

July 2nd 2019

Walking Access Review Feedback

walkingaccessreview@mpi.govt.nz

New Zealand Game Animal Council - Submission on the document:

Reviewing the Walking Access Act 2008/Public Feedback Paper May 2019

1.0 Background

The Game Animal Council (GAC), established under the Game Animal Council Act 2013, is a statutory agency with responsibilities for, *inter alia*, representing game animal hunters, and advising on and managing aspects of game animal hunting. Game animals are chamois, tahr, all species of deer, and feral pigs.

The Game Animal Council has no mandate over private land but has the following functions in relation to game animals that have relevance to access.

S7(1)

- (a) to advise and make recommendations to the Minister:
- (b) to provide information and education to the hunting sector:
- (e) to develop, on its own initiative or at the direction of the Minister, voluntary codes of practice for hunting:
- (g) to liaise with hunters, hunting organisations, representatives of tangata whenua, local authorities, landowners, the New Zealand Conservation Authority, conservation boards, and the Department of Conservation to improve hunting opportunities:

At times these functions require the Council to address issues related to access across private land to enable access to public land, access on public and informing game hunters of their rights and obligations when using that access.

Hunting game animals in New Zealand has a rich history, and was a major reason for the formation of many of the hut and track networks used today. Around 34,000 individuals get permits to hunt on public conservation land each year, and hunting makes a significant contribution to recreation, commerce, conservation and the health and wellbeing of a large number of New Zealanders and international visitors.

2.0 Submission

2.1 Redefining and expanding the focus and mandate of the Walking Access Act and the Walking Access Commission

The GAC strongly supports the continuation of the Walking Access Commission as a statutory body under the Walking Access Act. The ability to access the New Zealand outdoors for both domestic and international visitors is essential. Having a single point of contact agency that has a statutory mandate, tools and expertise to address issues surrounding access to the outdoors is of immense value to the GAC and the hunting community. Accessing the resource is a prerequisite for ability to hunt on public land. Without the Commission and the Act it would be left to individual organisations such as the GAC to deal with these issues, which would be less successful and significantly less efficient.

The review does however provide an opportunity to update the Act and the Commission and to redefine them to better reflect the changing profile of recreators and the expansion in types of access they require. For example, the age profile of our population is changing, it is more culturally diverse, people have less time available and technology has changed the way people obtain and use information. The huge increase in hunters using 4-wheel drives, and aircraft is one clear example of the need for the Act and the Commission's role to be expanded.

The Act and the Commission should be renamed the Outdoor Access Act and Outdoor Access Commission (with the appropriate consequential amendments) as a better reflection that access to the outdoors is much more than walking. Rather than the focus on walking, with other access being subsidiary, the initial objective should be to provide all types of public access and then limit access only for reasons dictated by the nature of the specific accessway and the land to be accessed.

2.2 Ensuring access is equitable

Expanding the focus and mandate of the Act and the Commission and adopting the premise that all means of access should be available will also aid in ensuring equity. In most instances, hunting requires the carriage of firearms and sometimes dogs. These requirements preclude hunter access in many places (see tenure review, below). Starting from the premise that firearms and dogs can be carried unless there is a justification for them not to be, will see hunters on an equal footing when access is being considered. The Commission and the GAC should work together to develop criteria for assessing the carriage of firearms and dogs and to enhance hunter clarity about their obligations. Early engagement with the GAC when accessways are being considered would be valuable.

2.3 Consideration of priorities for access on public land

There has been much focus on access across private land to get to public land. However, there are a plethora of restrictions on access directly to and on public land (especially air, vehicle and, in some cases, walking tracks). In addition to its priorities for enhancing access across private and leasehold land, the Commission should re-examine access on public land to assess whether it is appropriate, adequate and fit for purpose.

2.4 Consideration of priorities for access over private and leasehold land

Part 2 S11 sets out these priorities and the GAC would request that game animals be added to S11(G) as follows:

(g) to sports fish (within the meaning of [section 2\(1\)](#) of the Conservation Act 1987), game (within the meaning of [section 2\(1\)](#) of the Wildlife Act 1953) and game animals (within the meaning of Section 4(1) of the Game Animal Council Act 2013)

2.5 When negotiation fails

The GAC supports the role of the commission in seeking to negotiate access solutions with private landholders. However, that takes two parties that are willing to find a solution. When one party refuses to negotiate there is no way to resolve an issue. In some cases, this can lead to effective private capture of public resources. The next step, in our view, is mediation. It would not be appropriate for the Commission to be the mediator as this would be a conflict of interest. The Act must enable the Commission to seek independent mediation if an issue cannot be resolved by negotiation. that the GAC does not support the Commission having the power to impose public access on landholders. Ensuing conflicts would not be productive in the long run.

2.6 Carriage of firearms and dogs on walkways

Currently it is an offence to carry firearms or take dogs on a walkway (S54(b) and (c)). As more walkways are created it may be necessary for hunters to use short sections of a walkway to navigate a hazard such as a river. This would currently be precluded and the Act should be amended to allow leeway for this to happen on a case by case basis (see also equitable access).

2.7 Flexible accessways

Whilst the GAC acknowledges that flexibility of accessways would be an advantage in some cases. Hunting access requires the carriage of firearms and sometimes dogs we would be concerned that if designated accessways are to be moved periodically hunters need to be informed of any change and changes need to be clearly signposted so that hunters do not inadvertently end up in the wrong place with a firearm and/or a dog

2.8 Establishment and ongoing management of accessways and the effects of access

Access for hunting needs to be certain, enduring, clearly marked and maintained. The WAMS system is a fantastic tool and should be further developed. However, accessways need to be identifiable both electronically and physically. This places an ongoing obligation and cost liability on either the Commission or a third party. This needs to be managed and monitored. If the management is vested in a controlling authority (or potentially an NGO or community group) then this will also require some degree of monitoring. In addition to the management of physical access, consideration needs to be given to managing the effects of access for private landholders and for public land, how and who this management would fall to and how problems such as overcrowding or sustainability of a resource will be managed. The role for the commission is to either carry out or commission and monitor any consequences establishing accessways.

2.9 Resourcing and partnerships

The Game Animal Council is an enabling organisation, providing the statutory expertise and advice to enable hunting groups and NGOs to carry out management on the ground. Sometimes community groups falter through lack of personnel etc. It is therefore important that there is back up at these times to ensure the management of an accessways vested in such a group is able to continue.

Partnerships with other groups could enable the Commission to multiply its resources and achieve more bang for its buck. The GAC encourages the commission to form partnerships with others to manage accessways, which will provide a strong sense of community ownership and willingness to resolve issues in a collective fashion.

3.0 Ending Tenure Review and the Role of the Walking Access Commission

Leaseholders of Crown pastoral land have exclusive possession of the land within their lease, providing them with the ability to deny public access (like any private landowner), and to trespass persons who cross their land without permission.

On one hand, the previous tenure review process provided benefits for hunters by providing access through CPL to new and existing public conservation land. On the other hand, hunting interests were poorly represented by crown agencies in this process and has meant that some of the access ways created are unusable by hunters due the carriage of firearms being excluded from those access provisions. Correcting this is proving problematic.

The cessation of tenure review puts an end to the mechanisms previously available for dealing with issues of access to public land in the high country especially. It is important therefore, that whatever shape the final management regime for CPL takes, access to public conservation land should be established in a form suitable for hunters carrying firearms and accompanied by dogs (where dogs are permitted on the land the access is provided to).

4.0 Role of the Game Animal Council in Access Issues

The Game Animal Council has considerable expertise on game animal management and hunting. The GAC offers its expertise and advice to the Commission on any aspects of access, policy formulation, or other hunting access related matters.

The GAC is available to discuss or clarify any aspects of this submission.

Yours sincerely, on behalf of the Game Animal Council

Garry Ottmann
garry.ottmann@nzgac.org.nz
phone 0272218337



www.nzgac.org.nz