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Committee Secretariat  
Economic Development, Science and Innovation Committee  
Parliament Buildings  
WELLINGTON

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Kia ora

### **Tourism Industry Aotearoa Submission on the Self-contained Motor Vehicles Legislation Bill**

Tourism Industry Aotearoa (TIA) welcomes the opportunity to comment on the Self-contained Vehicles Legislation Bill. TIA is supportive of the Bill and the measures that it contains in the interests of being better able to manage freedom camping activity in Aotearoa New Zealand.

#### **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, airports & airlines, transport, hospitality as well as related tourism services.

TIA has been an active contributor to policies and practices relating to what is commonly termed as freedom camping.

As part of this work, TIA convenes the New Zealand Responsible Camping Forum, which brings together a wide 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. Attachment One sets out the NZRCF in more detail.

The views set out in this submission have been developed by TIA with input from NZRCF members and a number of industry participants.

TIA has made a separate submission to MBIE on the regulation aspects of the consultation process.

#### **Overall Perspective on the Bill**

TIA supports the intent of the Bill in that it establishes a national rule requiring freedom campers to use a certified self-contained vehicle when staying on land managed by a local authority and some Crown land (LINZ and Waka Kotahi) while also allowing local authorities to decide the places where non-self-contained vehicles are permitted to stop and stay. 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 Bill to ensure we are managing this system well, with good clear rules with effective communications, without being excessively punitive. We are also mindful that this framework will apply to both our international visitors and the many New Zealanders who own and operate their own camper vehicles.

### **Specific Points**

TIA is supportive of the Bill and we do wish to highlight some points and questions that we believe will strengthen the framework established.

#### **1. National Approach**

TIA supports the rule that freedom camping occurs in a certified self-contained vehicle unless otherwise designated.

This is an important step to provide a consistent national set of rules, while allowing local authorities and government agencies to effectively manage the freedom camping activities within their jurisdiction. There are clear benefits in having these consistent national rules that we believe will improve freedom camping activities while helping to address community concerns around toileting by campers. We note that other issues such as congestion or overcrowding or loss of visual amenity are not addressed by the reforms and remain the responsibility of the responsible authorities to address with the powers available to them.

We consider that international visitors who use camper vans will benefit from the clear framework being established, but we do recognise that the transition impact will be higher for New Zealand owners of existing campervans that will incur additional costs to retrofit the required facilities.

#### **2. Regulatory System**

TIA supports the proposal to build on the current regulatory system for self-contained vehicles through the addition of proposed new functions, including to certify that a vehicle has a fixed toilet that allows the campers to be self-contained in terms of their toileting needs.

TIA is comfortable that the system will be managed effectively by the Plumbers Gasfitters and Drainlayers Board.

TIA notes the costs that may be faced by vehicle owners, including for any retrofitting that may be required, the Self-containment Monitoring Levy, and the vehicle inspection process and certification. The costs for the first and third of these are unknown at this stage, with the Levy level to be specified in the Regulations.

We request that consideration be given to fleet operators where a large number of identical and purpose-designed vehicles are operated and are being brought into the fleet on an ongoing basis. This could take the form of a fleet rate particularly for the Levy and, if possible, for the assessment and certification process.

**Recommendation:** The Bill should include a provision that specifies that fleet discounts for the fees involved where there are a large number of identically configured and purpose designed vehicles.

#### **3. Definition**

TIA considers the Bill needs to be very clear in its definitional scope, particularly relating to tenting. In the draft Bill, Freedom Camping is defined as camping in either '*...tent or other temporary structure, or a motor vehicle.*' TIA considers that as tents do not by nature have a fixed toilet facility, then tenting should be

specifically excluded from the requirements established by the Bill, but in some way indicate that tenting is subject to the local requirements of the landowners, as it is currently.

**Recommendation:** As with other aspects of the system being established, there needs to be very clear guidance for all stakeholders on how tenting is managed, potentially alongside vehicle-based freedom camping.

#### 4. **Extending to Waka Kotahi and LINZ lands**

TIA supports the inclusion that, in addition to land owned and managed by local authorities, the Bill will apply to land owned and managed by Waka Kotahi and LINZ. We consider that consistent rules for available public lands such as these will assist in making this regulatory framework work well for all parties, particularly the camper community itself.

An important factor to be considered is that campers may not typically know whose land they are on, which means that it is important that there is good signage and information available for campers, so they are aware of the nature of the land or place they are camping at. We raise signage as a separate point below.

One aspect of concern in the Bill is that council staff can enforce on Waka Kotahi land, but not LINZ land, which will have its own enforcement capability. We would like to seek clarification as to why there is this difference across the council, LINZ and Waka Kotahi landowners. We understand that only the owners of the land have enforcement powers over their land, but that they can enable the other agencies' enforcement officers to enforce on their land. This is an area that needs better clarification.

**Recommendation:** The Bill should more clearly define the enforcement powers across the different land ownership jurisdictions, including the ability to engage other agencies to enforce on their behalf.

#### 5. **Enforcement**

TIA supports the proposed enforcement approach, which we see as important for ensuring the desired outcomes from the legislation.

TIA supports the lift in infringement fine levels for non-compliant freedom camping as it will incentivise compliance to the new regulatory requirements. Our caveat on this is two-fold: 1) to ensure that the level of a fine will be proportionate to the offence; and 2) it is very important that enforcement is undertaken fairly, evenly and appropriately so as to not diminish the quality of the visitor experience for campers as and when they engage with enforcement staff. We support education as the first step, with enforcement if the camper is clearly continuing to breach the rules.

TIA considers that it would be desirable to have consistent interpretation of the rules across the country, including the infringement levels. Inconsistent application around the country would likely become problematic over time. This may be detailed in the Regulations or in subsequent interpretation documents, but the Bill should certainly reference that this is the case.

Provision will need to be made to support the enforcement function on a consistent basis, including training of enforcement staff, ensuring there is appropriate capacity, and that enforcement is monitored and audited.

**Recommendation:** The Bill should seek to ensure consistent application of the rules across the country.

## 6. Collection of Fines

Who an offence is applied to is very important. Is it the person or the vehicle? This becomes especially relevant where an offending vehicle is a rental vehicle, so does the infringement notice go to the person involved or to the rental company? We note the wording in page 3 of the Bill's Explanatory note where the text sets out that an infringement notice can be emailed out to '...assist rental companies in recovering infringement fees from rental vehicle hires.'

As we understand it, the Bill is not changing the current approach, which essentially provides for rental vehicles operators 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 Bill 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. TIA is concerned that this very sensitive aspect of the system is not clearly set out in the consultation material and that this may impact on the level of feedback the Select Committee receives on this matter. TIA does not support rental vehicle operators being forced into the role of infringement collectors where they are not happy to do so.

**Recommendation.** The Bill or its supporting explanatory material needs to clearly set out how this area works, including the discretion available to the rental vehicle operators to act as they see fit and that they are not being compulsorily required to collect fines on behalf of the issuer of the infringement notice.

## 7. Communication

Importantly, TIA submits that there must be a public campaign to clearly communicate the upcoming changes to the tourism industry and both domestic and international visitors to avoid the risk of freedom campers not being aware of, or not understanding, the new rules once they are enacted.

This communication campaign could be designed through partnering with the industry and stakeholders to utilise their current communication channels to visitors. TIA is happy to assist with this communication campaign and others in the Responsible Camping Working Group will also likely contribute.

The two key mobile apps that operate in this space (Camping NZ app and Camper Mate app) will also be important channels for conveying the nature of the changes and what it means for camper vehicles, including the requirements for the places where self-contained vehicles are welcome, and where they can go if they are not self-contained such as holiday parks, or designated council-owned sites with facilities.

Communications of different languages will be important, with the on-line channels likely being the best way to do this.

TIA considers that there is also a role to play in providing education workshops for council staff to understand the requirements established by the Bill and how it will apply to at a local and regional level, and how councils can best establish or adapt their local rules for managing camping activities that work best for the campers and the local community including tourism operators.

## 8. Signage

As set out above, it is important that the requirements established by the Bill and its Regulations are clear and apparent to the camper user community. As such, signage at place will be an important way to ensure that the campers have the right information at the place they are looking to camp. We also note that the provision of signage (and the wider communications) will ideally be undertaken in conjunction with the landowner, whether councils, LINZ or Waka Kotahi to ensure the local requirements are also set out, including site capacity or any other relevant requirements.

In the interests of providing clear guidance to visitors who in most cases do not know who the landowner is, a consistent signage approach across the various landowners should be established.

## 9. Transitional arrangements

TIA is mindful that it will take time to establish the framework that sits behind the proposed changes, especially in setting up the system to be operated by the Plumbers Gasfitters and Drainlayers Board. As such, TIA is supportive of a transition period of at least 24 months for rental vehicle operators. This will enable those who operate with non-fixed toilets in their fleets time to upgrade or retrofit their fleets.

**Recommendation:** TIA considers that a reference for a 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](mailto:bruce.bassett@tia.org.nz).

We request the opportunity to speak to the Select Committee on the submission.

Ngā mihi,



Rebecca Ingram  
Chief Executive

## **Attachment One. New Zealand Responsible Camping Forum**

TIA is supportive of responsible camping practices.

In response to challenges around freedom camping, in 2007 TIA and other stakeholders established the New Zealand Responsible Camping Forum.

The Forum has around 65 members from the private sector, and from central and local government. TIA convenes this forum and manages the freedom camping website that sets out responsible camping practices. <https://www.freedomcamping.org/>

The purpose of the Forum is as a broadly-based advocate for the successful management of freedom camping in New Zealand. This includes:

- Being the national leadership group for freedom camping in New Zealand.
- Providing a national framework for managing freedom camping.
- Identifying the key issues and ensure actions are in place to address/mitigate these.
- Identifying and engaging with stakeholders and provide a mechanism for stakeholders to regularly discuss the issues and identify solutions.
- Establishing and promoting guidelines and positioning statements to provide stakeholders with the information they need.

The Forum recognises and respects the role of regional communities (via local and regional councils) to manage regional or local issues relating to freedom camping.

The Forum also acknowledges there may be limits to what it can do or achieve as a group. For instance, it may not always be able to achieve consensus or engage on all issues. As such, all parties are free to express their individual views.