
- 8 In May 2024, following targeted consultation, Cabinet agreed to amend the regulations in line with the preferences of submitters [ECO-24-MIN-0090]:

IN CONFIDENCE

- 8.1 Only permanently fixed wastewater storage tanks are required to be directly ventilated to the exterior of the motor vehicle.¹
 - 8.2 Allow self-containment certification authorities to refund levy payments to individuals whose vehicles fail their inspection.
- 9 These changes will make the regulatory framework more certain, tailored, efficient, and cost effective to reduce unnecessary compliance costs for vehicle owners and the Plumbers, Gasfitters, and Drainlayers Board, as Regulator.

Timing and 28-day rule

- 10 I propose that the Regulations be submitted to the Executive Council on 29 July 2024 and be published in the New Zealand Gazette on 1 August 2024.
- 11 In compliance with the 28-day rule the Regulations will come into force on 29 August 2024.

Compliance

- 12 The Regulations comply with each of the following:
- 12.1 the principles of the Treaty of Waitangi,
 - 12.2 the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993,
 - 12.3 the principles and guidelines set out in the Privacy Act 2020,
 - 12.4 relevant international standards and obligations,
 - 12.5 the Legislation Guidelines (2021 edition), which are maintained by the Legislation Design and Advisory Committee.
- 13 These Regulations are made under ss172(1A) and 172B of the Plumbers, Gasfitters, and Drainlayers Act 2006. Section 172C provides that I may only recommend the Regulations if I have undertaken consultation with those persons likely to be significantly affected (or their representatives) and, for the purpose of ventilation of wastewater tanks in self-contained vehicles, I am satisfied that the regulations facilitate the management of the adverse effects of freedom camping on the natural environment. In satisfaction of s172C:
- 13.1 the Ministry of Business, Innovation and Employment (**MBIE**) conducted consultation on the regulatory options with those persons likely to be significantly affected (or their representatives) in April 2024, as outlined in paras 20-22 below.
 - 13.2 I am satisfied that the Regulations will help manage the adverse effects of freedom camping on the natural environment by ensuring that freedom

¹ This does not effect the requirement that vehicles must have fixed toilets to be certified as self-contained.

IN CONFIDENCE

camping vehicles are suitably equipped to manage waste that may be generated by freedom campers.

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.

Impact Analysis

- 16 The MBIE Regulatory Impact Statement Review Panel reviewed the Regulatory Impact Statement and considered that it partially meets Quality Assurance criteria. It considered the areas that do not meet the Quality Assurance criteria do not substantially undermine its robustness as a support to Ministerial decision making.

Publicity

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

Proactive release

- 18 This paper and the summary of submissions will be proactively released, with appropriate redactions, as soon as is practicable.

Consultation

- 19 In April 2024, Cabinet agreed to release the *Proposed amendments to the Plumbers, Gasfitters, and Drainlayers (Self-Contained Vehicles) Regulations discussion document* for targeted consultation [ECO-24-MIN-0054].
- 20 MBIE undertook targeted consultation with 26 stakeholders on the policy options (24 submissions were received).
- 21 MBIE also consulted with the Plumbers, Gasfitters, and Drainlayers Board.
- 22 In addition, MBIE consulted with the following agencies: Department of Conservation, Department of Internal Affairs, Department of Prime Minister and Cabinet, Kāinga Ora, Land Information New Zealand, Ministry for Primary Industries, Ministry for the Environment, Ministry of Health, Ministry of Housing and Urban Development, Ministry of Justice, Ministry of Social Development, Ministry of Transport, NZ Transport Agency Waka Kotahi, Parliamentary Counsel Office, Te Puni Kōkiri, the Treasury and Whaikaha – Ministry of Disabled People.

Recommendations

I recommend that the Cabinet Legislation Committee:

- 1 note that on 29 May 2024 the Cabinet Economic Policy Committee agreed to amend the regulations for venting requirements and levy refunds [ECO-24-MIN-0090]. In particular, the Committee agreed to amend the Regulations, as follows:
 - 1.1 Only permanently fixed wastewater storage tanks are required to be directly ventilated to the exterior of the motor vehicle;
 - 1.2 Allow self-containment certification authorities to refund levy payments to individuals whose vehicles fail their inspection;
- 2 note that the Plumbers, Gasfitters, and Drainlayers (Self-contained Vehicles) Amendment Regulations 2024 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) Amendment Regulations 2024;
- 4 note that the Plumbers, Gasfitters, and Drainlayers (Self-contained Vehicles) Amendment Regulations 2024 will come into force on 29 August 2024;
- 5 note that s172C(1) of the Plumbers, Gasfitters, and Drainlayers Act 2006 requires that for regulations relating to the ventilation of wastewater tanks in self-contained vehicles made under s172(1A), the responsible Minister has consulted with those persons likely to be significantly affected (or their representatives) and is satisfied that the regulations facilitate the management of the adverse effects of freedom camping on the natural environment before recommending the making of an Order in Council;
- 6 note that s172C(2) of the Plumbers, Gasfitters, and Drainlayers Act requires that for regulations relating to the refund of levy payments made under s172B, the responsible Minister has consulted with those persons likely to be significantly affected (or their representatives) before recommending the making of an Order in Council;
- 7 note the advice of the Minister for Tourism and Hospitality that these requirements have been met.

Authorised for lodgement

Hon Matt Dooney

Minister for Tourism and Hospitality