



## Submission Document

**Date:** 16 May, 2021

**Subject:** **Supporting Sustainable Freedom Camping in Aotearoa New Zealand**  
Public Discussion Document April 2021

**From:** **NZ Lifestyle Camping Ltd (Self Containment Issuing Authority)**

**To:** **Ministry of Business Innovation and Employment**

**Cc:** Minister for Tourism, Hon. Stuart Nash

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## Forward

This submission is provided by NZ Lifestyle Camping Ltd as an existing Issuing authority, for the Certified Self Containment of Motorhomes and Caravans under the voluntary standard NZS 5465:2001, in response to the Hon. Stuart Nash's proposals titled "**Supporting Sustainable Freedom Camping in Aotearoa New Zealand, April 2021**"

The following terms and abbreviations will be used in this submission.

NZLC	NZ Lifestyle Camping Ltd
CSC	Certified Self Containment
APCNZ	All Points Camping Club of NZ
SSFC	Supporting Sustainable Freedom Camping in Aotearoa New Zealand document
MBIE	Ministry of Business Innovation and Employment
Minister	Minister of Tourism Hon. Stuart Nash
NZMCA	New Zealand Motor Caravan Association
DIA	Department of Internal Affairs

NZ Lifestyle Camping Ltd is a private company / small business, established to support the NZ recreational camping industry for fair application of the voluntary standard for certified self containment, NZS 5465:2001. NZ Lifestyle camping employs one person part time and one person on contract.

NZLC supports and mentors a New Zealand wide network of independent, competent, self containment testing officers throughout NZ

NZLC receives, checks and issues self containment certificates and required documentation for vehicles that meet the required standard.

NZLC maintains a simple cloud based register of certified self contained vehicles

NZLC has functional relationships with the following:

- All Point Camping Club of NZ – (associated national camping club)
- Qualified Self Containment Testing Officers (members of issuing scheme)
- Registered plumbers, drainlayers and gasfitters (independently qualified for self containment certification)
- Campervan rental companies
- Caravan and Motorhome repair and assembly businesses
- Caravan and Campervan importers
- MBIE – Standards NZ

NZLC does not have functional relationship with the NZ Motor Caravan Association

NZLC participates in the Tourism Industry Aotearoa Responsible Camping Forum

## **Legal Notice:**

This submission is subject to amendment and addition, in respect of information requested under urgency from the Minister of Tourism, in accordance with the Official Information Act. Such information having not been supplied by the Minister before the closing date for submissions being 16 May, 2021. In this matter the Minister advised the information would not be available until 1 June, 2021 and a formal request has been made to extend the submission closing date to 5 June, to which the Minister has failed to respond. NZ Lifestyle Camping considers that the Minister has failed in his obligations under the Official Information Act by withholding information required to make a justifiable submission.

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*NZ Lifestyle Camping Ltd recognises and asserts that the Hon Stuart Nash as Minister for Tourism publicly stated his intentions, for this proposal on 18 November 2018 and that the Minister's comments indicate that the Minister's primary focus is on image and high value tourism and a wish to get small campervans off NZ roads. The intended increased regulation on a 'class' of camper defined by MBIE as 'budget' as opposed to 'premium' (MBIE definition) reinforces the discriminatory, 'classist' approach taken in these proposals.*

*NZLC further asserts that the approach taken by the Minister and MBIE in this matter has caused unnecessary stress and anxiety to many thousands of New Zealand campers and business operators engaged in the vehicle based, NZ Tourism Industry and that the Minister has failed to consider the mental health and financial implications of his predetermined actions, resulting from the uncertainty he has created.*

**NZLC considers that the approach taken by the Minister in this matter by working behind closed doors with a select group of industry members to develop the 4 proposals (on regulating freedom camping in self contained vehicles) and publicly fostering division between freedom campers and the NZ public has caused more harm than good.**

A better solution would be to thoroughly review and update existing the self containment standard and the Campground Regulations to better enable private hosts (small businesses to meet demand). In order to develop a safe, sustainable leisure camping industry in NZ is important that the industry is looked at as a whole and that the affected people / campers are included in policy development.

## **History**

On November 18, 2020 the newly appointed Minister for Tourism in his Ministerial role stated "*We get all these vans driving round at the moment that are not self-contained, so if the driver or the passenger wants to go to the toilet - we all know examples of this - they pull over to the side of the road and they shit in our waterways.*"

The Minister followed this up by stating "*Do you think that we want to become a destination for those freedom campers and backpackers who don't spend much and leave the high net worth individuals to other countries?*"

*Comment: To date the Minister has been unable to supply any evidence to support these assertions despite being requested under the official information Act. In contrast to his predecessor Hon Kelvin Davis and recommendations from the DIA Situational analysis report Minister Nash has used a propaganda technique to sway public opinion against a class of freedom campers deemed as not having a 'high net worth'*

*This has set the foundation for the Minister's proposals which are predominantly a narrative based on selected research, innuendo and media reporting that supports his objectives rather than balanced, factual and substantiated evidence.*

**The Minister's Government Working Group on Freedom Camping** established 'by the Minister' comprised representation from selected Local Authorities, tourism industry businesses and the NZ Motor Caravan Association (primarily 'premium' campers) but **included no representation from the public** 'budget campers' who are primarily targeted and affected by these proposals. This identifies an immediate bias in the Minister's intention and subsequent proposals which have been formulated from a tourism industry basis.

## **Note:**

NZ Lifestyle Camping was not included as a party to the Minister's working group despite being the second largest self containment issuing authority in NZ and a representative for businesses and individuals working with all modes of self contained vehicles.

## **Voluntary Self Containment and Types of camping vehicles in New Zealand**

*NZS 5465:2001 was amended under pressure from NZMCA to restrict certified self containment to vehicles in which the toilet may be used inside the vehicle, with the beds made up allowing sufficient head and elbow room, whenever required. However once it shown that this can done the toilet may be used in a toilet tent or awning. This change to the standard was made by a closed group committee without considering implications for different types of camping vehicle. This has created considerable inequity and issues with interpretation and application.*

The following is NZ Lifestyle Camping's Statement of Position on the 4 Proposals, from an industry perspective. Please note that the NZLC response is in the order of Proposals 1, 2, 4 and 3, with Proposal 3 having the greatest significance for this submitter.

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## **Proposal 1**

Under this proposal overnight freedom camping 'in a vehicle' would only be able to be conducted in a certified self contained vehicle.

### **NZ Lifestyle Camping is unable to support proposal 1.**

- 1) The proposal has been poorly researched, with **a lack of factual evidence** to justify the perceived issues and insufficient research (eg. cost benefit analysis) on the possible outcomes and societal effects. This proposal is illogical and impractical to administer or enforce.
- 2) Under this proposal people with tents would be allowed to freedom camp 'without a toilet' where a council bylaw permitted it however a fisherman with a portable toilet sleeping in his ute would not. This proposal creates considerable anomalies as an awning is considered to be a tent and some camping vehicles are unable to be technically certified for self containment. People using some teardrop campers would be unable to freedom camp in their vehicle but would be able to in a tent without a toilet and cars with roof top tents would be able camp as they use a tent by definition. Trailer tents may or may not be allowed to freedom camp.
- 3) Under this proposal a national restriction would apply to all NZ coastline under local authority or Department of Conservation control plus other inland areas covered under the Freedom Camping Act and overriding the local authorities power to make determinations on who can camp where.

Note: The Department of Internal Affairs has advised in the 2016 Situational Analysis of Freedom Camping that there is no evidence to suggest that anyone group of people is more responsible for problems involving waste.

*"There is an increasingly pervasive perception that freedom campers are responsible for litter, human waste and anti-social behaviour. This is demonstrated in media reporting on freedom camping and submissions to council bylaw making processes. There is little evidence to support this proposition." (Source DIA Situational Analysis of Freedom Camping, November 2016)*

Proposal 1 has no foundation or basis other applying a discriminatory approach and biased restrictions on a class of camper. The available research does not support the Minister's public, media statement of 18 November 2020 that, "We get all these vans driving round at the moment that are not self-contained, so if the driver or the passenger wants to go to the toilet - we all know examples of this - they pull over to the side of the road and they shit in our waterways." Source

## **Proposal 2**

Under this proposal freedom campers without toilets, including tents would only be able to stay near toilets. Campers in certified self contained vehicles would be able to freedom camp away from toilets. This proposal overrides local authority powers under

### **NZLC is unable to support proposal 2**

NZLC recommends and requests that a full review of the NZ recreational camping industry be conducted including representation from the affected NZ public (as per the guidelines of the Prime Minister's Office).

- 1) Proposal 2 overrides local authority powers under the Freedom Camping Act to manage where people may camp.
- 2) Proposal 2 restricts the opportunity for tenting families, including those from lower social economic groupings and activity based groups with tents or hybrid camping vehicles (including teardrop campers) from camping
- 3) Proposal 2 fails to recognise that a small vehicle camper, or tent users, may be self sufficient, with a toilet in tent or awning, but unable to be technically certified as self contained under NZS 5465:2001.

This proposal is unworkable and will reduce the access rights of NZ recreational users to the NZ coastline and other land managed under the Freedom Camping Act.

## **Proposal 4 – Types of toilets**

NZ Lifestyle Camping acknowledges that a NZ Standards review on the wording for use of toilets in NZS 5465:2001 would be beneficial.

NZLC considers that imposing government regulation on making toilets fixed will be counter productive, impractical and disadvantage 1000s of NZ campers with vehicles ranging from retro caravans, through to well equipped, small campervans.

The costs and technical issues in upgrading vehicles would be excessive and would be penalise those campers without the funds to have 'premium' vehicles.

The current requirements for portable toilets in a certified self contained vehicle are clearly written and easy to understand.

- 1) A portable toilet must be able to be used with the beds made up, whenever required. Therefore, when the toilet is not required to be used it can be stored out of sight. just as a toilet is kept behind a door in a 'premium' vehicle.
- 2) The toilet must be able to be used with sufficient head and elbow room.

Under the Standard a portable toilet can be used in a toilet tent or awning once the above conditions have been met. Currently this excludes some vehicles from being able to be certified self contained such as some teardrop campers and trailer tents. This already excludes many people using this mode of camping from many Freedom Camping areas even though they have a toilet which can be used when camping.

### **A portable toilet is as effective receptacle for containing human waste as a cassette toilet or permanently plumbed toilet.**

Note: Proposal 4 was originally written (and intended) to follow the 'permanently plumbed toilet' recommendation of Simon Upton in his recent report as the Environment Commissioner. This recommended a separate holding tank for waste, an expensive and structural impossibility for many campervans and caravans. That this irrational statement was repeated by the Minister of Tourism and included in the MBIE proposals shows a disgraceful level of ineptitude. The amount of confusion and stress this has caused throughout the recreational camping industry and amongst campers has been totally unnecessary.

The current definitions of toilets within NZS 5465:2001 are adequate but could be improved as part of a full review.

The fact that some NZ campers are excluded from being self contained, because the toilet is used in a pull out awning only, e.g is with merit or foundation. It is ironic that a vehicle with a roof top tent and room for the toilet inside the vehicle can be technically certified as self contained whereas a teardrop camper or trailer tent can't be.

## Proposal 3 – Increased regulation to ensure compliance

### Administering Body

NZ Lifestyle Camping recognises a need for a degree of improved control / regulation with the current self containment system in NZ. NZ Lifestyle Camping believes that a combined 'Government and Industry' led approach to be the best solution. The current system has 'no teeth' to deal with when a problem arises and this needs to be considered.

NZLC considers that the creation of an Industry based association of self containment testing officers will be the most effective and affordable way to oversee and register testing officers while encouraging voluntary compliance. This has been previously suggested to the MBIE, Responsible Camping team but has not been suggested as an option in the proposals. It must be remembered that in the end camping is recreational pursuit enjoyed by hundreds of thousands of NZ campers and like any other recreational activity should be managed by the industry. NZ's campers value the freedom they have from everyday regulation and restrictions but inherently want to do the right thing. Forcing excessive regulation on what is effectively a recreation industry may be totally counterproductive.

The New Zealand's self containment industry is primarily made up of volunteers, and small business operators who already face considerable government regulation. Forcing another government regulating body on them with the additional compliance costs they will incur will result in the loss of many skilled self containment testing officers and possibly some Issuing Authorities.

Having a central database of certified self contained vehicles would be an asset and while NZLC operates a simple national database the cost of creating an improved, national, user friendly database is considerable. NZLC has previously suggested to MBIE interfacing with carjam for a central listing.

NZLC is surprised that the Plumbers Gasfitters and Drainlayers Board has been approached to set up a new system with initial costings made without consulting our 'current' support industry that is already doing this to a large extent. The mooted increased cost of \$125.00 per certified self contained vehicle lacks detail but seems excessive considering what is involved. No doubt there will be additional costs incurred by testing officers, small business operators and issuing authorities. These additional costs will also need to be recovered from NZ and international campers, the end user, the responsible camper. This is effectively penalising the camper for being responsible.

**From my discussions with self containment testing officers, businesses and the affected public the majority concensus is for an industry led administering body rather than a Government controlled body such as the Plumbers, Drainlayers and Gasfitters Board. Should the Minister proceed with the creation of a new administering body NZLC would be interesting in developing an industry led approach.** There is significant public resistance including the establishment of national protest groups against the destabilising actions of the Minister and MBIE in respect of these proposals.

**It is sensible practice to work with, and alongside your target audience in partnership, rather than forcing controls.**

Note: NZLC is aware of comments made by the NZ Motor Caravan Association that they have a shortage of their own self containment testing officers to certify their members vehicles. NZMCA has previously commented that they are interested in having another authority conduct self containment testing. NZLC is cautious of moves and comments made by this exclusive membership based organisation and the extensive lobbying the organisation undertakes to benefit their members while disadvantaging other NZ campers. NZLC wishes to ensure that the NZ recreational camping industry is managed fairly for the benefit of all NZ campers and is not driven by elitism and unsubstantiated, innuendo targeted at 'budget' campers.

### Fines and Confiscation

NZLC considers that proposed \$1000 fines and confiscating freedom campers vehicles an unnecessary abuse of the Government's powers except where criminal offending has occurred or there are significant safety concerns. Historic precedents in NZ's judicial system have established a balanced penalty system whereby a fine or penalty is a proportionate deterrent which encourages voluntary compliance. When the fine for using a cellphone for driving is \$150.00 (with grave safety concerns) and speeding more than 45 km over the speed limit is a \$630.00 fine a \$1000.00 fine for camping in the wrong area is ludicrous, and completely unjustifiable. We fail to see the logic in this as mostly budget campers would be affected.

## **Other Government Owned Land**

As a final note NZ Lifestyle Camping has considerable concerns over the suggestion in the consultation document of Allowing Local Bodies to have administrative and enforcement control over land currently administered by the Crown and in particular Waka Kotahi (page 23 SSFC) would have far reaching detrimental effects on more than just camping. Many outdoor sports enthusiasts, fishers, surfers, cyclists, and hikers to mention a few, would be affected as New Zealand beaches are classed as roads. The ability to use a rest area when traveling in a camper vehicle would come into question and the rules would change in each district.

## **Implementation Timeline and Transition**

The Minister has stated his intention to have the new policy, in whatever form, in place by the 1<sup>st</sup> of January. This has already caused considerable uncertainty and confusion in the leisure camping industry which is completely unnecessary after the financial and emotional stresses due to Covid-19. NZLC submits that the Minister's and MBIE's actions in this matter could not have come at a worse time. The Industry is currently entering its Winter slow down period, with the exception of Winter tourism activities.

NZLC considers a proposed 1 January implementation date to be extremely poor timing and damaging across the wider NZ leisure camping industry. **NZLC questions why detailed research of the industry and the effect on businesses was not taken into account.**

Self containment certification in NZ effectively starts getting busy in August with October to November being the busiest months as businesses and campers begin to organise for their summer. This also coincides with the seasonal influx of international tourists and seasonal workers. Any new systems for self containment will need to be in place and widely published by 01 August 2021 to enable the industry to make adaptations as required.

Self Containment Issuing Authorities, as with most NZ businesses, shut down over the Christmas to New Year period due to annual holidays and the inability to receive, process and post / courier required documentation within an acceptable period of time. Local Authorities and Government Departments are also usually closed over this time. With the Christmas season approaching should any changes be required in the self containment or compliance regime all staff and businesses throughout NZ will need to be trained and supplied with resources etc. Before 1 December 2020 at the latest.

**NZLC strongly recommends that MBIE and the Minister make the wise decision to implement changes, if any, in June and July 2022 (next year) during the industry's Winter lull period.**

*As Managing Director of NZ Lifestyle Camping Ltd I hereby provide this submission in response to the Minister's Supporting Sustainable Camping proposal and request that careful consideration be given to the future action on these proposals. It is imperative that a sustainable NZ recreational camping industry is secured taking into consideration the future recreational opportunities of New Zealanders.*

*I formally request that due consideration be given to the impact (both emotional and financial) and timing of any implemented changes on Industry related small businesses, business operators and the NZ camping population currently facing uncertainty regarding this matter.*

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