

1996 election guide to party policies

'Public
Access'

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Labour most 'access friendly'

For the first time in New Zealand's electoral history, voters on polling day, October 12, will have a real choice of party policies to suit their political inclinations and recreational needs. In an assessment of party policies, PANZ found Labour to be well ahead in 'access friendliness', with ACT the least 'friendly'.

PANZ looked at six key policy areas, being the value placed on public lands, the role of Government, the Treaty of Waitangi and land claims, the 'Queen's Chain', the high country, and recreation and access in general. We ranked responding parties' policies according to their 'access friendliness' (see box at bottom right, and pages 2-6). This was a weighted appraisal which was influenced by—

- how closely the policies coincide with PANZ's objectives (the protection/enhancement of access through public ownership and management of recreational resources);
- their specificity or ambiguity;
- contradictory policies, or actions;
- the absence of policies in important areas.

Three parties requested to supply policies did not respond. These were the Christian Coalition, Ethnic Minority Party, and Green Society. United NZ replied, but with no relevant policies.

PANZ is not aligned to any political party. We are not backward in being critical of any party's policies and actions, as past Governments will attest!

How the parties rank

Labour is a quantum leap ahead of any other party, scoring 25 out of a possible of 30 in 'access friendliness'. Mid-field are **NZ First** and the **Alliance** at 15.5 and 13.5 respectively. Well back in the field are the **Progressive Greens** at 10, with the governing **National Party** scoring poorly at 8. **ACT** barely rates in 'access friendliness', at 5.5. Not assessed was **United**, which has had a mixed record as a Government coalition partner. Their MPs voted with Government for leases over marginal strips, but played a pivotal role in blocking further passage of the Crown Pastoral Land Bill.

There is sufficient commonality between **Labour**, **NZ First** and the **Alliance** that a governing coalition between them should be able to make major advances for public spaces and recreation. Conversely, going by their record and policies, a coalition of **National** and **ACT** would likely spell disaster for public lands, and for equality of access and benefit from (current) public resources. The choice is yours!

Form Guide

Labour

Has a comprehensive programme which addresses most of the pressing issues. Success will depend on manner of implementation. Electorate hasn't forgotten actions of last Labour government. Will need to remain on best behaviour.

NZ First

Sentiments okay. Some ambiguity in policies. Needs further development and experience. Proposal to merge DOC with Ministry for Environment counter-productive.

The Alliance

Disappointing performance considering its constituent parties. Has lost the plot through a narrow focus on 'ecology', and its reinterpretation of the Treaty. Appears to view public lands merely as a 'land bank' for Maori—has a different attitude to other State assets. Constitutional, administrative, and 'educational' proposals dangerous to democracy. Will probably require post-election split-up of this coalition before 'The Alliance' will become more responsive to community needs.

Progressive Greens

Their free-market approach to the environment and lack of disclosure of their intent is cause for concern.






National

Appears to have no real interest in the welfare of the outdoors or its users. Will be judged by performance—broken promises, and privatisation actions despite their denials.

ACT

Bad news. Would appear to have no qualms about flogging off any state asset; these are viewed as "liabilities". Big business and private sector would most likely be put in control of 'public' lands. 'Responsible individuals' with the most means will gain the most benefit.

Access ratings

- 1 Seriously flawed 
- 2 Poor 
- 3 Acceptable 
- 4 Very good 
- 5 Outstanding 

On the following pages we have rated each party in each key policy area using our graphic 'access figure'. There was no room for comment. Most of the relevant policies are reproduced for you to decide their merits. The emphasis (*italics*) is ours.

Key recreational issues: what the parties state

On the value of public lands

ACT

Supports the integration of environmental issues with the market economy, maintaining that only a nation of "responsible individuals" can ensure the security of the environment. *'Personal responsibility' is to be nurtured at every level and in all things.*

National

"The government has worked to integrate environment and conservation goals and economic objectives along with the desire that the public can openly enjoy the benefits of our environment and conservation estates."

"Attractions like the Abel Tasman National Park are priceless *commercial* assets, but they must be protected".

Progressive Greens

Are totally opposed to the privatisation of natural waterways and the coastline. Position on public lands unknown.

Labour

Will extend and establish additional National Parks.

Will establish a network of high country tussockland parks and reserves.

Will upgrade stewardship and conservation land, where appropriate, to higher protective status.

Will promote protection of wild river systems.

Will ensure that the transport network does not significantly encroach on protected areas etc.

Alliance

Recognises *the shared responsibility* of Maori and Pakeha for managing natural resources under the Treaty.

The Alliance supports the "principles of Tino Rangitiratanga, Kaitiakitanga and Kawanatanga. Iwi will be assisted to exercise their rights of partnership under the Treaty of Waitangi".

Water resources will be kept in public ownership.

NZ First

Committed to extending the conservation estate, with further national and conservation parks.

Recognises the importance NZers place on our Conservation Estate, its protection, *ownership and rights of free access.*

Will pursue protection for important natural land areas, for their ecological, scientific, *recreational and scenic values.*

On the role of Government

ACT

Government must provide "a supportive legal framework" ...associated environmental costs should be borne by the user.

The performance of the Department of Conservation is of concern to ACT. Its performance is claimed to be hampered by multiple and conflicting management objectives. However *ACT also advocates that management of recreational facilities*

and tracks should be contracted to the tourist sector.

While acknowledging underspending by Government on the environment, ACT claims that DOC is subject to mismanagement and not lack of funds.

The Conservation Act will be amended to require a 'net conservation benefit' approach to the management of the public conservation estate.

ACT will establish a Conservation Foundation to set priorities and allocate funds for conservation programmes, and, specify conservation outcomes and monitor performance.

Public funding would not be channelled exclusively through government departments and agencies. DOC would become a servicing agency. Conservation organisations would be eligible for funds on a contestable basis.

Opposed to the levying of visitors to pay for facilities.

National

Will fund DOC to carry out priorities of weed and pest control, threatened species, and to maintain its extensive network of tracks and facilities which are being used by an increasing number of visitors.

In May 1996 the Government announced a \$110 million 'Green Package'. This was claimed to give Department of Conservation an extra \$68 million over the next 3 years, taking is total government funding to \$169 million in 1998/99.

Visitors services/facilities on conservation lands will receive a \$30 million upgrade over the next three years.

Progressive Greens

Position on ownership and management of public conservation estate unknown, however *PGs propose a Conservation Trust (to replace DOC?). Its functions, composition, and public and political accountability, if any, has not been disclosed.*

Opposed to the levying of visitors to pay for facilities.

The PGs state that they strongly support conservation, outdoors and public access NGOs and will continue to seek their advice.

Labour

Believes strongly in maintaining DOC as an integrated department of state. "It is essential for conservation that policy and operational functions be combined within the one department".

DOC must be properly funded and efficiently run. Labour will commit an additional \$68 million (\$76.5 million GST inclusive) to conservation funding over its first three Budgets, as part of a phased programme of increases over five years.

Welcomes private donations and corporate support...however... support or corporate sponsorship should be a supplement, not a substitute, for government funding. It should be used for clearly identifiable activities of finite duration, such as specific research projects or capital expenditure, rather than ongoing management tasks.

Will expand the Forest Heritage Fund into a Natural Heritage Fund with authority and money to buy for the conservation estate from willing landowners (or protect by other means) wetlands, tussock grassland, natural coastal areas and other habitats, as well as native forest. Labour will raise its annual budget from \$4 million to \$8 million.

Labour will enlarge DOC's role in advising the public on conservation issues.

Alliance

The Department of Conservation has been seriously underfunded ever since it was established. Its basic scientific data is not being maintained, highly skilled staff are being lost, endangered species are approaching extinction and facilities for visitors are crumbling.

The Alliance will increase DOC funding by \$50 million a year. A visitor levy, added to the departure tax for non-residents, will provide \$20 million of this for upgrading facilities. An additional \$50 million a year will be available to DOC and regional councils for pest and weed control.

NZ First

Will increase funding for DOC by \$60 million over the next 5 years. *Will merge DOC with the Ministry for the Environment to allow for better co-ordination.*

On the Treaty and Maori land claims

ACT

Agrees that productive Crown resources (e.g., SOE land) should be used before conservation land to settle Treaty grievances. Conservation land should only be used in special circumstances.

Undecided on use of Elfin Bay-Greenstone Valley Crown lands.

National

Government's 'fiscal envelope' policy is that conservation areas "will not be generally available". *Policy was applied in Tainui settlement, however extensive areas now proposed in Ngai Tahu deal, contrary to findings of Waitangi Tribunal.*

"The return of land with conservation value would only occur if it enhanced the conservation quality and *after proper public consultation*".

The Government's view on land seizures and calls for Maori "sovereignty"—

Through Article 1 of the Treaty of Waitangi, Maori ceded their sovereignty to the British Crown in return for citizenship rights and protection of certain resources. Prime Minister Bolger outlined the Government's position recently: "The democratic processes of a unitary state in which Parliament exercises national sovereignty will continue to determine our approach".

Maori could exercise greater self-management with the consent of Parliament; co-manage resources with the sanctioning of the state, or new and better ways could be found to enable Maori to have their voice heard and heeded when Government is forming policies affecting Maori. The Crown Law Office, in consultation with the Police and Justice departments, has prepared a paper setting out guidelines for the Crown's responses in situations where Crown land is unlawfully occupied by private individuals or groups. The paper's guidelines are also applicable to occupations on public land.

Progressive Greens

Undecided whether productive Crown resources (e.g., SOE land) should be used before conservation land to settle Treaty grievances. Disagree that conservation lands should only be used in special circumstances.

Labour

Will treat all claims on their individual merits. Will ensure that before any decisions are made involving the conservation estate, or other publicly-owned natural areas or natural resources, there is wide and thorough consultation with Maori and the wider community. Major concern will be to ensure maintenance of legal protection.

Agrees that productive Crown resources (e.g., SOE land) should be used before conservation land to settle Treaty grievances. *Conservation land should only be used in special circumstances.*

It is expected that the transfer of title to conservation lands will generally occur only for sites of such historical, cultural or spiritual significance to Maori (e.g., pa sites of special significance, wahi tapu, or urupa) that they are an essential part of a settlement. However, where land over which there is a *valid* claim is not returned, the Crown should provide fair compensation from other Crown assets.

Will involve Maori in conservation management, through consultation at the appropriate levels, continued representation on statutory advisory boards, and participation in practical conservation management projects.

Alliance

One of 12 Policy Principles (1995)—

"To recognise the Treaty of Waitangi as New Zealand's founding document, to honour and implement *its provisions*."

"A Nation in Partnership" (July 1996)—

The Treaty of Waitangi

- affirmed the *tino rangatiratanga* (self-determination) rights of Maori as stated in the 1835 Declaration of Independence.
- accorded to the Crown kawanatanga (governing) rights and the rights of British people to be Aotearoa/N.Z. citizens, and also
- accorded to Maori the same rights as British citizens.

Aim: "To establish a constitution for Aotearoa/N. Z. based on the Treaty of Waitangi."

Senior public servants will be required to participate in Treaty of Waitangi training and will be measured *on their performance for achieving stated outcomes for Maori*.

A national council representing Maori and Crown interests will be responsible for providing leadership for a 10 year public education programme about the Treaty of Waitangi as a living document.

Jeanette Fitzsimmons (Alliance Co-Deputy Leader) believes there is a way to use conservation estate land in Treaty settlements without compromising the ecological value of the land.

"*I think we have to draw a distinction between protecting ecological values and environmental values and the question of ownership. I mean, not all environmental values are in the DOC estate, not everything in the DOC estate has high environmental value and DOC isn't necessarily the only organisation that can protect environmental values so we start from the bottom line that we will seek to resolve Treaty grievances without compromising environmental values — and how we do that is a question of negotiation in each case*".

Will seek to resolve Treaty grievances without compromising *environmental* protection. Where conservation lands regarded as having *major* intrinsic cultural or environmental value, an Alliance government would seek *the mutual consent*

of claimants for direct negotiations of an early and fair resolution. A Treaty of Waitangi select committee would be established by Parliament to provide for third parties to obtain access to appropriate information; present information *on ecological values* of lands claimed; and to participate in discussion of *the types of management* that would safeguard those values.

Undecided whether productive Crown resources (e.g., SOE land) should be used before conservation land to settle Treaty grievances. Undecided whether conservation lands should only be used in special circumstances.

Undecided on use of Elfin Bay-Greenstone Valley Crown lands.

NZ First

Settling claims should not lead to a situation, out of keeping with the spirit of the Treaty, whereby the settlement of one grievance caused another. *NZ First opposed to the use of conservation land.* Conservation lands belong to all NZers and must remain so.

Undecided whether productive Crown resources (e.g., SOE land) should be used before conservation land to settle Treaty grievances. Undecided whether conservation lands should only be used in special circumstances.

Undecided on use of Elfin Bay-Greenstone Valley Crown lands.

Will ensure that in the settlement of claims the rights and interests *of the environment* are protected and conservation and environment are recognised.

Will give recognition to the special relationship of tangata whenua through deeds of recognition, naming and conservation board membership.

On the 'Queen's Chain'

ACT

No known position.

National

The public will enjoy more secure access to the 'Queens Chain' under new legislation than previously. These areas cannot be sold off or privatised and will always remain in Crown ownership.

Further changes were made through the Conservation Amendment Act to provide greater protection for the marginal strips, giving even more protection than in National Parks. Leases, licences and permits will be brought under the same strict process the Department of Conservation uses on the rest of the Conservation estate. This is a tightening up of current law and consistency of criteria.

People who occupy existing legal structures will have their tenure converted from perpetual right of use to a limited term lease - generally no more than 30 years. After this expires, existing activities will probably be phased out.

"The intent of the reforms is to remove inconsistencies (in the Conservation Act that) reduce the ability of the Department to respond efficiently to (concession) applicants and generate revenue for the Crown." (Denis Marshall in 1993 Cabinet minute).

Progressive Greens

Will work to improve public access to the outdoors, with emphasis on pedestrian access to water ways and conservation areas.

Aim is an accelerated programme for national coverage of the Queens Chain.

Will initiate a review by the Parliamentary Commissioner of the application of the effectiveness of Public Access provisions RMA in policy statements and plans, and its application.

Labour

For waterways in particular, consider such access our birth-right, by way of the "Queen's Chain". The Queen's Chain comprises a number of legal entities, including formed and unformed public roads, marginal strips, esplanade reserves and strips, and conservation land adjacent to waterways.

However, the Queen's Chain currently provides a legal right of public access to only about 70 per cent of our coast and major waterways. Problems of public access persist because of gaps in the Queen's Chain.

Will commission a comprehensive review into extending public access to public resources, and, in particular, completing the Queen's Chain to include those places where, due to accidents of history, no such formal legal access presently exists. The review would:

Investigate consolidating all legislation covering public rights of access to the coast, rivers, lakes and backcountry into a single law. The review would look at drawing up, within a consolidated law, a code of public rights and responsibilities in respect of recreational access, which would apply throughout New Zealand. Such a code should reflect New Zealanders' values and aspirations, which are the product of our unique cultural and historic heritage;

Explore the option, at least for waterways, of a "right to roam" presumption. That would give all New Zealanders a prima facie right to walk up or along the side of any major waterway in New Zealand, as well as along the coast. Thus the 30% of our waterways without the Queen's Chain would be deemed, ordinarily, to be accessible to members of the public, without the need for land ownership changes.

The success of such an approach would lie in the details of its development and the process of its implementation. It could not extend, as of right, to cover dogs and guns or to include all intensely developed urban areas. It would need to involve the farming community from the outset.

Ensure that the current ban on the sale of recreational freshwater sportsfishing and gamebird hunting rights is adequately enshrined in law and cannot be circumvented by the sale of access rights.

Amend the Conservation Act to prohibit any new leases or exclusive licences of marginal strips, except where such arrangements replace existing ongoing lawful occupations. Any other new leases or exclusive licences of marginal strips would require special legislation.

Alliance

Public access to conservation lands, coast, rivers and lakes will be guaranteed by maintaining the Queen's Chain wherever it exists and creating it where land is subdivided or undergoes a change of use. The sale or leasing of it to private interests will be prohibited except where existing uses cannot be relocated.

NZ First

Will ensure public access to Queen's Chain land.

On the South Island high country

ACT



Support the Crown Pastoral Land Bill and oppose it being abandoned.

Do not support 'significant indigenous vegetation' areas being transferred to DOC.

Propose freeholding greater amounts of the high country.

Disagree with adequate (Govt.) funds and resources being available for tenure reviews.

National



Reform the Land Act and the tenure review system through the Crown Pastoral Lands Bill to protect conservation values and provide sustainable management of the South Island high country pastoral lands.

Progressive Greens



Support the Crown Pastoral Land Bill and oppose it being abandoned, however this policy appears to have changed to one of reviewing the need for the Crown Pastoral Land Bill in the light of on-going successful tenure reviews.

Agree that land with 'predominate indigenous vegetation and recreation values' should go to DOC and adequate funds be made available for tenure reviews, however disagree that only modified, developed land should be freeholded.

Believe that changes to the Land Act to include sustainability provisions may need to be introduced if Councils fail to implement the land sustainability provisions of the RMA.

Labour



Believes the future of the high country is a key conservation issue. A more sustainable land management regime is urgently required. The public interest in the nature conservation, landscape and *recreational* values of the area must be protected. Labour will:

Continue rationalising high country leases in order to promote ecologically sustainable land management. Labour will require clear criteria for deciding what land should be freeholded during a tenure review and what land should become part of the conservation estate. Land with *predominant* nature conservation and landscape values *should* become part of the conservation estate. Only modified, developed land capable of long-term sustainable productive use *should* be freeholded.

Investigate the options for the future management and restoration of land that is so degraded that it is unsuitable at present either to become part of the conservation estate, or to be freeholded for agricultural use.

Fund adequately the tenure review process.

Ensure that the law properly recognises and protects native plants and animals and conservation values in the management of the high country.

Achieve secure and convenient recreational access to the high country.

Create conservation parks in suitable areas of the high country, for example, in the Torlesse, Remarkables, and Kaikoura Ranges.

Apply strict criteria to the sale to foreigners of high country and other rural land. Purchasers who make a commitment to

live in New Zealand and make productive use of the land for their own livelihoods will be welcomed. Otherwise, strict criteria will have to be met to establish that any sales benefit New Zealand's economy and society.

Alliance



Goals:

1. To ensure that land of *high* conservation value is fully protected.
4. To ensure protection and improvement of recreational access rights.
6. To maintain these lands in NZ public ownership.

There is a need for tenure review in order to protect land of *high* ecological value, enhance recreational access and allow productive land uses other than pastoralism where these are more sustainable. However freeholding will not be one of the options.

The Alliance does not support the Crown Pastoral Lands Bill.

In place of the present tenure review process an Alliance government will undertake a voluntary process of negotiation with lessees to review their lease conditions. The object will be to retire lands of *high* ecological value and resume those leases, in return for allowing a wider range of sustainable land uses elsewhere, with security of tenure provided the land is managed sustainably. The Land Act will be amended to provide for this.

The principle of exchanging the right to graze fragile lands for the right to a wider range of economic activities on land where this is appropriate will be maintained, and where the economic gains and losses to *the leaseholder* are not equal monetary compensation will be part of the settlement, as in fact it is under the present process.

In any tenure review the Alliance will ensure there are adequate mechanisms to safeguard the rights of Maori claimants.

Special leases will be used on a case by case basis to control land which requires special management to be farmed sustainably, or where there are conflicts between natural and productive values. They will be purpose-written for the land in question.

All proposed changes to lease conditions will be made public.

Land to pass to DOC in tenure review will include all presently designated reserves, Protected Natural Areas (PNAs), and Recommended Areas for Protection (RAPs); all sites containing native forest; all sites of *special* scientific interest; mountain peaks, snowfields and scree slopes; and a *comprehensive system of reserves* of tussock lands, landscapes, wetlands, and rare and endangered species.

The additional funding for DOC provided in the Alliance alternative budget will enable it to develop specific criteria for these areas; to identify sites of importance, and to manage this enlarged estate.

The Protected Natural Areas programme will be extended to all pastoral leases. The Alliance's additional funding for DOC will make this extra work possible.

The Queen's Chain will be protected wherever it exists.

Public access rights will be created along waterways where they do not presently exist, as part of the tenure review process.

As new types of lease are negotiated they will provide for public foot access to land of conservation and recreational importance. Safeguards against abuse of these rights will be negotiated.

The Alliance will amend the Land Act 1948 to require the Commissioner of Crown Lands to take conservation values into account when considering applications by lessees for consents. This will remove the one valid reason for the Crown Pastoral Lands Bill.

Tussock burning has contributed to nutrient loss and soil degradation in the high country. Consequently burning will not be permitted on pastoral leases except on lands without conservation value and as part of an oversowing and topdressing plan to restore pasture to the burned area. Where burning adjoins fragile or conservation lands bonds will be required against the possibility that the burn extends further than planned.

The Alliance wishes to encourage further investigation into innovative changes in land use e.g., eco-tourism. Development of such ideas will be assisted by the Economic Development Fund.

New lease agreements, e.g., for forestry, horticulture *or* tourism, will incorporate a "sustainable management plan" developed and submitted by the lessee according to guidelines to be developed by the Ministry for the Environment. It will specify proposals for land uses; the frequency and distribution of monitoring of soil and water quality and vegetation cover where this is necessary; pest control measures; and grazing limits on fragile soils. The management plan will be submitted to the regional council for comment, and these comments will be available at the review negotiating table. Renewal of leases will depend on reasonable compliance with the plan.

NZ First

Will ensure protection for natural values, and maximum public access on Crown lease high country farmlands, while working with farmers to ensure environmentally and economically appropriate use of lease land.

Is committed to the process of *separating* mountains and other land of conservation value from sustainable farm land in the high country leasehold properties. This is necessary *to establish undisputed public ownership and access* to the huge areas of mountains and land of high conservation value which are at present tied up in privately controlled perpetual leases.

On pastoral leases, NZ First will ban the burning of tussock, indigenous shrublands, wetlands and any area recommended for protection under DOC's PNA Programme.

Will abandon the Crown Pastoral Land Bill.

On recreation and access in general

ACT-National-Progressive Greens

No known policies.

Labour

The "great outdoors" ethic should be fostered. It is not a commodity to be bought or sold.

It is particularly important that tourism pressures do not devalue the very attractions people come to see. It is also crucial that commercial pressures not undermine the outdoor recreational experiences that New Zealanders have a right to enjoy.

Labour will ensure that DOC's visitor policy is consistent with DOC's paramount focus on conservation, required by the Conservation Act 1987: "To the extent that the use of any natural or historic resource for recreation or tourism is not inconsistent with its conservation, *to foster* the use of natural

and historic resources for recreation, and *to allow* their use for tourism." (section 6(e))

Will protect the quality of outdoor recreational experiences for New Zealanders.

Will maintain *free* public foot access to the conservation estate.

Will keep hut, campsite and other user charges at reasonable levels, so as not to make the use of either the frontcountry or the backcountry prohibitively expensive for New Zealanders.

Will maintain facilities adequately. In particular, the network of backcountry huts and tracks must not be allowed to decay.

Will seek to minimise conflicts between alternative recreational activities on conservation areas, and keep the environmental impacts of any recreational uses as low as possible.

Will ensure that the granting of DOC concessions is not driven by revenue-generation at the expense of conservation and recreational values.

Will adopt a tourism strategy which focuses on high value rather than high volume foreign tourism. The New Zealand Tourism Board's marketing strategy, and visitor arrivals and spending targets will be reviewed to ensure that they do not have a harmful impact on tourism, the conservation estate, and the outdoor recreational opportunities of New Zealanders.

There is an emerging trend of private landowners charging people to cross their land in order to gain access to a neighbouring public resource...It is not acceptable for longstanding traditional free access practices to be eroded in this way.

Labour will require any landowner making commercial gain by offering privileged access across private land to a public resource to offer that access to the public in general.

Will introduce a statutory duty on District Councils under the Local Government Act to protect responsible exercise by the public of their rights to use formed and unformed public roads.

Will clarify the responsibilities of landowners under the Health and Safety in Employment Act 1992, so as to encourage them to allow access to recreational users.

Will encourage the early completion of Te Araroa ("the long pathway") from North Cape to Bluff.

Alliance

Traditional public access will be maintained and where appropriate enhanced *over Crown and SOE lands*.

Local employment projects which contribute to building the national walkway Te Araroa will be eligible for Economic Development Fund money.

NZ First

Public access *to the public estate should* be maintained and enhanced.

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Editor: Bruce Mason

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