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Ministry of Business, Innovation and Employment
15 Stout Street
PO Box 1473
Wellington 6140

Submitted via: www.mbie.govt.nz/have-your-say

Attn: Responsible Camping Submissions

Tēnā koe,

Submission from the Manawātū District Council on the Freedom Camping Regulations

The Manawātū District Council (MDC) thanks the Ministry for the opportunity to provide feedback on the Freedom Camping Regulations.

This submission includes responses to the questions contained in the discussion document, as well as providing more general feedback and recommendations.

MDC is concerned about the complexity of the proposed regulatory system and the costs associated with becoming a certified vehicle inspector, particularly as an individual. The regulations include fees to become a certification authority, but not to become a vehicle inspector. The fee paid by an organisation such as the NZMCA to become a certification authority is therefore the same as would be paid by an individual seeking to become a vehicle inspector.

MDC questions the need for certification authorities. This adds another layer of complexity to the regulatory system (three tier system with Plumbers, Gasfitters and Drainlayers Board (PGDB), Certification Authorities and Vehicle inspectors).

MDC suggests a cheaper and more efficient regulatory system as follows:

- The PGDB oversees the regulatory system, including administration of the national register;
- MBIE and the PGDB work together to develop a course/workshop that outlines the new requirements;
- Individuals seeking certification pay a nominal fee to the PGDB to attend this course/workshop (which could be online) and those who pass the associated test are issued with a certificate as a vehicle inspector.

While MDC recognises that there may some benefit in having national associations or collectives such as the NZMCA providing general oversight for a network of vehicle inspectors, we consider that the current proposal financially penalises sole traders who are subject to the same fees as certification authorities. If groups such as the NZMCA are concerned about imposing costs on their volunteer inspectors, they could pay the PGDB to run the training courses themselves, at their own cost.

The certification of individuals by the PGDB would remove the need for vehicle inspectors to satisfy certification authorities of their competence. The training course and testing requirements would ensure that this is the case.

Technical requirements for self-contained vehicles

Question 1: To what extent do you agree with Option 1: 'light-touch' performance-based requirements?

MDC prefers Option 1 (performance-based) over option 2 (prescribed in regulations). This preference is because option 1 provides greater flexibility for self-contained motor vehicle owners. In addition, MDC recognises that if the technical requirements were described in the regulations this would mean more frequent amendments to the regulations to ensure that they remain current.

However, if a performance-based approach is to be taken, the objectives will need to be very well defined to provide sufficient certainty for motor vehicle owners and vehicle inspectors as to what complies with the requirements. MDC is concerned that a lack of specificity in the formal guidance could mean less consistency in how the technical requirements are applied nationwide.

Question 2: To what extent do you agree with Option 2: prescriptive approach to setting technical requirements?

MDC does not support this option as it forces vehicle owners into a single way of achieving compliance, which, depending on the design of the vehicle, may be costly or difficult to achieve. It would also be more difficult for the requirements to remain current and responsive to improvements in vehicle design, given the time it would take to amend the regulations.

Decision sought:

- That MBIE clarify whether any formal guidance developed to support performance-based requirements will include "acceptable solutions" like in the New Zealand Building Code.

Self-containment certification authorities and vehicle inspectors

Approval of certification authorities

Question 3: To what extent do you agree with Option 1: a robust approach to approvals with multiple pathways?

MDC generally supports this option. This support stems from a concern that if the certification process is too prescribed and bureaucratic this may discourage prospective vehicle inspectors from applying to the certification authority. If there is a shortage of certified vehicle inspectors this could cause significant delays in the certification of self-contained vehicles, impacting on the effective implementation of the new requirements.

Question 4: To what extent do you agree with option 2: a more rigorous and prescriptive certification approval criteria?

MDC does not support the proposal to require prospective vehicle inspectors to demonstrate they have a relevant trade qualification. Providing the vehicle inspector can demonstrate their competency and understanding of the technical requirements, MDC considers the holding of a trade qualification to be unnecessary.

Question 5: To what extent do you agree with Option 3: requiring a third-party review of certification authority systems?

We consider this option would add unnecessary expense to the certification process and therefore do not support it.

Competency requirements for vehicle inspectors

Question 6: To what extent do you agree with Option 1: requiring vehicle inspectors to be knowledgeable?

MDC agrees with MBIE's preferred option, being a requirement that vehicle inspectors be knowledgeable, but not requiring that they have a trade qualification or to undergo further background checks. This is because MDC shares MBIE's concern that these additional requirements

would add to the cost of becoming a vehicle inspector, particularly for volunteers, and may damage the current network of volunteers.

Question 7: To what extent do you agree with Option 2: requiring vehicle inspectors to have a relevant trade qualification?

As outlined above, we consider the requirement for vehicle inspectors to hold a trade qualification unnecessary, providing they are knowledgeable of the requirements.

Question 8: To what extent do you agree with Option 3: requiring vehicle inspectors to be assessed as "fit and proper"?

MDC is not aware of any issues with vehicle inspectors behaving inappropriately or with criminal intent. The requirement for background checks would add to the cost and administrative burden of certifying vehicle inspectors and may discourage some existing volunteers from applying. This option is therefore not supported by MDC.

Deeming plumbers as certification authorities and vehicle inspectors

Question 9: To what extent do you agree that certifying plumbers should be deemed as certification authorities and vehicle inspectors under regulations?

MDC generally supports the proposal for certifying plumbers to be automatically deemed certification authorities and vehicle inspectors. However, MDC agrees with MBIE that it will be important to ensure that certified plumbers are educated in the new requirements.

Recommendations from MDC on self-containment certification authorities and vehicle inspectors

Rather than prospective vehicle inspectors having to satisfy certification authorities of their competence, MDC recommends that MBIE develop an online course/workshop (with test) that certification authorities could deliver to educate prospective vehicle inspectors of the new requirements. Prospective inspectors could demonstrate their competency by completing a test at the end of the workshop/course. This would enable certification authorities to quickly and cheaply educate their existing workforce of volunteers without placing the onus on individuals to apply and demonstrate their competence.

An online version of this training course could also be made available to certifying plumbers as a way of ensuring they are aware of the new requirements.

Self-containment documentation

Question 10: To what extent do you agree with Option 1: continue to record the details of a vehicle's self-containment facilities on the self-containment certificate?

This option is preferred by MDC as it provides a higher level of certainty for prospective purchasers that the vehicles self-containment facilities meet the regulatory requirements.

Question 11: To what extent do you agree with Option 2: a simplified self-containment certificate?

MDC would be generally comfortable with a simplified self-containment certificate. However, this option is less preferred to the more detailed self-containment certificate as it makes it harder for purchasers of self-contained vehicles to compare vehicles.

Self-containment warrant

Question 12: To what extent do you agree with the option for the self-containment warrant?

MDC supports the proposed format of the warrant card and the information it is to contain. MDC considers the inclusion of the licence plate details critical to link the warrant to the vehicle it is issued for. The maximum number of people for which a vehicle has been certified as self-contained is also critical and should be retained.

The inclusion of a QR code or barcode that links to the national register would be useful for enforcement officers wanting to verify that the warrant is not fraudulent.

MDC also supports the proposal to make the new warrant cards green to help distinguish them from the blue cards issued under the voluntary standard.

Question 13: Is there any additional information that should be collected?

No.

Question 14: Is there any information proposed to be collected that does not need to be?

While the date the warrant expires is critical to display, we question whether the date of issue is relevant.

The inclusion of a unique number or identifier for the vehicle may be unnecessary, assuming that the national register can be searched using the licence plate details of the vehicle. However, the removal of the unique number may be contingent on the regulations requiring the owner of a certified self-contained vehicle to notify the certification authority if they change their licence plate number (such as when purchasing a personalised plate).

Generic Identifiers

Question 15: To what extent do you agree with Option 1: not having a generic identifier? Please explain your reasons.

MDC agrees that the retention of a generic identifier, such as a sticker, is not strictly necessary due to the requirement to display the self-containment warrant.

Question 16: To what extent do you agree with Option 2: having another generic identifier?

MDC would not be opposed to having another generic identifier, however, this is not strictly necessary as outlined above.

Infringement fees and fines

General feedback

MDC supports the proposal to have a tiered structure for infringement fees in the regulations. This enables enforcement officers to issue infringement fees that are reflective of the severity of the offence.

MDC also supports the proposal to give enforcement officers the option of issuing infringement notices by email. MDC considers that this may help to reduce the number of unpaid fines, particularly given the large proportion of international tourists who freedom camp in New Zealand.

Question 17: To what extent do you agree with Option 1: a tiered approach to the level of infringement fees to a maximum of \$800?

MDC generally supports option 1: a maximum fee of \$800. We consider that this to be a reasonable deterrent.

Question 18: To what extent do you agree with Option 2: a tiered approach to the level of infringement fees at a maximum of \$1,000?

MDC supports option 2 (preferred option) and considers that a maximum infringement fee of \$1,000 to be reasonable in instances where a freedom camper has caused interference or damage to an area, its flora or fauna, or any structures. The cost to local authorities to repair damage to freedom camping sites, structures or the natural area will likely exceed \$1,000 in most cases. However, local authorities are unlikely to pursue actual and reasonable costs through the courts, given that the cost of doing so usually exceeds the amount received in reparations.

Exclusions from regulatory requirements

Question 19: To what extent do you agree with Option 1: no exclusions from new regulatory requirements?

MDC supports this option.

Question 20: To what extent do you agree with Option 2: excluding smaller freedom camping vehicles from the requirement to have a fixed toilet?

MDC does not agree with the option of excluding smaller freedom camping vehicles from the requirement to have a fixed toilet. MDC does not support this option as the discussion document states that research indicates that portable toilets are less likely to be used, increasing the risk of inappropriate disposal of human waste. In addition, MDC recognises that the use of exclusions introduces more uncertainty and discretion into the certification process, and will make it harder for enforcement officers to identify offences.

These vehicles will still be able to stay at campgrounds and local authority areas that provide for non-self-contained motor vehicles.

Question 21: To what extent do you agree with Option 3: excluding vintage vehicles from the requirement to be certified as self-contained?

No, MDC does not support any exclusions for the reasons outlined above.

Question 22: Are there other types of vehicles that should be excluded?

No, MDC does not support any exclusions for the reasons outlined above.

Levies and fees

General feedback

MDC is concerned that the proposal to have vehicle inspection fees set by the individual that is inspecting the vehicle will lead to considerable variation in the fees charged by different certification authorities and inspectors. This creates uncertainty as to what the actual cost to vehicle owners will be for the new requirements. MDC would support the Plumbers, Gasfitters and Drainlayers Board (PGDB) setting a fixed fee for vehicle inspections that is based on actual and reasonable costs.

MDC understands that as a warrant is only issued for a period of four years, a self-contained vehicle is likely to be re-inspected a number of times over the life of the vehicle. Given that the self-containment facilities are recorded on the national register, re-certification of vehicles should be more straight forward and in MDC's opinion, should be subject to a lower fee than vehicles being certified as self-contained for the first time in New Zealand.

Decisions sought:

- That the PGDB set the fee for vehicle inspections that all vehicle inspectors must charge.
- That the fee for re-inspection of vehicles previously certified be set at a lower fee than for the initial inspection.

Self-containment monitoring levy

Question 23: To what extent do you agree with Option 1: a levy of \$91.40?

MDC generally supports this option, recognising that the PGDB will need to be resourced to effectively oversee the new regulations. However, MDC is concerned that, according to MBIE's analysis, this option does not resource the PGDB to undertake implementation activities such as public education or IT support for the register. MDC does not want to see local authority enforcement officers becoming the defacto educators of the new requirements.

Question 24: To what extent do you agree with Option 2: a levy of \$101?

This option is slightly preferred to option 1 for reasons of more resources being available to the PGDB for effective implementation.

Question 25: To what extent do you agree with Option 3: a levy of \$120?

This is MDC's preferred option. Based on the information contained in the discussion document, this fee is necessary to ensure that the PGDB are adequately resourced to implement the regulations and to maintain the register effectively.

Certification Authority application fee

Question 26: To what extent do you agree with Option 1: a set application fee of \$431.25?

This fee does not seem unreasonable based on the information contained in the discussion document and is generally supported by MDC. The use of a fixed fee is preferred as it reduces uncertainty. However, to ensure quality application, the PGDB should be authorised to reject applications that are incomplete.

Question 27: To what extent do you agree with Option 2: a scalable application fee?

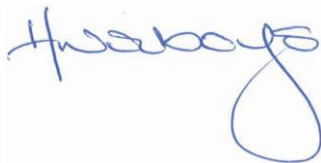
MDC prefers a fixed fee, but we do recognise that a scalable fee benefits those that prepare quality applications.

Waivers and refunds

Question 28: To what extent do you support the proposal for granting waivers and refunds?

MDC agrees with MBIE's proposal to authorise the registrar of the self-contained vehicles register to grant a waiver or refund of the proposed levy or application fee in those circumstances outlined in the discussion document.

Yours faithfully



Helen Worboys
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