

Rights of Public Access for Outdoor Recreation in New Zealand

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Abstract

This thesis explores the nature of public access rights for outdoor recreation in New Zealand. It aims to improve understanding of these rights by examining the New Zealand public policy framework for public access, the social constructions of access rights and the interaction of these dimensions via analysis of two contemporary New Zealand access issues: the foreshore access debate and the state-sponsored Land Access Review. An institutional arrangements framework forms the study's conceptual basis and is critiqued for its value in the examination of rights of public access. Multiple qualitative methods were employed to collect data, including interviews with access actors, submission analysis, examination of public policy documents and critical interpretation of the access discourse within the mass media. Key themes from the international access literature are identified and the disparate nature of much of this research is highlighted. Within New Zealand, public access represents an area of research neglect. This thesis provides the first comprehensive study of rights of public access for outdoor recreation in New Zealand.

A threshold has been reached in the evolution of access rights in New Zealand. Societal changes are perceived to be reducing the public's traditional rights to access land for outdoor recreation. Owing to the importance of these rights within conceptions of New Zealand national identity, the Government is codifying access rights in a bid to protect them. Thus a shift in access arrangements is occurring, from reliance upon social customs to increasing use of public policy instruments.

Access rights are being renegotiated within a highly contested environment. The debate is being staged within the political arena and via the national news media; access has become a significant national issue. As a result, the level of engagement has shifted from localised access transactions between landholders and recreationists, to a national discussion regarding competing rights to land. Access actors have reacted in different ways to the reforms of access arrangements, driven by the manner in which the proposals affect their property rights, social values and norms. Some reactions have been strident and confrontational.

Inadequate public policy arrangements for access have created the 'space' for these multiple social constructions of access to develop. Convergence of a disparate and poorly enforced access public policy framework with varying social representations of access rights is influencing the access outcomes. The 'place' of public access within New Zealand society occurs at the intersection of several strongly-held cultural traditions, including private property rights. Maori customary rights, and a belief that it is a birthright to freely access the outdoors. The tension between these values underpins New Zealand's unique (and changing) manifestation of the rights of the public to access land for recreation.

Profile

Kay heads her own consulting business, Lindis Consulting, which specialises in research and planning for recreation and tourism in natural places. Her work encompasses the public, private and not-for-profit sectors. Current projects include designing a user monitoring programme for Milford Sound/Piopiotaahi, preparing the management plan for Molesworth Recreation Reserve and developing a significance assessment method for river values, amongst others.

Kay holds ministerial appointments on the New Zealand Conservation Authority, the New Zealand Geographic Board and the New Zealand Walking Access Commission. She helped to establish the Sir Edmund Hillary Outdoor Recreation Council (2009) and is a member of the New Zealand Recreation Association Professional Accreditation Board, the World Commission on Protected Areas (World Conservation Union/IUCN) and the International Federation of Parks and Recreation Administration.