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14 May 2021

Attention: Hon Stuart Nash
New Zealand Government

THL SUBMISSION ON SUSTAINABLE FREEDOM CAMPING DISCUSSION DOCUMENT

Dear Minister Nash,

Thank you for the opportunity to provide feedback on the proposed changes to support the effective management of freedom camping in NZ.

My name is Matt Harvey, Chief Operating Officer NZ for Tourism Holdings Ltd (*thl*). This letter is being provided on behalf of *thl*. As an organisation, we are a member of the Responsible Camping Forum and the Tiaki Governance Group, and are active in ensuring that New Zealand has a sustainable camping proposition that effectively minimises any negative impact on local environments and communities. *thl* has also proactively engaged with the Queenstown Lakes and Thames-Coromandel District Councils in the past through a trial which saw *thl* providing those Councils with infringement recovery assistance. More broadly, *thl* is committed to the Future-Fit Business Benchmark and the goal to become a Future-Fit Business – one that is environmentally restorative, socially just and economically inclusive.¹

Core issues relating to freedom camping

We have reviewed the discussion document on supporting sustainable freedom camping in Aotearoa New Zealand. We recognise that in recent years, there has been a significant amount of media attention relating to freedom campers leaving behind their waste. Whilst this is one issue, we believe that the attention it receives is disproportionate to the size of the issue itself, as in reality it is reflective of the behaviour of only a small proportion of freedom campers in New Zealand. Our experience has been that most freedom campers do try to abide by the rules and camp in a responsible manner. Nevertheless, the disproportionate attention this has received has created a real issue with the general perception of New Zealanders towards freedom campers.

A more significant issue that we believe has not been appropriately addressed in recent years is that travellers will often freedom camp in restricted areas and receive infringement fines, primarily because they are unaware of the restrictions applicable to that region. This becomes an issue for the local Councils as well as for freedom campers themselves. It has been highlighted in the last 12 months and demonstrated that the issue is bigger than just international tourists, with one territorial authority reporting that whilst they were seeing around half the number of visitors that they would typically see in their region, the number of infringements issued was only down by 20% compared to the prior season when New Zealand's borders were open.² This reflects New Zealanders' entitlement around where they can park and freedom camp. We believe this attitude is partly attributable to the commonly held view that international backpackers are the source of freedom camping issues, and not New Zealanders.

Whilst there are a number of actions that can be taken to tackle this issue, we consider that it is most easily addressed by utilising existing geo-fencing technology solutions. Geo-fencing and notification technology allows for the creation of unique geographical zones. As a traveller enters into a flagged geo-fenced zone, a notification can be sent directly to

¹ <https://futurefitbusiness.org/>

² Allen + Clarke 'Research to inform the Responsible Camping discussion document and regulatory impact analysis', 5 February 2021.



that person. If utilised to address New Zealand freedom camping issues, such a notification could advise of the camping restrictions for that region and that an infringement notice could be issued if they are breached.

Campermate is one example of an app that has the technology to enable this solution.³ It is a highly effective tool in addressing the issue of misinformation regarding camping restrictions. It also effectively discourages intentional breaches as travellers, having received an active push notification advising of restrictions, would have a greater appreciation of the severity of the restrictions and therefore be less likely to intentionally disregard them.

One example which demonstrated that mobile technology can be effective in changing the behaviours of travellers was the Freedom Camping pilot undertaken by Wellington City Council and Campermate, in conjunction with the Responsible Camping Forum. In the trial, visitors were able to access information and receive push notifications on the real-time availability of sites in freedom camping locations they were travelling towards. Over 80% of users that accessed or received that information ultimately changed their direction of travel. As noted above, Campermate has the geo-fencing and push notification technology and could be utilised as an effective delivery tool to address this key issue of misinformation.

Proposal 1 vs Proposal 2

We are supportive of Proposal 2 over Proposal 1. We agree that it should be mandatory for freedom campers to stay in a self-contained vehicle, but it does not make sense to enforce this requirement in respect of sites that have toilet facilities available as the inappropriate disposal of human waste is unlikely to be an issue for those sites. Preventing campers in non-self-contained vehicles from freedom camping in these locations would, in our view, be overly restrictive go beyond striking the appropriate balance of maintaining the appeal of the freedom camping travel experience which attracts many tourists to New Zealand, and ensuring that freedom camping is undertaken in a sustainable manner.

Proposal 3 – A stronger infringement scheme

Whilst a stronger infringement scheme could have a small impact on increasing deterrence, we are not convinced that it will be effective in discouraging people from doing the wrong thing. As noted above, it is only a small proportion of travellers that intentionally disregard freedom camping restrictions. If a stronger infringement scheme deters a small proportion within that group, then it is addressing a very small proportion of the total campers. Any benefit from strengthening the infringement scheme should also be weighed against the possibility that there could be an increase in the proportion of unrecovered infringement fines, particularly in respect of freedom campers that have relocated to their home countries (where effective recovery of fines is already a challenge). There is a risk that a stronger infringement scheme therefore reduces the overall revenue gathered from freedom camping infringements as recovery becomes an increasing challenge.

Proposal 3 - Recovery of fines by commercial rental operators

As the single largest renter of campervans and motorhomes in New Zealand, we note comment in the discussion document that rental companies could be made responsible for passing on any infringement notices to campers and holding them accountable for non-payment. **The discussion document is not clear whether it is proposed that rental companies become accountable for payment of the infringement where they have been unable to recover from the customer – this is a critical issue for all rental operators.** It would not be appropriate to penalise rental companies in that situation even when they have been co-operative and taken reasonable steps to enforce the recovery of the infringement, as ultimately the conduct of the customer is beyond the control of the rental company.

Currently, when **thl** receives a fine, we undertake a process to assign the legal liability to the customer. Following this, **thl** is no longer involved in the recovery of the fine. We expect that most commercial rental operators are currently

³ For complete transparency, it should be noted that **thl** has a financial investment in triptech, the developer and operator of Campermate.



involved in a similar manner and to the extent they do not, we agree that there could be an obligation imposed to do so.

There are two different circumstances to consider in respect of a rental operators' ability to recover an infringement fine from its customer. If the vehicle is still out on hire at the time the infringement notice is received and processed by the rental operator, then the rental operator has the ability to recover the infringement fine from the traveller at the time the vehicle is returned. However, if the customer has already returned the vehicle at the time the infringement notice is received and processed, the rental operators' ability to recover the fine is limited. A common issue faced by **thl** is that customers will cancel their credit cards following their travel, in order to avoid any additional costs or fines being charged.

There is a clear lack of a single centralised system of authority for the issuing, tracking and recovery of infringement fines. We strongly believe that should be considered within the scope of this review. Simply making the rental operator liable for payment of an infringement notice that is ultimately unpaid by the traveler is ineffective in incentivising better behaviour from either the traveller or the rental operator. What would however create incentives for better behaviour is to require rental operators' to co-operate on the recovery of fines, in the manner which **thl** does today.

Proposal 3 – Regulatory system for self-contained vehicles

We are supportive of the proposal for a centralised database for registered self-contained vehicles.

Proposal 4 – Certification process for self-contained vehicles

We agree that the manner in which the self-containment standard is administered and managed requires revisiting. In our view, the certification process should be centralised rather than put within the control of various approved issuing authorities, which could then take inconsistent approaches to applying the standards (particularly as the language around toilets is vague and lends itself to abuse, as was indicated by the Parliamentary Commissioner for the Environment). The NZMCA is currently one of the approved issuing authorities administering the self-containment process. We understand that they have been stepping away from this over the last couple of years and have a desire to stop completely. We strongly believe that the management and administration of the self-containment standard is best placed with VINZ and VTNZ, or placed under the WOF/COF scheme. It is a very simple additional check that needs to be completed to certify a vehicle as self-contained and would ensure there is a greater level of compliance across vehicles that are certified self-contained. It also addresses a loophole that a vehicle can be brought up to self-certification standard with respect of portable toilets for an inspection, and then reverted to a non-complying standard, given there is no recurring assessment of a vehicle complying with the standard.

Proposal 4 – Requiring self-contained vehicles to have fixed toilets

Clarifying the requirements for self-contained vehicles and providing more clarity around the types of vehicles that can be considered self-contained would be a positive step forward. However, we don't believe that a requirement for fixed toilets would be an appropriate change or effective in minimising harm. Our view is that the right step forward is to centralise the self-certification process and ensure there are audits (and therefore confirming on a regular basis that there is a toilet within a self-certified vehicle that can practically be used). This toilet does not necessarily have to be plumbed in permanently.

As noted in the discussion document, such a requirement would create an additional cost to owners and commercial fleet operators to retro-fit plumbed toilets. However, we believe that the expected cost to implement this will be significantly higher than what has been noted in the discussion document.

In our view, as noted above, the greater issue that requires addressing is non-compliance with the current self-containment standards. There are a sizeable number of private station wagons and utes which have at one point been



Certified as self-contained (and therefore continue to remain certified as self-contained), despite being non-compliant with current waste water storage and portable toilet standards. These types of vehicles/travellers are a greater cause of harm when compared to private motorhome owners or commercial fleet operators, the latter of which are generally proactive about ensuring their vehicles comply with self-containment standards given they have a commercial operation.

Thank you for the opportunity to provide feedback. We would happily make ourselves available if you'd like to discuss any of our suggestions further.

Kind Regards,

Privacy of
natural
persons

Matt Harve
Chief Operating Officer – New Zealand

With the support of:

Privacy of natural
persons

Grant Webster
Chief Executive Officer

Your details

What is the name of the person making this submission?	
Matthew Harvey	
If you are submitting on behalf of an organisation, what is the name of that organisation?	
Tourism Holdings Limited (<i>thl</i>)	
Is it okay for your organisation's details to be published if we publish which organisations made a submission, or include part of your submission in the summary of submissions?	
<input checked="" type="checkbox"/> Yes, you can publish my organisation's details with information from my submission. <input type="checkbox"/> No, keep my organisation's details confidential.	
Can we use information in your submission as a case study in the summary of submissions?	
<input checked="" type="checkbox"/> Yes, you can include information from my submission as a case study in the summary of submissions. <input type="checkbox"/> No, keep my information confidential.	
Please provide us with your email address in case we need to contact you about your submission.	
Email	Privacy of natural persons
What sector(s) does your submission most closely relate to, if applicable?	
For example, the sector in which you may work or operate, or which you represent.	
<input type="checkbox"/> Accommodation provider <input checked="" type="checkbox"/> Rental vehicle business <input type="checkbox"/> Iwi, hapū or Māori organisation <input type="checkbox"/> Individual or camper <input type="checkbox"/> Other _____ (please specify) <input type="checkbox"/> N/A	
<input type="checkbox"/> Other tourism business <input type="checkbox"/> Non-tourism business <input type="checkbox"/> Local Government <input type="checkbox"/> Club or club representative (eg camping club)	

Context to Supporting Sustainable Freedom Camping in Aotearoa New Zealand

1.1 How much do you agree that certain types of vehicle-based freedom camping is a problem? Please write a (Y) next to the option which applies to you				
Strongly agree	Agree Y	Neutral	Disagree	Strongly disagree
<p>1.2 What are your views on freedom camping in vehicles?</p> <p>When answering this question you may like to think about:</p> <ul style="list-style-type: none"> ✓ Is vehicle-based freedom camping an issue in your area? ✓ Have you observed any specific issues? ✓ Are there specific behaviours which impact on your use of local amenities/infrastructure? ✓ What benefits does vehicle-based freedom camping provide for your region? 				
<p>We recognise that in recent years, there has been a significant amount of media attention relating to freedom campers leaving behind their waste. Whilst this is one issue, we believe that the attention it receives is disproportionate to the size of the issue itself, as in reality it is reflective of the behaviour of only a small proportion of freedom campers in New Zealand. Our experience has been that most freedom campers do try to abide by the rules and camp in a responsible manner. Nevertheless, the disproportionate attention this has received has created a real issue with the general perception of New Zealanders towards freedom campers.</p> <p>A more significant issue that we believe has not been appropriately addressed in recent years is that travellers will often freedom camp in restricted areas and receive infringement fines, primarily because they are unaware of the restrictions applicable to that region.</p>				

<p>How much do you support the proposal to make it mandatory for vehicle-based freedom campers to use a certified self-contained vehicle?</p> <p>2.1 Please write a (Y) next to the option which applies to you</p>				
Strongly agree	Agree	Neutral	Disagree	Strongly disagree
<p>Do you support this proposal?</p> <p>When answering this question you may like to think about:</p> <p>2.2</p> <ul style="list-style-type: none"> ✓ Do you consider this option will improve camper behaviour? ✓ Will this option support or improve tourism outcomes in your region? ✓ Will this option decrease pressure on the environment and local government infrastructure? ✓ Are there impacts of this proposal that you are concerned about? 				
<p>We are supportive of the alternative proposal to make it mandatory for freedom campers to stay in vehicles which are certified self-contained, <u>unless</u> they are staying at a site with toilet facilities (excluding public conservation lands and regional parks).</p>				
<p>How might this proposal impact you?</p> <p>When answering this question you may like to think about:</p> <p>2.3</p> <ul style="list-style-type: none"> ✓ Will this proposal increase or decrease the likelihood of you camping? ✓ Will this proposal have a direct financial impact on you or your business? <ul style="list-style-type: none"> ○ If yes, please indicate if this is a personal or business expense, and quantify how much you estimate it would impact you. ✓ Will this option increase or decrease the attractiveness of visiting other regions in New Zealand? 				
<p>Minimal impact on our fleet.</p>				
<p>What things should Government consider to implement this option?</p> <p>When answering this question you may like to think about:</p> <p>2.4</p> <ul style="list-style-type: none"> ✓ What exceptions should Government allow under this proposal? ✓ Do you have any ideas about how this proposal could be implemented? ✓ Should this option be considered alongside other options proposed in this discussion document? 				
<p>N/A</p>				

How much do you support the proposal to make it mandatory for freedom campers to stay in vehicles which are certified self-contained, unless they are staying at a site with toilet facilities (excluding public conservation lands and regional parks)?

3.1

Please write a (Y) next to the option which applies to you

Strongly agree	Agree Y	Neutral	Disagree	Strongly disagree
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Do you support this proposal?

When answering this question you may like to think about:

- ✓ Do you consider this option will improve camper behaviour?
- 3.2 ✓ Will this option support or improve tourism outcomes in your region?
- ✓ Will this option decrease pressure on the environment and local government infrastructure?
- ✓ Are there impacts of this proposal that you are concerned about?

We are supportive of this proposal.

How might this proposal impact you?

When answering this question you may like to think about:

- ✓ Will this proposal increase or decrease the likelihood of you camping?
- 3.3 ✓ Will this proposal have a direct financial impact on you or your business?
 - If yes, please indicate if this is a personal or business expense, and quantify how much you estimate it would impact you.
- ✓ Will this option increase or decrease the attractiveness of visiting other regions in New Zealand?

Minimal impact on our fleet.

What things should Government consider to implement this option?

When answering this question you may like to think about:

- ✓ What do you think is required to achieve this option?
- 3.4 ✓ What exceptions should Government allow under this proposal?
- ✓ How far from toilet facilities should a person be able to freedom camp if not in a vehicle with a toilet? eg, 100 metres, 200 metres?
- ✓ Should this option be considered alongside other options proposed in this discussion document?

As per our letter, the manner in which the self-containment standard is administered and managed needs re-visiting. The true cost of modifications also needs to be considered and factored in as what is outlined in this discussion document heavily underestimates the full cost of converting a vehicle to become compliant. The Government also needs to consider how these places are identified and clearly communicated to the potential freedom camper, and explore the role that technology can play in doing this.

How much do you support the proposals to improve the regulatory tools for government land managers?

4.1 Please write a (Y) next to the option which applies to you

Strongly agree	Agree Y	Neutral	Disagree	Strongly disagree
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Do you support this proposal?

When answering this question you may like to think about:

- 4.2
- ✓ Are there any specific parts of this proposal you support or propose?
 - ✓ Do you consider this option will improve camper behaviour?
 - ✓ Will this option support or improve tourism outcomes in your region?
 - ✓ Will this option decrease pressure on the environment and local government infrastructure?
 - ✓ Are there impacts of this proposal that you are concerned about?

We are supportive of the proposal for a centralised database for registered self-contained vehicles.

We agree that the manner in which the self-containment standard is administered and managed requires revisiting. In our view, the certification process should be centralised rather than put within the control of various approved issuing authorities, which could then take inconsistent approaches to applying the standards (particularly as the language around toilets is vague and lends itself to abuse, as was indicated by the Parliamentary Commissioner for the Environment). The NZMCA is currently one of the approved issuing authorities administering the self-containment process. We understand that they have been stepping away from this over the last couple of years and have a desire to stop completely. We strongly believe that the management and administration of the self-containment standard is best placed with VINZ and VTNZ, or placed under the WOF/COF scheme. It is a very simple additional check that needs to be completed to certify a vehicle as self-contained and would ensure there is a greater level of compliance across vehicles that are certified self-contained. It also addresses a loophole that a vehicle can be brought up to self-certification standard with respect of portable toilets for an inspection, and then reverted to a non-complying standard, given there is no recurring assessment of a vehicle complying with the standard.

How might this proposal impact you?

When answering this question you may like to think about:

- 4.3
- ✓ Will this proposal increase or decrease the likelihood of you camping?
 - ✓ Will this proposal have a direct financial impact on you or your business?
 - If yes, please indicate if this is a personal or business expense, and quantify how much you estimate it would impact you.
 - ✓ Will this option increase or decrease the attractiveness of visiting other regions in New Zealand?

The discussion document is not clear whether it is proposed that rental companies become accountable for payment of the infringement where they have been unable to recover from the customer. This is a critical issue for all rental operators.

4.4 What things should Government consider to implement this option?

When answering this question you may like to think about:

- ✓ What would you like to see in practice?
- ✓ Should this option be considered alongside other options proposed in this discussion document?

N/A

What would be an appropriate penalty?

When answering this question you may like to think about:

- ✓ Should non-compliant vehicles be confiscated? If so, under what conditions?
- 4.5 ✓ If vehicles are confiscated, what conditions should be placed on returning the vehicle?
- ✓ Should fines be similar to those for not holding a valid Warrant of Fitness for a motor vehicle?
- ✓ What levels should fines be set at?
- ✓ Who should collect a fine?

N/A

Do you think that the requirements for self-containment should be strengthened?

5.1 Please write a (Y) next to the option which applies to you

Yes Y	Neutral	No
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Is the current standard fit for purpose?

When answering this question you may like to think about:

- 5.2 ✓ Should there be a requirement that self-contained vehicles have fixed toilets?
- ✓ Should there be specific reference to the types of vehicles that can be self-contained?

Clarifying the requirements for self-contained vehicles and providing more clarity around the types of vehicles that can be considered self-contained would be a positive step forward. However, we don't believe that a requirement for fixed toilets would be an appropriate change or effective in minimising harm. Our view is that the right step forward is to centralise the self-certification process and ensure there are audits (and therefore confirming on a regular basis that there is a toilet within a self-certified vehicle that can practically be used). This toilet does not necessarily have to be plumbed in permanently.

Who should certify to the Standard?

When answering this question you may like to think about:

- 5.3 ✓ Should any Plumber registered under the Plumbers, Gasfitters and Drainlayers Act 1976 be able to certify to the Standard, or should certifiers be separately recognised and licensed?
- ✓ Once a vehicle has passed its initial certification, should other entities be able to re-certify it?

We strongly believe that the management and administration of the self-containment standard is best placed with VINZ and VTNZ, or placed under the WOF/COF scheme. It is a very simple additional check that needs to be completed to certify a vehicle as self-contained and would ensure there is a greater level of compliance across

vehicles that are certified self-contained. It also addresses a loophole that a vehicle can be brought up to self-certification standard with respect of portable toilets for an inspection, and then reverted to a non-complying standard, given there is no recurring assessment of a vehicle complying with the standard.

What transition arrangements should be in place?

When answering this question you may like to think about:

- 6.1 ✓ How long should Government give people to upgrade or dispose of their vehicles?
- ✓ Should currently certified self-contained vehicles be exempt from any new rules?
- ✓ Are there any other transition arrangements we should consider?

N/A

How could Government ensure vulnerable groups are not further disadvantaged?

- 6.2 ✓ Could Government make homelessness exempt from any new regulatory system? What might this look like?

N/A

7.1 Is there anything else on the proposed changes or discussion document you would like to mention?

N/A