



# ARAC Executive

The Executive Committee of Akatarawa Recreational Access Committee Inc.  
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Secretary  
Fisheries & Other Sea Related Legislation Committee  
Parliament  
Wellington

## **Submission: Foreshore and Seabed Bill**

### **Introduction**

The Akatarawa Recreational Access Committee is a Wellington-based advocacy group representing some 3,500 outdoor recreational users, comprising hikers, mountain bikers, horse riders, quad and trail bike riders and 4WD drivers. We are also closely aligned with other bodies such as Tread Lightly and Public Access New Zealand.

We have been involved indirectly via the NZ 4WD Association in the preliminary discussions with Government as part of the recreational coalition. Whilst initially promising, that consultation process seems to have been largely ignored.

### **We would like to speak to this submission.**

### **Significance of the Coast, Beaches and Foreshore as a Recreational Resource**

All of our various user groups take advantage of the local coastline for recreational purposes. These include the full range of chosen recreations from simple sunbathing and swimming through fishing, walking, horse-riding, cycling, land-yachting and driving in its various guises.

Without full and free access to the coast including both the Queen's Chain (as it is locally defined) and the Foreshore, our users would experience difficulty in enjoying their chosen sport.

New Zealand follows closely the model for other Pacific territories, in that unlike colonial Britain, the foreshore and seabed is vested in the Crown, with full and usually commodious passage afforded to the general public. This stark contrast to the conditions left behind in 19<sup>th</sup> Century Britain is attributed directly to the interjection of Queen Victoria in her 1840 instructions to Governor Hobson.

This precept upon which our outdoor heritage is founded, must not be subverted for ideological political games. It is every Kiwi's Birthright to enjoy Godzone, and it is a right that sets New Zealand up above many western societies in its outdoor access legislation.

### **This Bill Must Fail – It is Blatantly Racist**

The bill offers a very one-eyed proposal that empowers organised Maori, yet isolates European and Urban Maori alike. It is another opportunity for lawyers to get rich, and iwi to raise their income, yet serves not the ordinary Kiwi – Maori and non-Maori alike.

With the practicality that only Maori will be able to demonstrate any form of Ancestral Connection and/or Customary Practices, it is for Maori alone to take advantage of the provisions of this Bill. Even worse, it is Maori who determine what was their ancestral connection, and what defines that connection. Non-Maori are denied any input into such machinations.

Once connections are established, then occupancy by stealth can begin. It is in no way necessary for the European concept of "ownership" via land title to be created for Maori to exert inordinate influence over areas with their "proven" connection. With that inordinate influence goes a measure of occupancy – for by way of control goes the decision-making which is the essence of occupancy.

Who is allowed to do what to whom and when can then be easily subverted. History tells us time and time again that mankind will invariably take the subversive route – it is in all mankind's nature to do so. This will be at the expense of the average Kiwi family.

This bill is racist and must be defeated.

### **Better Options are Available**

The Maori Land Court is not the best equipped judicature to deal with any issues pertaining to the Seabed and Foreshore. It has not the mechanism, nor the legal framework to deal equitably with such issues.

Rather the Environment Court would be far more appropriate, where all New Zealanders have an equal opportunity to argue their particular cases before a judiciary already well versed in RMA legislation and the like. The questions around occupancy, ownership and title etc is far more in keeping with their framework than could ever be said of the MLC.

It is not our contention to deny any legal claims for recompense by Maori – rather the converse. However, we do not support the concept of returning control of our Country's most valuable natural resource to a pre-1840 Maori supremacy either.

Methods of recompense are certainly needed to satisfy proven cases, but that must fall well short of granting exclusive occupancy to any groups be they Maori or non-Maori. Granting biased and one-eyed political power to one group to exercise over another is hardly likely to cement racial harmony either.

### **The Current Legislation is Adequate (nearly)**

The current legislation is (and has been) adequate to support the concept that the Foreshore and Seabed is held for all New Zealanders. The Foreshore and Seabed Endowment Revesting Act 1991, defines quite nicely the role this area plays. What is missing is a constraint to stop the MLC meddling in affairs that are not of its concern. The solution is frighteningly simple – clip the wings of the MLC and the status-quo will be restored.

### **In Summary**

We fervently oppose this piece of legislation in that it is divisive, it is racist and it serves not the purported purpose for its introduction. It is a crock that must fail at the first hurdle.

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Coordinator