

Public Access New Zealand  
Sunday, 13 June 2004

## News Media Release

### Government claims on foreshore access fraudulent

Government claims that its draft legislation "guarantees" public access over the foreshore and seabed are fraudulent, according to Public Access New Zealand.

Spokesman Bruce Mason says that the Foreshore and Seabed Bill will create unrestrained powers of closure to the public, or classes of people, with penalties of up to \$5000 for those who ignore the decrees of either the Ministers of Conservation or Maori Affairs.

"The door will be open to racial and other forms of discrimination, all at the political whim. Whilst the reasons for closure must be published, there are no limitations on the reasons except to protect customary rights, and no ability for the public to legally challenge such decisions", Mr. Mason said. There are no public purposes or duties of trust on the Government, as owner of these lands and waters, against which Ministerial decisions can be measured.

Despite a limitation on freeholding, in future the foreshore and seabed will be treated as if it were the private property of the Crown to manage and dispose of as Government sees fit. It certainly will not be a public domain.

PANZ believes that this Bill is a monumental fraud, depriving New Zealanders of their birthright to use and enjoy beaches and coastal waters.

"The scale of the deception is probably unmatched in the peacetime history of New Zealand. Government propaganda, in the form of ministerial statements and advertisements, has been greatly assisted by strident Maori protests about their alleged rights and the Bill. The latter has given false comfort to many New Zealanders that the Government was looking after their interests", Mr. Mason said.

There is an irreconcilable conflict between extending Maori rights, which the Bill is primarily about, and freedom for the rest of the community to use and enjoy these same spaces. The Bill extends the 'space' from wet lands to the waters and airspace above. Public recreation is very much a subservient consideration in the Bill.

As Maori interests are progressively asserted, and either accommodated by the Courts or Government, the public will be squeezed out either physically or in terms of having a fair say over what happens and where on this Crown estate. PANZ predicts that within ten years the foreshore and seabed will be effectively privatised, while nominally remaining in Crown ownership.

PANZ is calling for political parties that have so far supported the Government to vote against further passage of the Bill, rather than a great effort going into public submissions. These close on 12 July.

"We have been 'consulted' ad nauseam by Government over this issue, but to no effect. It's down to a numbers game. Only when government feels electorally threatened will the interests of the majority of New Zealanders become paramount," Mr. Mason concluded.

Public Access New Zealand is a public recreation advocate.

Appendix:  
Wording of Government advertisements (April/May 2004)-

"New government legislation on the foreshore and seabed will guarantee:

- \* Access for ALL New Zealanders
- \* Crown ownership of the foreshore and seabed
- \* Existing customary rights and ancestral connections are recognised and protected.

Use and enjoyment of the foreshore and seabed of New Zealand guaranteed

For more information: [www.labour.org.nz](http://www.labour.org.nz), Office of the Labour leader, Freepost Box 18888, Wellington"

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Submissions on the Foreshore and Seabed Bill 2004 close on Monday 12 July -

The Fisheries and Other Sea-related Legislation Committee Parliament Buildings Wellington

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