

## **Report on the Findings of the Review of the Walking Access Act 2008**

### **Question and Answers – September 2019**

#### **Q: What is the Walking Access Act 2008 about?**

**A:** The purpose of the Act is to provide the New Zealand public with free, certain, enduring, and practical access to the outdoors. It is also the piece of legislation that established the New Zealand Walking Access Commission.

#### **Q: What does the New Zealand Walking Access Commission do?**

**A:** The Commission leads and supports the negotiation, establishment, maintenance, and improvement of walking access and types of access that may be associated with walking, such as access with firearms, dogs, bicycles, or motor vehicles. The Commission works with private landowners, central and local government, non-government and community groups, and individuals to carry out this work.

#### **Q: What is the review of the Walking Access Act 2008 about?**

**A:** Section 80 of the Act requires a review of the Act to take place ten years after its commencement, with a report to be presented to the House of Representatives within the following year. The Act specifies that the review consider the need for the Act, its operation and effectiveness, and whether any amendments are necessary or desirable.

The review was led by the Ministry for Primary Industries, which is the agency responsible for the administration of the Act. The review included an extensive public engagement process, which took place between 17 May 2019 and 2 July 2019.

The report on the findings of the review has been presented to the House of Representatives and includes recommendations for a number of changes that could be made to the Act and the work of the Commission.

#### **Q: What did the review engagement process involve?**

**A:** The review involved a formal public engagement process, which took place between 17 May 2019 and 2 July 2019. This included:

- a series of open, public meetings held in June 2019 in Wellington, Auckland and Christchurch;
- an online feedback process, which invited people to provide their feedback via an online feedback form (survey) or via email or post;
- a series of open hui and targeted conversations with Māori;
- targeted engagement with central and local government; and
- targeted engagement with non-government organisations with a particular relationship or relevance to the Act and the work of the Commission.

The review team received and analysed almost 700 responses, provided through the online feedback form or via email or post. This covered feedback from individuals (including access users, landowners, and farmers), peak bodies, territorial authorities, recreation groups, advocacy groups, health agencies, Māori groups, and community organisations. The review team also received feedback through three public meetings, three open hui and five targeted conversations with Māori,

almost 20 targeted conversations across central government, and four targeted conversations with relevant non-government stakeholders.

All feedback received was analysed as part of preparing the report on the findings of the review.

**Q: How were Maori engaged in the review?**

**A:** In addition to the public meetings and online feedback process, a specific Māori engagement process was undertaken to allow for exploration of issues unique to Māori. This allowed the review team to provide a culturally appropriate means of engagement, which may not have been achieved through the public meetings alone. This process included open hui across the country – in Auckland, Taupo, and Gisborne –and targeted conversations with Māori groups and individuals in Christchurch, Nelson, Waikato and the Wairarapa.

**Q: Did the review consider giving more power to the Commission to enforce access over private land?**

**A:** No. The Terms of Reference for the review excluded consideration of a ‘right to roam’ over private property. It also excluded consideration of changing the premise that the Commission must negotiate access with landholders. Some feedback called for the Commission to be given greater powers to enforce access, including over private land, however this feedback was not considered further in preparing the report.

**Q: Are the Act and the Commission only concerned with ‘walking’ access?**

**A:** No. The Commission is concerned with walking access as well as types of access that may be associated with walking, such as access with firearms, dogs, bicycles, or motor vehicles. A key theme that emerged through the review process was the need to broaden the language used in the Act, to clarify the scope of access as being broader than just walking.

**Q: Are landowners responsible for the health and safety of people who use tracks and trails on their land?**

**A:** Health and safety liability was a consistent concern raised by landowners and land managers throughout the review process.

Currently, farm owners or managers whose land is being accessed for recreation are only responsible for risks arising from the work or workplace, and are not responsible for the risks associated with the recreational activities. This was confirmed in a recent policy clarification issued by Worksafe in mid-2019 (available on their [website](#)). Further, section 66 of the Act explicitly limits the liability of landowners under the Occupiers’ Liability Act 1962 and under common law.

Detailed information on the scope of these responsibilities, including those of access users, can be found on the Commission’s [website](#).

**Q: Where can I find information about public access and the Commission?**

The Commission provides the Walking Access Mapping System (WAMS), which is a free, online tool showing publicly accessible land across New Zealand. This information can be viewed against topographical maps, aerial photographs or basic maps showing the outline of the land. It has a search facility, zooming tools and other functions that allow users to plot points and lines, and

measure distances. Users can also save maps and print them. WAMS can be accessed at [www.wams.org.nz](http://www.wams.org.nz) or via the Commission's [website](#).

The Commission also provides Find My Adventure, which is another online resource which compiles information about tracks and trails in one place. This tool allows users to search for trails by region, activity type or by trail types (for example, hard walks, short trails or loop tracks). It also includes information about what trails are like, how to locate them and any conditions for walkers to beware of, such as closures for lambing. It includes all walks that comprise Te Araroa, the Department of Conservation's great walks, day walks and short walks, the rides that comprise Ngā Haerenga (New Zealand Cycle Trail) and all of the Commission's tracks and trails. The Commission has also started working alongside territorial authorities nationwide to include tracks that they manage. Find my adventure is available on the Commission's [website](#).

Information about the work of the Commission, including regular updates, can be found on their [website](#) or social media pages (Facebook, YouTube, Twitter and Instagram). You can also subscribe to receive the Commission's e-newsletter and other updates on public access.

**Q: What will happen now that the review report has been published?**

**A:** Options for legislative and non-legislative change proposed in the report will be subject to public consultation as part of a formal policy process. The timing for this process is yet to be determined.