

2. Access for landholders Frequently Asked Questions



What is the New Zealand Outdoor Access Code?

The Outdoor Access Code is a New Zealand Walking Access Commission publication, which sets out the rights and responsibilities of recreational users and landholders.

Our society is increasingly urban, and despite our strong rural cultural identity and economic reliance on agricultural products, people may not be aware of rural customs and local practice, or understand the adverse impacts their actions can have. The Code spells out the need for people to behave properly and to take responsibility for their actions in the outdoors. It also asks landholders to continue the long-held New Zealand tradition of landholders giving access to people wanting to cross their land.

The Code is available on the Commission's website: www.walkingaccess.govt.nz/page/17/OutdoorAccessCode.html

As a landholder can I refuse to give someone the right to walk over my land?

Yes. Landholders may refuse access to their land, even if such access may have been traditional and the request seems to be reasonable. This does not apply to emergency services or other agencies with statutory powers of entry.

Can I charge a fee?

Landholders may charge for any facilities or services that they provide on their property when providing access. They also have the right to recover any costs incurred in providing access.

Can I issue a trespass notice to someone walking on my property?

Yes. If somebody is interfering with the rights of a landholder by entering their property without permission, there are remedies under the Trespass Act 1980. Disturbing domestic animals, setting traps, shutting an open gate and opening a closed gate on private land are all offences.

Can the public cross private land to access public land?

Not unless they have permission from the landholder. There is no general right of public access across private land. Legal public access to and along lakes, rivers and the coast can be fragmented and permission needs to be obtained to cross private land. Many land managers readily allow access when asked for permission.

How can I show the public an agreed route across my land?

The New Zealand Walking Access Commission, Federated Farmers New Zealand and Rural Women New

Zealand have agreed on signposting arrangements indicating public access routes granted by landholders over private land. These can be shown in the Walking Access Mapping System online at www.wams.org.nz. Details of the signposting agreements and how they work can be found at www.walkingaccess.govt.nz.

If I allow the public to walk through my private farm land, does this mean that I'll be liable if someone gets injured while on my property?

Landowners have a duty to warn authorised visitors of significant, work-related, out-of-the-ordinary hazards. The landowner is not liable for any injuries that occur if adequate warnings have been given or if the visitors are unauthorised. The Department of Labour has produced a fact sheet explaining landowners' duties: www.osh.dol.govt.nz/publications/factsheets/farm-visitors.pdf

What do I need to do when granting permission to walk over my land?

When those with authority as a landholder or manager are asked for access, it is appropriate to:

- respond reasonably;
- explain the reasons for any conditions that are applied;
- advise visitors of out-of-the-ordinary hazards arising from farm activities (eg. tree-felling, blasting); and
- respect people's rights to use unformed legal roads and marginal strips. The exact locations of these can be hard to determine. Unformed legal roads may be unsurfaced, unfenced and indistinguishable from surrounding land, but they have the same legal status as formed roads. For more information see: Unformed Legal Roads – Frequently Asked Questions.