



AIDE MEMOIRE

High-level overview of freedom camping issues

Date:	19 November 2020	Priority:	High
Security classification:	In Confidence	Tracking number:	2021-1432

Information for Minister(s)

Hon Stuart Nash
Minister of Tourism

Contact for telephone discussion (if required)

Name	Position	Telephone		1st contact
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The following departments/agencies have been consulted

NA

Minister's office to complete:

- | | |
|---|--|
| <input type="checkbox"/> Approved | <input type="checkbox"/> Declined |
| <input type="checkbox"/> Noted | <input type="checkbox"/> Needs change |
| <input type="checkbox"/> Seen | <input type="checkbox"/> Overtaken by Events |
| <input type="checkbox"/> See Minister's Notes | <input type="checkbox"/> Withdrawn |

Comments



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Purpose

We understand that one of your immediate priorities for tourism is to address the negative issues arising from freedom campers. You want to better align the system to match the New Zealand brand and to attract high-value visitors to New Zealand and deliver high-quality visitor experiences and ensure New Zealand lives up to and enhances its brand.

This paper responds to your specific requests for information on:

- options for addressing touring vans that aren't self-contained
- restricting leased or rental vehicles that have sleeping facilities (but not restricted to).

It also provides you with high-level information on the SCVS. We will provide you with further analysis on these two issues you have raised and we would like to discuss your initial thoughts on the SCVS at your next meeting with tourism officials on Monday 23 November.

A subsequent briefing will address the broader issues and opportunities within the freedom camping system.

Danielle McKenzie
Policy Manager, Tourism Policy
Labour, Science and Enterprise, MBIE
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Background

1. There is considerable confusion around what is and what is not a self-contained vehicle, and what that means. This is problematic in the freedom camping system. This paper provides a snapshot on the Self-Contained Vehicle Standard (SCVS) and a high-level overview of the two issues you have raised above.
2. The SCVS is a voluntary standard which sets out the requirements and process for certifying a vehicle as self-contained. A fully self-contained vehicle is meant to go for three days without needing additional water supplies or dumping waste. MBIE has sponsored the standard to make it publically available without charge.
3. Any plumber registered under the Plumbers, Gasfitters and Drainlayers Act 1976 can be an issuing authority to certify a vehicle as self-contained. There are currently around 8,000

registered plumbers in New Zealand. A plumber can also certify a person to be an issuer of certification.

4. As it is a voluntary standard, the SCVS is not directly attached to any legislation or regulations. It also means councils are unable to enforce against the standard.
5. However, local councils can make by-laws under the Freedom Camping Act 2011 that restrict freedom camping in specific areas to vehicles that are certified as self-contained. Local government stakeholders have advised that the SCVS is one of the main tools it uses to manage the impact of freedom camping on local government infrastructure. It is one way to manage congestion and a lack of infrastructure (toilet facilities) across their district.
6. Based on reports from key stakeholders and the media, there is considerable confusion in the mind of the general public around what makes a vehicle self-contained, and whether or not a vehicle is legitimately certified.

Discussion

We have been undertaking work to strengthen the current regime to address vehicles that are not self-contained

7. We understand that you are concerned that certain vehicles do not meet the threshold for being certified as self-contained, in particular, touring vans. A wide range of vehicles can currently be certified to the standard, ranging from large purpose built motor homes to converted 'people mover' vehicles, such as a Toyota Hiace. This is because there is no requirement for there to be a 'fixed' toilet in a vehicle, though the SCVS does specify that a toilet must be able to be used when a bed is made up.
8. In August 2020, the then Minister of Tourism directed MBIE to progress work to review the current regulatory framework for the SCVS. This was based on the recommendation of the Responsible Camping Working Group,¹ who noted it as their number one priority issue for supporting the management of freedom camping. We agreed with the Working Group, as:
 - a. **The current SCVS is not well understood by stakeholders.** This means that often people do not realise that legitimately certified vehicles are in fact self-contained.
 - b. **There are issues relating to the certification process.** Because there are a large number of individuals that can certify to the standard, and no organisation to offer guidance and clarifications, there is the possibility that some issuing authorities adopt a more relaxed approach to certification.
 - c. **Enforcement measures for the standard are insufficient.** For example –the current maximum penalty allowed under the Freedom Camping Act is \$200 in relation to the SCVS.
9. We believe there are a range of options available to strengthen the current regime, including:
 - a. Tightening the SCVS
 - b. Increasing enforcement penalties
 - c. Introducing a national database for self-contained vehicles
 - d. Improving understanding of the regulatory regime

¹ In 2018, the Responsible Camping Working Group (the Working Group) was established by the then Minister of Tourism to identify ways to better manage the freedom camping system. The Working Group recommended long-term policy and regulatory changes to the responsible camping system, and short-term practical actions that can be taken to help councils manage camping in their regions during the peak summer season.

- e. Making compliance with the SCVS compulsory
 - f. All of the above – Introduce a fully regulated system.
10. MBIE explored a number of options in our review of the standard and wanted to trial a softer approach. Our initial recommendation was that most issuing authorities for the standard are engaged and want to improve the management of the standard, we have had success with technology trials in capturing a database of vehicles and had recommended creating a voluntary database of vehicles to assist councils managing vehicles. This proposal was not supported by the Responsible Camping Working Group, they wanted to go direct to a regulatory model.
 11. We all agree that the voluntary SCVS is a problem that should be addressed.

MBIE has work underway examining these issues

12. MBIE currently has work with the all-of-government panel to procure a provider to independently analyse the regulatory framework for the self-contained vehicle system. We have asked them to look at the issues and options above and we intend on having a recommended solution that will have the most impact from cost benefit point of view. We expect for work to begin in January 2021.
13. The tourism industry has also advised that the vast majority of rental vehicles that are not self-contained stay the night at a location with toilet facilities, such as a Holiday Park, Department of Conservation campsite or council provided freedom camping site.

Restricting the lease of vehicles that have sleeping facilities

14. Certainly the purchase or rental of self-contained vehicles without toilets can be problematic. Travelling around in vehicles that are not self-contained is a particular problem for local government. There is a voluntary code by rental vehicle companies that rental vehicles must adhere to if a vehicle is not self-contained that they must stay in a site with facilities.

Legal considerations

15. It is possible to restrict or ban specific types of vehicles but any decision would require legislation. There will be a number of issues that we would need to work through to deliver on this. We could solve one problem but create another. Firstly, we will need to carefully define the types of vehicles that are not self-contained. The reality is that it is possible to sleep in any kind of large vehicle such as large cars and station wagons, so banning certain types of vehicle but not others will almost certainly result in anomalies.
16. We will also need to scope the kind of use that would be captured. For example, would it only be 'leasing' vehicles that would be restricted, or would it extend to buying and selling vehicles. If the prohibition is limited to "hire" this is likely to result in the development of a market for tourists to buy and sell such vehicles to each other rather than hiring them. This may exacerbate the existing issues related to the purchase of non-compliant private freedom camping vehicles. Those businesses that rent these types of vehicles will be negatively impacted, depending on the changes and timeframes.
17. We will also need to define whether this would be limited to the international visitor market, or all visitors including New Zealanders. Any proposal to restrict the prohibition to foreign rather than domestic tourists is likely to involve unlawful discrimination under the Human Rights Act 1993. While legislation can override the Human Rights Act 1993, this would be likely to attract criticism from both domestic and international human rights organisations.
18. We will need to work our way through these issues, and provide you further detail on the pros and cons for implementation.

Policy considerations

19. Restricting the lease of vehicles that have sleeping facilities to specific groups may not have the intended purpose of supporting responsible camping and managing congestion.
20. We need to clarify if you intend for it to apply to New Zealanders and international visitors. If it does not apply to only international visitors it makes the legislation considerably simpler.
21. Local government has advised us that a large issue exists with the private purchase of second hand vehicles by visitors and New Zealanders which are used to freedom camp across country. Issues relating to these vehicles include:
 - a. Variance in interpretation of how the SCVS has been met, including by issuing authorities.
 - b. Many vehicles are left behind once visitors leave New Zealand or the region.
 - c. Some non-compliant vehicles are on-sold to other visitors wishing to freedom camp.

Next steps

22. Advancing these issues and implementing legislation is possible, but would require further analysis. This would also need to be done in consultation with your ministerial colleagues, in particular the Minister of Local Government, Minister of Conservation and Minister of Transport. We would also recommend concurrently addressing the wider systemic issues with the management of freedom camping in New Zealand.
23. This is an initial high-level note, we would like to discuss your thoughts on freedom camping and approach to strengthening the regulatory environment at the next tourism officials meeting on Monday 23 November.
24. We will provide you with further details as per your request on the specific issues raised above, and we will provide you with a more detailed briefing on improving the management of New Zealand's freedom camping system.