

26 October 2022

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

By email: [eds@parliament.govt.nz](mailto:eds@parliament.govt.nz)

Tēnā Koutou

## **TOURISM HOLDINGS LIMITED SUBMISSION: SELF-CONTAINED MOTOR VEHICLES LEGISLATION BILL**

1. Tourism Holdings Limited (**thl**) appreciates the opportunity to submit on the Self-Contained Motor Vehicles Legislation Bill

### **Submission**

2. **thl** is a global tourism operator and the leading provider of motorhomes for rent and sale in New Zealand. **thl** also owns Action Manufacturing, New Zealand's largest manufacturer of motorhomes.
3. **thl** supports work to ensure that New Zealand has a sustainable camping proposition that effectively minimises any negative impact on local environments and communities. We are a member of the Responsible Camping Forum and the Tiaki Governance Group. We have worked with the Queenstown Lakes and Thames-Coromandel District Councils. We have trialled the use of technology to support responsible camping. **thl** is committed to the Future-Fit Business Benchmark and the goal to become a Future-Fit Business – one that is environmentally restorative, socially just and economically inclusive.
4. In New Zealand, **thl** operates a network of over 1,000 motorhomes and was over 2,700 pre COVID-19. All of **thl's** motorhomes meet the current requirements. **thl** is committed to ensuring that its fleet meets the requirements set out in the Bill despite the cost impact and reduction in product offering that will result.
5. **thl's** submission on the Bill has four parts;
  - a. The Bill's focus on vehicles rather than behaviour means that the Bill will imperfectly minimises any negative impact on local environments and communities;
  - b. Transition timeframes
  - c. We seek for cl.27 of the Bill to be amended to be clearer about when vehicle owners will face fines; and
  - d. We will submit on MBIE's concurrent consultation on the regulatory design.

### *The Bill is imperfect*

6. By focussing on vehicles rather than the behaviour of campers, the Bill will work imperfectly to minimise negative impacts from camping on local environments and communities. The large majority of campers already use self-contained vehicles, use appropriate facilities and camp in a responsible manner. The Bill will work to the extent that the minority of campers who do not currently comply will change their behaviour either by using appropriate facilities or by no longer freedom camping.
7. There are some behaviours that the Bill will not impact. First, we know that not all waste is caused by campers or while camping. Campers are often more responsible, and have better access to facilities, than non-campers. Appropriate facilities to avoid inappropriate dumping of waste by non-campers is not addressed through this Bill. This issue continues to be partially addressed through investment in appropriate facilities at scenic sites, car parks, beaches and picnic sites around New Zealand. It is important that investment continues to be made to address this issue, supported by ongoing sustainable tourism funding.
8. Second, we endorse the view of other participants in the Responsible Camping Forum that some campers will continue to seek to not responsibly camp. They will use tents to be allowed access to restricted zones, they will seek to evade enforcement and will continue to cause negative impact. It is not the absence of self-contained vehicles that causes these campers to behave this way, but other issues.
9. Third, we know that inadvertent non-compliance is an issue for campers. Campers, both international and domestic, camp in restricted areas and receive fines because they are unaware of the restrictions that apply in that place. **thl** considers that this issue is best solved through use of geo-fencing technology solutions. Geo-fencing and notification technologies allow for the creation of unique geographical zones. As a traveller enters a flagged geo-fenced zone, a notification can be sent directly to that person.
10. CamperMate is one example of an app that has the technology to enable this solution. It is a highly effective tool that has been used by over 1.7 million campers to provide information regarding camping restrictions. It also effectively discourages intentional breaches as travellers, having received an active push notification advising of restrictions, would have a greater appreciation of the severity of the restrictions and therefore be less likely to intentionally disregard them.
11. CamperMate was used in the Freedom Camping pilot undertaken by MBIE in conjunction with the Responsible Camping Forum in 2019. In the trial, visitors were able to access information on the real-time availability of sites in the trial freedom camping locations they were travelling towards. They were given push notifications including other options for camping and deals for using commercial camping grounds. District Councils were also sent regular reports on user behaviour and movement. The trial showed that with the right information, over 90% of campers will make responsible decisions.



12. **thl** will continue to make CamperMate available for its customers as an important tool for helping campers to comply with the rules while also enhancing their travelling experience. **thl** remains open to working with government on how this tool can be expanded for the ongoing improvement of the freedom camping situation in New Zealand.

#### *Transition timeframes*

13. As a rental company, **thl** will have 18 months from the passing of the Bill to bring its whole fleet up to the new standard. For a large operator, this is a short timeframe in which to complete this work. Motorhomes are a relatively long-lived asset, so within this timeframe there will be little opportunity to cycle out older motorhomes with new ones that meet the standard. Instead, re-engineering of existing motorhomes will be required. This requires capital expenditure that for many operators is being carefully managed following the effects of COVID-19. This will affect price for our customers and the speed of our business recovery.
14. A transition option that would have less economic impact on us and our customers would be to require large operators to transition a percentage of our fleet every year over a period of time and to bring only compliant vehicles into our fleet. This transition option could include commitment by rental companies to a percentage of the fleet that it self-contained at transition milestones over time.

#### *Fine recovery from vehicle owners*

15. **thl** currently works co-operatively with District and Regional Councils on a voluntary basis to help recover fines from campers, but it can be difficult to do. There is no centralised data base of fines that **thl** can refer to. Under the Freedom Camping Act, retained by cl. 25 of the Bill, fines can be served through the post. By the time fines arrive campers can have moved on, cancelled credit cards and ended their relationship with the hirer. **thl** supports the proposal to email fine notices, speedier delivery of fine notices may help with collection.
16. **thl** is pleased that proposals to make rental operators responsible for recovering fines incurred by users have not been included in the Bill. These proposals are unworkable and would result in costs being socialised among all users, weakening the effect of the enforcement provisions.
17. **thl** remains concerned about the wording of cl.25(2) in the Bill. Cl. 25(2) seeks to replace the existing s27(2) of the Freedom Camping Act 2011 with;

*“An enforcement officer who believes on reasonable grounds that a motor vehicle was used or is being used in the commission of an infringement offence may serve an infringement notice on the person who, at the time of the alleged offence, was the registered person in respect of the motor vehicle under Part 17 of the Land Transport Act 1998.”*

18. Through reliance on the interpretation of 'used', the clause is unhelpfully ambiguous. A vehicle may be used in an offence without knowledge or control of the owner and where the owner is not realistically able to prevent or influence the behaviour. Moreover, if the fine is more likely to be paid by the owner than the user infringement officers may come to prefer this approach.
19. **thl** asks the Committee to consider alternative wording for this clause to clarify it. If the words '*a motor vehicle was used or is being used in*' were replaced with '*the owner of the motor vehicle was person who caused*' in cl. 25(2) the clause would have the effect of ensuring that motorhome owners can be liable for infringements where they are at fault and not for infringements that they cannot prevent or influence.

#### *Regulatory design*

20. The design of regulations to support the Bill are critical to the regime's success. **thl** will engage with the Ministry of Business Innovation and Employment's consultation process as they develop the regulatory settings.
21. Specifically, it is important that the regulatory settings are performance-based, rather than overly prescriptive. Prescriptive regulation creates the risk that large parts of the motorhome fleet may need to be modified to comply even if those modifications do not enhance performance. **thl** is concerned that prescriptive regulation could add significant unnecessary cost for motorhome owners and users.
22. As the owner of Action Manufacturing, New Zealand's largest manufacturer of motorhomes, **thl** has significant expertise in design and manufacture of motorhomes, including appropriate materials and standards. Through both the primary and secondary market, motorhomes designed by Action Manufacturing form a large part of the New Zealand fleet.
23. Performance-based regulation rather than prescriptive rules will allow Action Manufacturing to continue to innovate in the design and manufacture of motorhomes and adopt internationally recognised technology and materials. Innovation is important for continuing to improve fuel efficiency, customer experience, safety and value for customers.
24. Thank you for the opportunity to submit on the Bill. **thl** will continue our work to provide a sustainable camping proposition in New Zealand. We would happily make ourselves available to the Committee if you would like to discuss any of our suggestions further.



Yours sincerely,

A handwritten signature in blue ink that reads "Matt Harvey". The signature is fluid and cursive, with a long, sweeping underline.

Matt Harvey  
Chief Operating Officer – New Zealand

With the support of:

Grant Webster  
Chief Executive Officer