

23 June 2006

**To all NZDA Branches and affiliates/friends**

**URGENT: Submissions on Public Access to the Acland Access Panel by  
30 June. Important to have many Submissions**

**1 Background:**

NZDA has previously circulated information about the Acland Access Consultation Panel, and its proposals to improve public access to the Countryside and water bodies eg "Public Access back in the Spotlight – Time to bite the Bullet" from the Autumn H&W, also on the NZDA website: [www.deerstalkers.org.nz](http://www.deerstalkers.org.nz) under Public Access Consultation, and Public Access.

The Acland Walking Access Consultation Panel's report for consultation "Outdoor Walking Access" (60 pages) is available at <http://www.walkingaccess.org.nz/public.html>.

NZDA has worked with a range of national recreation associations and Fish and Game, the Recreational Access rights Coalition (RARC) in developing the proposals below.

**This Newsletter is to ask branches and individuals to write submissions supporting the establishment of**

1 an independent **Parliamentary Commissioner for Public Access** to address maintenance, enforcement and enhancement of public access rights by other agencies

2 establish a **Public Access Enhancement Fund**, administered by the Parliamentary Commissioner, to maintain facilitate and enhance recreational access to the Outdoors

**3 Public maps to show public access info** - all public land property boundaries, public access marginal strips, easements, legal roads

4 The **importance of unformed public (legal) roads** for access through private land

Recreational hunting will greatly benefit from such a Commissioner, Fund and access on maps. Hunter recreational hunting access rights will be maintained, and our current rights for access along marginal strips, legal roads and public easements, with sporting firearms or dogs, will be visible to all, and supported by an independent public agency.

I enlarge on the role of the Commissioner and Fund in the suggested submission below.

There are major difficulties with the present access agencies DOC, Land Information New Zealand, District Councils, the Ministry for the Environment and Regional Councils. Although they have public access maintenance and enhancement responsibilities, they largely ignore them. This is why there is a need for an independent Public Access Commissioner. Putting general access responsibilities in one of these agencies would be a disaster.

A suggested submission you can use as a guide is printed below. The 3 matters discussed are the best basis for greatly improving the official response on public access issues for both recreational hunters, other recreationists and for landholders. But to positively influence Government we need many submissions-

**PLEASE MAKE A SUBMISSION AND INCLUDE OUR PROPOSALS**

Many thanks  
Hugh Barr  
NZDA National Advocate

Encl: Suggested submission

*Hugh Barr*

23/08/2006

**Suggested Submission:** Please modify as you see fit. Submissions can be emailed, faxed, posted. But should be made by 30 June 2006

Your Address and Letterhead

To: John Acland, Chair and the  
Walking Access Consultation Panel  
Box 2526  
Wellington  
[info@walkingaccess.org.nz](mailto:info@walkingaccess.org.nz)  
Fax 04 819 0745

Dear John and Panel

## **Submission to the Acland Walking Access Consultation Panel**

This submission is made by \* \* \* \*. (Add details about your Branch/Organisation, or you as an individual, and why you have an interest in better public access)

### **1 Need for a broader approach:**

Thank you for the opportunity to submit on the need for better public walking access to public lands, and to and along water bodies (Queen's Chain).

We strongly support the importance of improving such access. But such access only covers part of the recreational public's interest in maintaining and improving public access to the Outdoors. It does not include for instance, recreational access with a firearm or dog, or vehicular access eg bicycle, 4WD. All these modes of access are statutorily allowed in various situations, and their rights need to be recognised and protected as well.

### **2 Enhanced Public Recreational Access Rights – Support for all recreationists:**

All recreational statutory access rights need to be recognised and enhanced, not just walking rights without a recreational firearm or dog to water margins. The three most important initiatives to support and enhance all statutory public access rights are:

#### **1 A Parliamentary Commissioner for Public Access**

#### **2 A significant and contestable Public Access Enhancement Fund**

#### **3 Public access shown on paper topo maps** as well as public land boundaries

#### **4 Greater recognition of unformed public (legal) roads**, and their valuable use for public access

These can and should provide for all outdoor recreational users' access rights, including recreational hunters, 4WDers and dog owners.

**3 Essential for Commissioner to be Independent:** Prior to 1987, the Lands and Survey Department provided paper cadastral (access and property) maps, and acted to some extent to protect public access rights. Since L&S's demise, there has been no government guardian of public accessways. The five departments/agencies with public access responsibilities see them as low priority, and do very little about them. They are:

- a) Department of Conservation (DOC):** Responsible for marginal strips, and public access to public conservation land. Does not even know where all marginal strips are. Has no annual budget for access matters. Argues on occasion its duty is to uphold private property owners rights. Also argued against recording and showing marginal strips.
- b) Land Information NZ (LINZ):** Made an agreement with the previous government in 1996, that its primary mapping priority was to service govt departments, not the public. Abolished producing cadastral paper maps. Doesn't show public land boundaries on topo maps, even though its predecessor Land & Survey did. LINZ, as the lead agency in Tenure Review, has been poor in providing public access in Reviews.

- c) **District Councils:** Responsible for unformed public (legal) roads. These are Crown owned, and Councils are supposed to look after them. Hunters and cyclists or people with dogs have the right to pass and repass on them, just as they do on formed public roads. Smaller less well financed, or more farmer controlled, councils don't do their access duties well.
- d) **Regional Councils:** Responsible, via coastal strategies for improving access to the coast. But have done very little.
- e) **Queen Elizabeth II National Trust:** The Trust provides covenants, almost always without public access. It is also farmer dominated. It is not an appropriate agency for access.

Neither are the Ministries of Environment or Agriculture, or the Department of Internal Affairs suitable. Given the poor access performance of these agencies, one of the key matters for a Parliamentary Access Commissioner will be to get them to perform better. Therefore he must be independent of them, not an office within one. Hence the need for reporting to Parliament.

**4 Commissioner's Purposes:** The Parliamentary Commissioner for Public Access should be an official guardian of our public access heritage, ie

- a) be **an access ombudsman** for citizen complaints about agencies not carrying out their statutory access responsibilities
- b) a **leader in constructively improving public access matters**
- c) report to Parliament on public access matters
- d) promote **cost effective public access mapping**
- e) have **regional representatives** to engage and assist the public locally with access issues
- f) be a mediator, negotiator, facilitator with access agencies and stakeholders on improving public access
- g) encourage greater understanding and co-operation on access between outdoor recreationists and rural landowners

#### **5 Purpose of the Access Enhancement Fund:**

This would be disbursed by the Public Access Commissioner, to projects, including access easements or purchase, to cost effectively improve public access. It and the Commissioner would benefit landowners, who have no mediator to turn to on access matters.

#### **6 Importance of Unformed Public (legal) roads:**

These are publicly owned strips of land across private land. They provide an important access right that can be used as is when marked, or can be used in negotiations to gain more direct or other access of the same quality, across private land. We strongly oppose moves by some district councils to abolish such roads.

#### **7 Need to reaffirm and protect New Zealand's proud heritage of publicly owned public access strips:**

New Zealand's achievements with statutory mechanisms for public access to the outdoors dates back to 1840. These mechanisms are usually successful because they involve public ownership of land/strips eg marginal strips, public parks and reserves with access rights, unformed and formed public roads, esplanade reserves etc.

It is a superb heritage. We should all be proud of it and be prepared to defend and improve it. But official indifference and neglect has made it frayed at the edges. This is why an independent Commissioner, Access Fund, and better access information on maps is urgently needed and will benefit all access stakeholders.

Yours truly

*Note: If you have examples where public access rights have not been observed eg blocking unformed public roads, lack of info on marginal strips etc, raise them in your letter.*