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Ministry of Business, Industry and Employment
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WELLINGTON

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Tēnā koe

Tourism Industry Aotearoa Submission on Freedom Camping Regulations

Tourism Industry Aotearoa (TIA) welcomes the opportunity to comment on the Ministry Business, Innovation and Employment (MBIE) proposed new regulations on enabling sustainable freedom camping in Aotearoa New Zealand.

TIA is supportive of the proposed new regulations which serve to give effect to the Self-contained Motor Vehicles Bill.

Tourism Industry Aotearoa

TIA is the peak body for the tourism industry in New Zealand. With approximately 1200 members, TIA represents a range of tourism-related activities including accommodation, adventure & other activities, attractions, retail, aviation, transport, hospitality as well as tourism-related services.

TIA has been an active contributor to policies and practices relating to freedom camping.

As part of this work, TIA convenes the New Zealand Responsible Camping Forum which brings together a range of industry and other stakeholders to help manage community, social and environmental issues around freedom camping. Established in 2007, the Forum has around 65 members from the commercial sector and also from central and local government.

Overall Perspective on the Regulations

TIA supports the intent of the Regulations in that it establishes the detailed provisions needed to give effect to the Self-contained Motor Vehicles Legislation Bill that is currently before Parliament. This system will establish consistent national rules requiring freedom campers to use a certified self-contained vehicle when staying on land managed by a local authority (and some other publicly owned lands), while allowing local authorities to manage freedom camping within their jurisdiction.

TIA considers the establishment of these national rules to be a positive step forward.

TIA has an interest in the visitor experience in Aotearoa New Zealand. It is through providing a memorable experience that value is created: for the visitor; for the industry; and for communities. As such, there is a need for balance within the framework established by the Regulations to ensure we are managing this system well, with good clear rules, and without being excessively punitive. We are also mindful that this framework will apply to both our international visitors who hire camper vehicles and the many New Zealanders who own and operate their own camper vehicles.

Specific consultation points

In assessing each of the consultation points, TIA largely aligns with the preferred options set out in the discussion document, although we do have comments or questions on some of them.

- **Self-containment Technical Requirements**

Option 1 is preferred. TIA supports Option 1 as the 'light-touch' approach that is based on similar processes the Plumber, Gasfitter Drainlayers Board performs for approving employer licences. It is likely this is the lower cost option for vehicle owners, and it will enable innovation and flexibility as and when better ideas or methods are developed. The guidance provided on the technical requirements can be tailored to particular needs so they can be clearly understood by all stakeholders.

TIA would like to raise a question around the proposed technical requirements for self-containment facilities, particularly to what extent these are raised standards that might require existing previously-compliant vehicles to be upgraded. If so, this may well be a substantial cost that is not being well signalled in the process to date.

- **Self-containment Certification Authorities and Vehicle Inspectors**

Option 1 is preferred. TIA supports Option 1 as the preferred option for appointing certification authorities that will both inspect and certify vehicles. This option will be straightforward to implement given that it is based on similar processes the PGDB performs, and it is the lower cost option of the three presented.

- **Vehicle Inspector Competency Requirements**

Option 1 is preferred. TIA supports Option 1 that the vehicle inspectors are knowledgeable as opposed to having to have relevant trade qualifications or to be assessed as 'fit and proper'. This reflects the current practices for issuing inspectors and is the low-cost option.

- **Certifying Plumbers as Certification Authorities and Vehicle Inspectors**

Option 1 is preferred. TIA supports that registered plumbers will be automatically recognised as issuing authorities and testing officers for self-containment certificates. This continues the status quo.

- **Self-containment Certificate**

Option 1 is preferred. TIA supports Option 1 to continue to record the details on the self-containment certificate. The certificate has a key role to play in ensuring adherence to the requirements and for proving this over the four-year duration of the certificate.

- **Self-containment Warrant**

TIA supports the requirement for a self-containment warrant to be displayed in the inside left windscreen alongside the normal vehicle Warrant of Fitness.

- **Generic Identifier**

Option 1 is preferred. TIA supports Option 1 to not have a generic identifier (e.g., a generic sticker) given that the current blue sticker is discredited, and it means there is reliance on the stronger self-containment certificate that is both online and issued to the vehicle owner.

- **Infringement Fees and Fines**

Option 1 is preferred. TIA supports Option 1 with its tiered approach to a maximum of \$800 as this serves to ensure there is proportionality to the level of the offence. The proposed tiers look reasonable, but we wonder if they will be applied consistently by different local authorities.

We have concern around the apparent signal that the infringement fees will better fund the enforcement activity. We consider this to be the wrong way to consider this matter – ideally there will be little if no infringement under the Regulations so the rare infringement should not be expected to fund the enforcement cost. We are also concerned that a two-tier enforcement system will develop – one enforcing the Regulations, and the other the various local authority requirements such as breaching capacity limits. This could result in doubled up infringements, which would raise concerns around the proportionality to the level of the offence.

We also feel that education and encouragement should be the first options taken before enforcement. We consider this is important to the visitor experience, which we place a great deal of stock on – the vast majority of visitors will not want to do something that is wrong. The Ambassador approach is something TIA seeks to have in place.

We welcome recognition that minor infringements (such as non-display of a self-containment certificate) would be reversed if a vehicle owner is able to provide proof of rectification within a set time period.

- **Exclusions from regulatory requirements**

Option 1 is preferred. TIA supports Option 1 that there are no exclusions from the regulatory requirements in the interests of ensuring a blanket approach. Also, we do consider that there are alternatives for vehicles that might have gained an exclusion under Options 2 and 3 given the options available to them of using commercial camping facilities, designated council facilities and appropriate DOC facilities.

- **Self-containment Monitoring Levy**

TIA has concern at the cost for users from the proposed framework, with vehicle owners facing two costs: 1) the cost for the inspection and certification; and 2) the levy to be paid to the PGDB to operate the system. In addition, there are the cost for designing in, or retrofitting, the self-containment facilities.

To form a view on the appropriateness of the cost to vehicle owners, it is imperative to understand the total cost to them. What would the expected cost be for the inspection and certification process? To what extent are the new requirements more stringent, and thereby more costly, than the preceding voluntary standards? This has a material impact on the cost to both commercial rental vehicle providers and the many New Zealanders who operate camper vans privately.

The establishment of the Self-containment Monitoring Levy is very interesting from a wider industry perspective. As TIA has argued consistently, the tourism industry suffers from the nature and paucity of funding mechanisms to undertake industry good activities. And yet, the Regulations establish such a levy with the funds going directly to the PGDB, with this being a substantial income stream – 73,000 vehicles at the \$120 levy equates to around \$8.8m over the four years (not counting the new vehicles that would join the fleet over this period). It strikes us that this example will feature in wider discussions on industry funding mechanisms.

No Option is preferred. The options presented are for a levy between \$91.40 and \$120 for the PGDB to manage the self-containment certification process, with the higher levy to be used to extra activities. Our feedback from members covers the low to high options, although TIA would support the higher only if the added cost has a demonstrable benefit to the wider freedom camping population.

- **Application Fee**

Option 1 is preferred. TIA supports Option 1 in the interest of a transparent cost for parties applying to the PDGB to be a certifying authority. We see merit in the scalable application fee, but we cannot assess where the average level would land.

Other comments

1. Points of uncertainty

TIA appreciates that there is uncertainty inherent within the scope of the regulations and in their implementation. For instance, of the estimated 73,000 vehicles, how many owners will choose to become certified, how many will need to be retrofitted, etc. It could well be that the numbers going through the process could be smaller which, amongst other things, would impact the income of the regulator.

2. Collection of fines

This is a matter for the legislation but forms an important part of the operational aspects of the Regulation. Does the infringement notice go to the person involved or to the rental company?

As we understand it, the Bill is not changing the current approach, which essentially provides for rental vehicle operators option to pass on the infringement notice or to recover it from the hirer. What the Bill does change is the ability to email infringement notices.

TIA considers that this is not a well understood aspect of the framework and it needs to be very clearly set out, including the role of the rental vehicle operator and that they have the discretion to act as they see fit. This is a very sensitive aspect of the system, and TIA does not support rental vehicle operators being forced into the role of infringement collectors.

3. Economies of scale for operators

The system being established is silent on the idea of economies of scale, and we believe this needs to be factored into how the system is designed. For instance, will a fleet rental vehicle hirer that has a large number of identical vehicles need to go through a separate process for each vehicle and incur all the costs involved.

TIA requests that this point be considered and addressed.

4. Communication

Central to implementing the changes to the freedom camping system is the need to engage the freedom camping community (vehicle owners and hirers) and the wider public on the journey. The object of the communication will be to ensure the rules are very well understood by the freedom campers and that the public knows that their concerns around freedom camping have been substantively addressed.

There is a question who is responsible for this, is it government and its agencies, is it industry, or is it the regulator – in this case the PDGB? TIA considers this should be a wider effort with all key parties contributing. This would include the bespoke channels operating in this space, such as Camping NZ and Camper Mate, and that clear signage at place is established so that campers have the right information at the place they are looking to camp.

There is also a role to play in providing education workshops for council staff to understand the requirements established by the Bill and its Regulations and how they will apply to at local and regional levels. This will allow councils to establish or adapt their local rules for managing camping activities that work best for the campers and the local community, including tourism operators.

5. Transition

As we indicated in our submission on the Bill, TIA is mindful that it will take time to establish the framework that sits behind the proposed changes, including in setting up the system operated by the PGDB and in getting the majority of camper vehicle owners using it. As such, we submit there should be some contingency to extend the transition timelines given the many tasks that have to be undertaken within the proposed 24-month transition period.

Further Input

TIA has greatly valued being involved in this process to date, and we are fully committed to contributing further as and where we can add value.

If you have any queries about our feedback, please contact me directly or do so via Bruce Bassett on 021 609 674 or bruce.bassett@tia.org.nz. We would be very happy to meet to discuss the points raised in this submission.

Ngā mihi,

A handwritten signature in blue ink, appearing to read 'R Ingram', with a long horizontal flourish extending to the right.

Rebecca Ingram
Chief Executive