



# NZ lifestyle Camping Ltd

## Self Containment Issuing Authority

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### **Submission on the proposed Freedom Camping Regulations Discussion document September 2022**

#### **Background of NZ Lifestyle Camping Ltd**

NZ Lifestyle Camping commenced operating as a self-containment Issuing Authority on 1 April 2018, taking over from the All Points Camping Club of NZ. APCNZ consulted with MBIE, DIA and Standards NZ to become a self-containment issuing authority in May 2017 after the NZ Motor Caravan Association board (NZ's major, monopoly, self-containment issuing authority) made determination to no longer process and issue self-containment documentation for non-members of their organisation). This created nationwide pressure from NZMCA testing officers that to get a self-containment check consumers would have to join NZMCA, at a cost in excess of \$200.00. Refer commerce commission complaints and action on misleading consumer information from NZMCA. Such misinformation continues to this day.

Due to the high demand for self-containment testing by NZ travelling campers NZ Lifestyle Camping Ltd worked with Standards NZ to take over the Issuing Authority role. The managing director of NZ Lifestyle Camping and administrator is Gary Stoneley (B.Ed). Gary's experience includes marketing and sales, taxation and auditing (17 years), adult teaching and 20 years in the education sector. Gary has 30 years of experience in the leisure camping industry with administrative roles in multiple organisations. Gary founded the All Points Camping Club of NZ in late 2015 to ensure there would be national support and respect for all levels of NZ campers.

NZ Lifestyle Camping operates an efficient small business model engaging 2 part workers and supporting a national network of more than 160 suitable qualified testing officers. The organisation is committed to supporting and building an inclusive and sustainable leisure camping industry that recognises the benefits of small footprint, leisure camping and self-containment practices to NZ's economy, environment and emergency management preparedness.

## Submission part 1

### Misleading information / propaganda shared by MBIE – lack of balance

- 1) I refer to pg 7 of the discussion document. “noted that they had observed people staying in uncertified vehicles at freedom camping sites” This was not quantified as to how the respondents had identified a vehicle was not self-contained or if this was just opinion. It also did provide any information as to whether the areas had public toilets or if tenters without toilets were also allowed in that area.
- 2) Also on pg 7 “As there is no register of certified vehicles” This is a false statement by MBIE as both the NZ Motor Caravan Association and NZ Lifestyle Camping operate a public register. Due to a 2 year industry uncertainty of what is happening regarding Govt self-containment systems there has been no further capital investment on this.
- 3) On page 8 “The government Considers that regulation is the best way to address ...” This is contrary to MBIE’s agency rating (Reducing impacts of freedom campers) which states *“the ‘partially meets’ rating is due to the limited evidence of the degree of harm from vehicle-based freedom-camping compared to other possible causes. The impact Statement notes that some issues which might also be contributing to perceptions of the problem (overcrowding, Infrastructure, loss of visual amenity) are out of the scope of the analysis. **This limits certainty that the recommended policy option will achieve the expected benefits.**”*

### Submission part 2 - Light Touch requirements and regulation

NZ Lifestyle Camping Ltd as an existing self-containment issuing authority believes strongly in the importance of having a ‘light touch’ performance-based requirements and regulatory system. The existing voluntary standard has worked extremely well in the industry with very few identified and documented issues. There is no evidence to suggest that increasing the complexity of CSC requirements, regulation and levels of administration at significant cost will encourage greater voluntary compliance by vehicle owners.

It is estimated that 60% of tourism revenue comes from domestic tourists and travellers. There is a significant risk that regional tourism revenues and visitor days could be detrimentally affected by over the top regulation for what is a largely unproven problem.

Provided a vehicle has the necessary basic components for self-containment it should be passed, however system specifications should be recorded for vehicle owners and resale information.

### Submission part 3 – Self-containment certification authorities and vehicle inspectors.

NZ Lifestyle Camping fully supports (p18) Option 1: a robust approach to approvals with multiple pathways. The signing off, of self-containment, is a straight forward process that

only requires knowledge of the standard / requirements, the ability to analyse research and apply the standard / requirements, the ability to complete documentation correctly together with safe practices. Competency and trust are the two most important factors.

Of far more importance is the correct installation and repairs or upgrading of the vehicle self-containment system. Accordingly, it has been our practice to educate and mentor vehicle installers / builders on how to effectively implement and develop vehicle self-containment systems. This has not been covered in the proposed regulations and is a considerable failing of MBIE. Currently there is no qualifications framework in NZ for caravan and motorhome builders.

As an industry expert, NZ Lifestyle Camping asserts that there is no advantage whatsoever in a self containment testing officer having a trade qualification. The majority of vehicle self containment systems in NZ consist of plug in plastic fittings and is comparable to irrigation plumbing.

NZ Lifestyle Camping is fully opposed to Option 2 of the regulations framework under this section as it would add increased complexity, administration and nationwide costs, (Not fully costed) when MBIE itself has *“limited certainty that the recommended policy option will achieve the expected benefits.”*

NZ lifestyle camping supports the gradual phasing in of a ‘fit and proper person’ test for self-containment testing officers.

#### **Submission Part 4 - Certifying Plumbers**

The issue of registered plumbers, gasfitters and drainlayers being able to be self-containment testing officers / certifying authorities in their own right also needs to be addressed. These persons generally have no more knowledge of vehicle self-containment than your average citizen with less than 5% of self-containments being completed by this grouping. Furthermore, they do not have the systems or technology to print an issue window cards. Our experience has been that an ‘assumption’ is made that persons in the plumbing trade know what they are doing. This is dangerous and false. From the technical advisory group meetings it was very apparent that the head of the PDGB had no practical knowledge of the current vehicle self-containment applications and had an extremely low level of competency.

NZ Lifestyle camping is opposed to deeming certifying plumbers as certification authorities and vehicle inspectors as of right. **Where has the false assumption, that MBIE promotes, that plumbers are assumed to have a high level of competency to undertake work in this field come from?** A qualification does not necessarily mean a person has competency in a similar field.

Currently NZ Lifestyle Camping Ltd as an issuing authority acts an 'agent' to process and issue documentation on behalf of plumbers. The Plumber is legally responsible. Under the proposed regulations / enforcement a certifying authority should not be responsible for any errors or liability arising from a plumber's actions if they are legally able to certify as of right.

### **Submission Part 5 – Self-containment documentation**

Certificates - NZ Lifestyle Camping as industry expert, supports and recommends Option1 with details of the vehicles self-containment fittings recorded on the certificate. This is important documentation for the vehicle owner or a prospective purchaser. In the case of rental vehicles, it should be a requirement that the water and waste capacities are clearly stated.

Self-containment warrants – NZ Lifestyle Camping supports the phasing in of a new green warrant card however due to NZ's harsh UV conditions these should be tested before implementing. To date MBIE has not advised who will be responsible for the production cost and distribution of the proposed new window cards and who will be responsible for reissues / replacements.

The proposed requirements that Testing officers will digitally load details onto the PGDB database as well as completing and forwarding self-containment checksheets to an issuing authority has not been worked through or costed. Some testing officers may not have the capability to do this and the additional time required will need compensation.

Generic identifier – NZ Lifestyle Camping Ltd supports the use of a generic identifier / sticker. There is no evidence of widespread fraud (fake stickers) other than innuendo and speculation.

Proviso – the proposed regulations apply to 'all' vehicles however displaying a generic identifier could lead to unfair targeting of self-contained vehicles by some enforcement officers or local authorities. Whether a person is sleeping in a car, truck or self-contained camping vehicle they should be treated the same. There is nothing in the proposed regulations or legislation that prohibit the targeting of a specific group of campers.

### **Submission part 6 – Infringement fees and fines.**

NZ Lifestyle Camping supports Option 1: a tiered approach to a maximum of \$800.00. However it is essential that there need to be clear guidelines for enforcement officer to identify the difference between a person sleeping (in any vehicle) or camping (in any vehicle). Statements recently made by MBIE of fines for 'preparing to freedom camp' raise issues with a lack of evidence and the personal judgement of prejudice of an enforcement officer.

E.g. If parked in a campervan during the day in a public reserve will this be construed as just parking or preparing to camp? At what time of the day does parking become camping? When does sleeping in a vehicle become camping?

**These are important issues that require a level of guidance for local authorities, enforcement officers and travellers.**

One of the stated proposed tasks of PGDB is to maintain a register of infringements and warnings. Without detailed guidance to enforcement officers and a possible risk of bias and 'targeting' such a register may result in undue harm to a camper's reputation and targeting of their vehicle in a different district. This leads to the possibility of fractured trust between travelling campers and regional authorities.

### **Submission Part 7 – Exclusions from regulatory requirements**

There has been no evidence produced that campers with portable toilets are less responsible or cause more harm or damage to the environment than those with permanently fixed toilets. By removing the ability for vehicle campers to have a portable toilet (under these proposals) we will be excluding / segregating that group of campers and restricting their access (camping) to much of NZ's publicly owned land including beaches and rivers.

Prior to 2000 the majority of NZ's caravans, motorhomes and campervans were designed and built with portable toilets. Over the last two decades there have been considerable advances in international campervan and motorhome design and the vast majority of such vehicles now have fixed / built in toilets. There is a significant worldwide trend towards smaller footprint and lower cost camping vehicles that enable people to get out camping safely, in all weathers. Such vehicles include the \$150,000 plus Volkswagen California, trailer and teardrop style campers and vehicles with roof top tents. The advantage of smaller footprint vehicles over larger 'premium' camping vehicles in an environmental setting must be recognised.

While in some cases older or smaller vehicles can be retro fitted with a fixed toilet in many cases they cannot. By excluding such vehicles with portable toilets from the definition of self-contained vehicles we are removing an existing right to freedom camp when there is no evidence of harm or justification. There is no question that encouraging families to have a small vehicle set up as self-contained will greatly benefit them in an emergency situation or at a day outing to the beach or other activity.

Accordingly, NZ Lifestyle Camping fully endorses and encourages implementation of Option 2: excluding smaller freedom camping vehicles from the requirement to be certified as self-contained as well as all campervans and caravans constructed or first registered in NZ prior to 2005

NZ Lifestyle Camping does not support Option 1: no exclusions as this creates increased segregation and places smaller camping vehicles below tents as a responsible camping option. Due to NZ's climate "Four Seasons in One Day, Split Enz", regular risk of summer cyclones etc. small vehicle camping is a safe option, as well as a back up for when that tent fails.

Under the proposed regulations / legislation a person who sleeps / camps in a car is at higher risk of hefty fines than a person sleeping in a tent. This inequity must be resolved.

### **Submission Part 8 - Levies and fees**

NZ Lifestyle Camping has major concerns over the costing and funding models produced by MBIE and provided to cabinet.

We are unable to see how the appointments of two full time, high paid, administrators to the Plumbers, Gasfitters and Drainlayers Board to implement a new regulatory system for unproven issues can be justified. Facts matter and MBIE has been unable to supply any factual information to Cabinet or the Attorney General on the harm caused by freedom campers. We consider that MBIE operating under the Minister for Tourism has failed the NZ Leisure Camping Industry in this matter.

Secondary analysis of MBIE's calculation of the estimated annual revenue (levies and fees) to be collected by the PGDB has failed to address the fact that under the proposed legislation all deemed self-contained vehicles will need to be recertified within the first two years after the proposed law is passed, if passed. This results in the PDGB generating the estimated 4 year revenue over the first two years with a review not happening until year 4.

Initial calculation show that based on MBIE's own figures PDGB could have a revenue of more than \$8,000,000 over the initial two years. MBIE have been asked to confirm these calculation but has failed to give an adequate response.

Accordingly, NZ Lifestyle Camping is unable to support any of the three costing options due to irregularities in MBIE's provided data. Further more MBIE has failed to research the financial cost on certifying authorities in implementing the new system, increased auditing training and accountability requirements as well as the appointment of additional staff to manage this.

NZ Lifestyle Camping as an industry expert strongly recommend that MBIE urgently, provides updated and accurate costings to stakeholders in the NZ leisure camping industry and Cabinet. Should any new levy calculations be produced NZLC would prefer the lowest cost option to encourage compliance.

## **Submission Part 9 – Transition period**

NZLC has previously raised concerns with the Ministry of Business Innovation and Employment over legislative conflict with the change from the original 4 year transition period to the now proposed 2 year transition period.

Currently self-containment documentation issued under NZS 5465:2001 is valid for 4 years. The standard is managed by MBIE / Standards NZ. The proposed legislation / regulations intend to reduce the expiry date of any NZS 5465:2001 documentation to a maximum of 2 years after the proposed law is passed, if passed. Effectively motorhomes caravans etc, correctly certified as self-contained will be required to pay for a recheck at increased cost. This is a significant (cumulative) financial cost to vehicle owners in particular rental fleet operators for no viable reason. Costings on this have not been advised by MBIE / PGDB to Cabinet or industry stakeholders.

Further, upon passing of the proposed law NZS5465:2001 becomes a legally cited standard and has legal standing. Section 12 of the Legislation Act, 2019 excludes backdated legislation.

Accordingly, NZ Lifestyle Camping Ltd contends and submits that any self-containment certificates in force as at such time the proposed law is passed, if passed will be valid to their stated 4 year expiry date as per Section 12 of the Legislation Act, 2019.

### **Concluding Statement.**

The only way to have a sustainable leisure camping industry is for all parties to work together and for the industry to be reviewed holistically. This requires a review of the Campground regulations, including private host properties, proactive rural or tourism businesses, and meaningful dialogue with NZ campers. MBIE has previously advised the Minister for Tourism of this, but he has chosen to narrowly target a segment of NZ's responsible campers, with a misguided focus on potable toilets.

*We live with hope*

*Gary Stoneley,*

*Managing Director,*

*NZ Lifestyle Camping*