

**23 August, 2006 Copy for Autumn Hunting & Wildlife**

## **Public Access back in the Spotlight – Time to bite the Bullet: Dr Hugh Barr, National Advocate**

The Labour government was returned at the election. As a consequence, the Acland Walking Access Consultation Panel now has a role to play. Labour's Access initiative would have vanished for ever if they had lost the election.

The initial Access Group was announced in January 2003. It was primarily about public access to waterways - the Queen's Chain. That panel had no walking recreational access members. It got tied up in the prickly question of deeming 5 metre strips along walkways without public access, trying to design them in such a way that they were not a property right.

However, it was difficult to see how such a weak right would ever guarantee public access. Some commentators even said the initiative was designed to fail. Federated Farmers seized on the issue in an attempt to sanctify private property rights, and capitalise on any public resources so locked up. Their orange ribbon campaign stopped the Walking Access initiative before the last election.

The United Future/Outdoor Recreation Party has got Labour to agree that legislative measures such as deeming, are excluded. NZDA thinks this is a good idea. Then attention can focus on the structure for a broader approach, considering all public access issues together, including hunter access – not previously considered, and even vehicle access.

### **1 Public Shortchanged on a Public Access Agency and Access Maps:**

It is now apparent that public access has suffered since 1987, when the public access watchdog role played by the Lands & Survey Department was abolished along with L&S. It was not transferred to another agency.

It was further dented in 1996, when Government responsibility for producing cadastral paper maps, which show property boundaries, public unformed roads, marginal strips etc, was abolished with the Department of Survey and Land Information (DOSLI). (See my column in the last H&W). Cadastral paper maps are essential for identifying legal public access, and public land. The maps were dropped because of a commercial conflict of interest with Land Information New Zealand's (LINZ) Land-on-Line commercial electronic system, which supply the same information but at a much higher price. As well LINZ sees itself primarily as serving government agencies, not the public.

Both these problems seem due to the excesses of Rogernomics and Ruthanasia.

### **2 Broader Panel and Terms of Reference:**

The new panel still has as its Chair John Acland, South Canterbury farmer and meat industry advocate, who proved himself well as an access advocate in the 2003 consultation. Of the seven other panellists, only Claire Mulcock remains. New panellists are John Aspinall (Federated Farmers), Bryce Johnson (Director Fish & Game NZ), Maggie Bayfield (Rural Women), Professor Tom Brooking (History, Otago University), John Forbes (Mayor, Opotiki District Council). This is a broader and more knowledgeable group than previously.

The terms of reference are also broader. They are to identify the concerns of interest groups, and the extent of agreement on measures can be reached, including:

- Identifying the location and type of public access rights to water margins (ie the Queen's Chain) and gaps in it
- Signposting public access to water margins
- A code of responsible conduct for persons walking on private land
- Protecting the security of landholders
- Walking access from a Maori perspective
- Providing access along rivers and lakes with no public access
- Negotiating access across private land to water margins or public land
- The nature of the proposed Public Access Commission and how it might provide leadership on access-related issues

The panel may also report on any other matters of access policy that appear relevant. Damien O'Connor, as Minister of Rural Affairs is now the minister in charge of the process.

### 3 Our Recreational Public Access Priorities for the Panel:

The Council of Outdoor Recreation Associations (CORANZ), as a national recreation umbrella group with much access experience, met with the Panel at the end of February. Steve Veail and I, (NZDA and CORANZ), and Alan McMillan (Public Access New Zealand and the Federation of Freshwater Anglers) presented CORANZ's nine priorities. These were:

1. **A broader & more inclusive approach:** Cover all recreational public access, including hunters (guns or dogs), 4WD, not just walking access (without a gun) to water
2. **An Access Commissioner's Office**, with Teeth (regarding TLAs, RCs, DOC, MfE) and an adequate **Public Access Facilitation Fund**
3. Note that **public land ownership** – eg strips, public roads, parks, reserves, is the solid foundation for most NZ public access. Public ownership rights protect public access
4. **More friendly topo maps (NZMS 260), showing public lands, and public accessways** eg easements, public roads (cf cadastrals)
5. **Make all current Queen's Chains moveable** – reinstate the purpose they were set aside for
6. **Use unformed Public Roads** – with no reduction in rights
7. **Restore the balance between private property rights and the public ownership of and free access to wildlife, fisheries, water** (No charging for fishing/hunting access)
8. **An Official/Statutory Access Code of Conduct** – eg in the Trespass Act
9. **The need for speed** – a **once-in-a-generation** opportunity is rapidly disappearing

### 4 A detailed recreational users Access Strategy:

We also recommended the Public Access NZ Strategy *Improving Public Access to the Outdoors* as a detailed listing of broad possible access initiatives, under six major themes:

- **Lost Lands** - reclaiming information on public lands and accessways, and better access maps
- **Public Roads & Paths** - access for all to the countryside, via unformed roads and paths
- **Fishing & Hunting Access** - access with guns, dogs
- **Queen's Chain** - extending public reserves along water margins
- **River and Lake beds** - securing public ownership and public recreation
- **Beach Access (foreshore & seabed)** - overturning antiquated law, securing public recreation

This strategy was put together with wide consultation with recreational groups. Although central and local government departments eg DOC, LINZ, Environment, district and regional councils, have responsibilities under these headings, few do their job. Hence the urgent need for a Parliamentary Access Commissioner's Office to encourage, discuss and assist.

The PANZ Strategy lists many steps that can be done immediately without regulation or legislation. Others take longer. PANZ also discussed a case study of maintaining public access along the Shag River and coast in North Otago.

The need for speed is the most important point from a recreational viewpoint. Three years have already passed with nothing to show. This is a major opportunity to establish a Parliamentary Public Access Commission, that would replace and add to the roles played by Lands & Survey and DOSLI in the past, but with a broader and more focussed leadership role including promotion, research, policy development, mediation, support, and some funding. Landowners, as well as recreationists, would benefit significantly from such a Commission.

### 5 Panel Regional Consultations:

The Acland Panel intends to release its proposals in early April and then hold many public meetings around the country, probably in May. After this submissions will be taken, a consensus assessed, and recommendations made to government.

Everyone interested in public access should attend their local meeting and make a submission supporting a broader approach through a Parliamentary Access Commissioner and a Public Access Facilitation Fund. This is the opportunity to establish a structure by which public access issues can be effectively addressed now and in the future.