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Submission to the Local Government and Environment Select Committee on the Walking Access Bill

The National Council of Women of New Zealand (NCWNZ) is an umbrella organisation representing 46 Nationally Organised Societies and National Members. It has 28 branches throughout the country attended by representatives of those societies and some 150 other societies. The Council's functions are to serve women the family and the community at local, national and international levels through research, study, discussion and action. NCWNZ welcomes the opportunity to consider this Bill. The response has been prepared by the Public Issues Standing Committee.

Introduction

NCWNZ supports the establishment of the New Zealand Walking Access Commission to provide leadership and co-ordination in the provision of public access to the outdoors. There have been many complaints regarding the New Zealand Walkways Act 1990, and there are limited walkways in New Zealand compared some other countries.

NCWNZ supports in principle the availability of walking access to the outdoors as widely as possible to the public, provided there is adequate consultation with the public including Maori for public land, with the appropriate Maori authority for any land under Maori control or ownership, and with the consent of the relevant local authority.

NCWNZ has the expectation that the establishment of this Commission will provide comprehensive information about the walkways and access to waterways and guidance to the public of responsible behaviour in their use of these walkways. Local accessways could also be safeguarded and included in this information.

Specific Comments

Part 2 New Zealand Walking Access Commission

Subpart 1—Establishment, objective, and functions of Commission

Establishment of Commission

Clause 8 Board of Commission

NCWNZ believes that there should be more than one Maori member on the Board, as specified in subclause 3.

Clause 10 Functions of Commission

Subclause (a) (ii) should either remain a generic statement relating to "co-ordinating walking access among relevant stakeholders and central and local government organisations" or specify those relevant stakeholders that should be consulted. It is as important to consult with the government agencies for management of the environment (such as the Department of Conservation and the Ministry for the Environment) as it is consult with those concerned with the recreational use of the land.

Subclause (i) should include horses. One of the previous issues with the newly designated walkways was that horses were forbidden to use them. Many tracks re-designated as walkways had been used for many years by horse riders, and had been a very necessary part of their ability to exercise a horse. An example is the old railway line from Te Marua (Upper Hutt) over the hill to Featherston. Parts of this track were used on a daily basis by horse riders, often accompanied by a dog. This had never caused problems to walkers and cyclists who also used the track.

Where this is the case with a walkway, and where the track is of sufficient width, then the walking track should also be designated as a Bridleway and Cycleway. This is important as petrol costs continue to rise. Already horses and bicycles are being used more.

Clause 11 Priorities for walking access over private land

NCWNZ supports these priorities and would like to see an additional clause to allow the public to suggest areas to the Commission that need a walkway. In England there are public walkways over farmland that have been in place for centuries, without causing problems to landowners. This is not always the case in New Zealand. The public needs to be educated and informed and infringements need to be followed up.

Part 3 Walkways

Subpart 2—Rights of public and liability of landholders

Clause 37 Limitation on liability of landholders

NCWNZ supports the inclusion of subclause (1), stating “A landholder is not liable for any loss or damage suffered by a person using a walkway on that landholder’s land”. This is a very important clause, since farmers will not permit access without it.

Subpart 3—Controlling authorities

Clause 40 Functions and powers of controlling authorities

Likewise NCWNZ supports the inclusion the requirement that the controlling authority of a walkway places “Notices warning members of the public who use the walkway not to trespass on any land adjacent to the walkway” (40(1) (b) (ii)).

Conclusion

NCWNZ is pleased to support a comprehensive walkways system as a contribution to opening up greater recreational possibilities for families. It is commendable to have adequate safeguards enacted for all involved and particularly for private landholders, and that they are not being forced to provide access against their will. It is certainly a much better process than that used with regard to the Foreshore and Seabed Act.



Christine Low
National President

Joan Macdonald
Convener, Public Issues Standing Committee

