Peace Movement Aotearoa

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Submission to the Foreshore and Seabed Act Ministerial Review Panel

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Overview

This submission provides a summary of our views on the Foreshore and Seabed Act and how it came about, why it must be repealed, and why a new process must be set in place to move forward. It opens with some introductory remarks about Peace Movement Aotearoa and our involvement in the foreshore and seabed issue since 2003, and then has two main parts:

Part I: The Foreshore and Seabed Act, which has sections on:

a) The climate of prejudice in which the FSA was enacted,

b) Treaty of Waitangi and human rights breaches,

c) The inappropriateness of the tests and procedures in the Act; and

Part II: Ways forward, which recommends that the foreshore and seabed legislation be repealed and a more positive way forward, that fully respects the rights of Maori, be set in place. The section includes an outline of some suggestions for a framework to do this.

We appreciate this opportunity to contribute to the Review, and thank you for your attention to our submission.

Introduction

Peace Movement Aotearoa is the national networking peace organisation, registered as an incorporated society in 1982. Our purpose is networking and providing information and resources on peace, social justice and human rights issues. As the realisation of human rights is integral to the creation and maintenance of peaceful societies, promoting respect for them is a particular focus of our work.

Our membership and networks mainly comprise Pakeha organisations and individuals; we currently have just under two thousand people (including representatives of eighty three peace, social justice, church, community, and human rights organisations) on our mailing list.

From the time of the Court of Appeal ruling, *Ngati Apa v Attorney General*[1], in June 2003, until the passage of the legislation in November 2004, the foreshore and seabed was the main focus of our work due to our members deep concerns about the legislation and the lack of consideration given to alternatives by the government of the day. Since then, we have continued to work on this matter, among other things through submissions to United Nations human rights bodies - to the Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous People (the Special Rapporteur) in 2005[2]; the United Nations Committee on the Elimination of Racial Discrimination (CERD) in 2007[3]; and, jointly with the Aotearoa Indigenous Rights Trust and others, to the United Nations Human Rights Council for New Zealand's Universal Periodic Review in 2008[4].

From the time of the first government announcement in response to the Court of Appeal ruling, we were contacted by many Pakeha individuals and organisations seeking more information, and telling us of their concerns about what the government was proposing to do. We have not experienced such a high level of contact - both by Peace Movement Aotearoa members and by people previously unknown to us - in the past decade, except in the weeks immediately following the September 11 attacks in New York and Washington.

The concerns expressed by the people contacting us about the foreshore and seabed can be summarised as encompassing four main areas:

- firstly, that the government's reaction to the Court of Appeal ruling was over-hasty, ill conceived and ill informed. Among other things, there was no consideration of other alternatives, for example, statements by hapu and iwi representatives of their willingness to provide covenants of inalienability and access consistent with tikanga in their respective rohe were not taken into account, nor examples of existing models of Maori owned land under Maori / Crown co-management;

- secondly, that the legislation was a major injustice to Maori, it involved substantial breaches of the Treaty of Waitangi (the Treaty), of human rights protected in domestic legislation and international law, and it removed the possibility of common law recognition, inadequate though that might be, of the full extent of Maori rights and interests in the foreshore and seabed areas;

- thirdly, that the government's overriding of the Court ruling would be a source of conflict and justified grievance into the future; and

- fourthly, that a durable and just resolution would not be achieved by the legislation, nor by any other hasty quick-fix approach.

There was huge concern about the racist scare mongering fomented by government Ministers and others in the days following the Court of Appeal ruling, and by their creation of fear about access to the beaches, when there was in fact no threat to that. More information about this point is provided in the section below because it is useful to understand how that was done, in the hope it can be avoided in the future.

Part I: The Foreshore and Seabed Act

a) The climate of prejudice in which the FSA was enacted

The government's enactment of the foreshore and seabed legislation occurred in a climate of prejudice and diminished respect for Maori and their rights. While politicians of opposition parties and the mainstream media certainly played a role in generating that climate, our comments here are focused on Ministers of the Crown because the government has the primary responsibility to set the tone of public discourse when it comes to both the Treaty and human rights. There were several ways in which this climate was created; the first involved misinformation and scaremongering.

The Court of Appeal ruling was in some respects a minor legal victory, a first step towards correcting (albeit in a limited way) an historical injustice, that would take some time to have practical effect. It was not, in and of itself, contentious - it was the response of the government that made it contentious and turned it into a divisive issue.

Unfortunately the government did not take the opportunity to provide balanced information as to the historical circumstances that led to the Court ruling nor to provide a reasonable assessment of its effects. From our experience, it does not take much for Pakeha to move from a position of monocultural superiority towards an understanding that there are other perspectives which are equally valid. Education based on balanced information about the Treaty and what it says, about our history, about the legislation which has been designed and used to dispossess Maori, and an outline of the ways in which domestic human rights legislation and international human rights conventions reinforce the guarantees of the Treaty, has a remarkable effect on those who have not previously had access to such information. With some knowledge of the extent of past injustice, present day injustices are more readily perceived, as is the need to resolve them fairly.

Instead, the government chose to continue the sad and sorry tradition of denial and dispossession that has been the key characteristic of the historical and ongoing processes of colonisation in this country. By announcing within days of the Court of Appeal ruling that legislation would be introduced to 'confirm' Crown ownership of the foreshore and seabed and by issuing statements with assurances that no one would be prevented from having a barbeque on the beach in the coming summer, they started down a path of misinforming the public.[5]

Even those initial government viewpoints contained flaws - that the then highest court in the land had just ruled that customary title to the foreshore and seabed could, and should, be investigated surely leads to the conclusion that Crown ownership was not in a position to be 'confirmed'. Furthermore, there was never an issue of anyone being prevented from having a barbeque on the beach, and indeed the subject of the Court's ruling was the foreshore and seabed, land respectively partly or wholly covered by water, not an area commonly used for barbeques.

Secondly, there were the derogatory remarks - perhaps one of the worst examples being the comments made by Prime Minister Helen Clark as the foreshore and seabed hikoi approached Wellington. *"Asked why she met Shrek but not those she called the "haters and wreckers" of the foreshore hikoi, Helen Clark said: "Shrek was good company"."*[6]

Derogatory remarks were also made about the United Nations bodies which commented on the FSA. When CERD released their decision[7] in 2005, Helen Clark derided both the Committee itself and those who had utilised its Early Warning Procedure. She described CERD as *"a committee that sits on the outer edge of the UN"*, and said, *"This isn't a statement that NZ is a terrible country in breach of international conventions that those who went trotting off to it wanted to hear"*.[8]

The response to the Report of the Special Rapporteur in 2006 was in a similar vein:

> *"The Government is thumbing its nose at the report, saying it has no plan to act on its recommendations and accusing its author of gross inaccuracies. But sensitivity over its contents was clear yesterday, when it emerged that ministers had had the report for several weeks and had chosen to make no public statements about its availability. Asked why yesterday, Deputy Prime Minister Michael Cullen responded: "Why should we? It's not the Government's report, it's the UN's report." The Government moved to discredit the report yesterday as the work of "just one person" and Dr Cullen said it "probably underlines the fact that the committee it comes from is being wrapped up and reformed". National Party deputy leader Gerry Brownlee said the report should be tossed in the bin."*[9]

Thirdly, was the way Ministers of the Crown created the impression that there was united Pakeha pressure on the government to act the way they did, and to continue to justify the legislation even after it was enacted.

One example of this came from a speech by the Deputy Prime Minister in 2005: *"The Government could not have left foreshore and seabed issues to the Maori Land Court because of "the depth of Pakeha anger and alarm", Deputy Prime Minister Dr Michael Cullen said yesterday."*[10]

We have included this quote here for three reasons. Firstly, as was common during the period when the government's foreshore and seabed proposals were subject to public discussion, there is silence around the profound distress and justified anger of Maori. This acted to invisibilise and minimise what was being done to them.

Secondly, the implication of united Pakeha support for the way the government responded to the Court of Appeal ruling is simply not an accurate portrayal of the situation. This can be demonstrated by reference to the government's own publication analysing the submissions on the initial foreshore and seabed proposals which includes statements such as:

> *"Almost all Maori and many non-Maori considered that the principles and related proposals constituted a major breach of the Treaty of Waitangi, and would give rise to a new round of Treaty grievances if implemented"; "Many respondents were strongly opposed to the four principles, including almost all Maori and many non-Maori";* and *"Many were concerned that the principles and related proposals had been developed without the participation of Maori and accordingly represented a very mono-cultural perspective on the issues and possible solutions."*[11]

Furthermore, from the first government announcement in response to the Court of Appeal ruling, Pakeha lawyers, historians, academics and church leaders, as well as human rights, social justice and peace groups, were vocal in their opposition to the government's proposals[12]. The government cannot have been unaware of this, as open letters and private letters were sent

to Ministers of the Crown and other government politicians; and a substantial number of the submissions on the foreshore and seabed proposals, and later on the Foreshore and Seabed Bill, were made by Pakeha who objected to the inherent breaches of the Treaty, and of domestic and international human rights law, in the legislation. Pakeha supported and joined the foreshore and seabed hikoi; and organised and supported other peaceful protest against the legislation.

Thirdly, even if there had been united Pakeha support for the legislation, which there was not, that would not in any way have justified the FSA.

The deceptive statements implying widespread support for the FSA showed an increasing desperation after its enactment. Perhaps the most startling example of this came in a media release by the Deputy Prime Minister on Waitangi Day 2005:

> *"Deputy Prime Minister Michael Cullen today released polling data showing a clear majority of all New Zealanders and a plurality of Maori believe the Foreshore and Seabed Act is fair." ... "The UMR Research result, based on a representative sample of 750 people, shows 56 per cent consider the legislation strikes a balance between the rights of Maori and those of the general population," Dr Cullen said. "Among Maori this was also the most commonly held view with 45 percent support," he said although adding that the Maori sub-sample was very small comprising only 65 people."* [13]

It is difficult to comprehend how those figures could be interpreted as indicating either *"clear majority"* support, or any meaningful level of Maori support, for the Act.

b) Treaty of Waitangi and human rights breaches

The number of Treaty and human rights breaches involved in the foreshore and seabed legislation is astounding, it would be hard to think of any other legislation in recent times that involved so many substantive breaches of so many rights. A brief overview of these breaches is provided here; it is based on our analysis[14] of the initial foreshore and seabed policy and our submission[15] to the Fisheries and other Sea Related Legislation Select Committee.

It was obvious from the first government announcement on the foreshore and seabed that what was intended would involve substantive breaches of the Treaty. The Waitangi Tribunal[16] described the proposals on which the legislation was based as breaching the Treaty in *"fundamental and serious"* ways that give rise to *"serious prejudice"* to Maori. They also found that *"the policy fails in terms of wider norms of domestic and international law that underpin good government in a modern, democratic state."* The Tribunal did not seek to "*suggest changes to the details of the policy, as we think changes to details would not redeem it.*" Their *primary and strong* recommendation to the government was that they should "*go back to the drawing board and engage in proper negotiations [with Maori] about the way forward*."

The government responded with a statement[17] by the Deputy Prime Minister which described the Report as *"disappointing"*, the Tribunal's conclusions as depending *"upon dubious or incorrect assumptions by the Tribunal"*.

With regard to international human rights treaties and standards, the legislation denied to Maori the right of self-determination[18] which is confirmed as a right for all peoples in the United Nations Charter, and which is linked to the right of all peoples to *"freely determine their*

political status and freely pursue their economic, social and cultural development" in Article 1 of the International Covenant on Civil and Political Rights and of the International Covenant on Economic, Social and Cultural Rights.

Our analysis of the legislation led to the conclusion that it also denied Maori other human rights specified in international treaties and domestic law including, but not limited to: the right of access to and the protection of the law[19]; the right to own property alone and in association with others and not be arbitrarily deprived of it[20]; the right to freedom from racial discrimination[21]; and the right to enjoy one's own culture[22]. Additionally, the FSA highlighted an ongoing violation of all of the international human rights conventions with respect to the right to an effective remedy by a competent national tribunal when one or more human rights have been violated.

Furthermore, the obligations on state parties with regard to the particular measures required to ensure the human rights of indigenous peoples are protected, as articulated for example in CERD's General Recommendation No. 23, were not met. The FSA clearly does not "*protect the rights of indigenous peoples to own, develop, control and use their communal lands, territories and resources"*[23] .

Nor did the government in any sense meet the requirement of *"effective participation by indigenous communities"*[24] in the formulation of policies that are directly related to their rights and interests. There was no opportunity for effective participation by Maori because the consultation process followed by Ministers of the Crown was not the two-way dialogue that genuine consultation necessarily involves. Instead, the foreshore and seabed policy was presented to Maori after it had been formulated, and their responses to it were essentially ignored.

Similarly, the government did not in any sense meet the requirement *"that no decisions directly relating to [indigenous peoples] rights and interests are taken without their informed consent."*[25]

There was an overwhelming and unambiguous rejection by Maori of the foreshore and seabed framework and policy on which the legislation was based, and of the legislation itself - at each of the government's 'consultation' meetings, in the statements from the national meetings organised by Maori, in petitions and submissions, in the foreshore and seabed hikoi when more than 30,000 Maori traveled to parliament from all over the country to protest about the denial of their rights, and in their submissions to the Select Committee considering the Foreshore and Seabed Bill.

There are other minimum standards too which have been developed, particularly by the United Nations Human Rights Committee and CERD when applying their respective human rights treaties to indigenous peoples and their rights. Some of the themes which emerge in the jurisprudence of those two Committees are particularly relevant to the foreshore and seabed legislation: it is not acceptable to provide certainty for the majority at the expense of an indigenous minority; solutions must be found which are acceptable to indigenous peoples; current developments must be considered in the context of historical inequities; cultural values and belief systems are as defined by those in a particular culture, not by others; and that protection for the traditional means of livelihood of indigenous peoples does not mean they are restricted to traditional ways of doing things. The FSA clearly falls far short of these standards too.

The alternatives put forward by Maori at the government's 'consultation' meetings in 2003, the Waitangi Tribunal hearings in January 2004, and in their submissions were ignored by the government. Among those alternatives were examples of existing models of Maori land under Maori / Crown co-management; and the repeated statements[26] by hapu and iwi representatives that covenants of access and non-saleability, consistent with tikanga, could be negotiated in their respective areas if, as stated, the government's primary concerns were the protection of public access and the need to prevent sale of the foreshore and seabed areas. The government simply was not prepared to engage in negotiation with Maori that might have lead to a fair and just outcome and the full recognition of their rights.

By way of contrast, and to further illustrate the discriminatory aspects of the government's response to the Court of Appeal ruling, proposals to legislate to turn 5 metre wide strips of farmland into publicly accessible river walkways were dropped in June 2005 following the launch of a campaign by Federated Farmers and a protest of several hundred farmers at parliament.

The proposals were dropped because:

> *"there is "too much conflict" to introduce the legislation now" ... "Associate Rural Affairs Minister Jim Sutton is promising compromises are on the table in exchange for good-faith negotiations. He has revealed that the Government has agreed in principle to pay compensation for "demonstrable loss of value" for any private land used to open up access to the coast, rivers and lakes - a key sticking point."*[27]

Compromise, good-faith negotiation and compensation were to be offered to farmers, but they were not offered to Maori.

c) The inappropriateness of the tests and procedures in the Act

In addition to the points raised in the section above, there is an additional reason why the FSA must be repealed. Aside from the general issue that the FSA does not in any sense provide for the full recognition of all Maori rights and interests in foreshore and seabed areas, the requirement that whanau, hapu and iwi will have to prove that a customary right existed in 1840, and has been exercised substantially uninterrupted, in the same manner, to the present day is an unacceptable fossilising of rights and represents an archaic view of culture. Furthermore, that this provision has to apply regardless of whether or not the exercise of that right was actually prevented by confiscation or other unjust measures taken by others, is a double injustice.

Cultural beliefs, customs and practices do not freeze and remain unchanged through time. This kind of restrictive test would simply not be acceptable to, nor inflicted on, anyone else. It simply does not make sense. It is also contrary to the Treaty and to international human rights jurisprudence - as referred to in the section above, one of the themes in the latter is that cultural values and belief systems are as defined by those in a particular culture, not by others.

It is difficult to see how culture can ever be adequately defined by statute, or by politicians - culture is not owned by them in any instance; and certainly they have no authority to define tikanga Maori. Culture is constantly evolving; it is qualitative, not quantitative; it is not

something that is amenable to codification. If the government was of the view that they simply had to try and codify culture, then the current test in Te Ture Whenua Maori Act - *"held in accordance with tikanga Maori"* - would have been adequate, and there was no need for further restrictive definition.

II: Ways forward

We are of the opinion that the foreshore and seabed legislation must be repealed and a more positive way forward, that fully respects the rights of Maori, must be set in place.

The main point we wish to emphasise here is that the direction of the way forward must come from hapu and iwi. The process going forward should be the reverse of what has occurred to date, that is, it must be based on the assumption that the foreshore and seabed areas belong to hapu and iwi, rather than on an assumption of Crown ownership. The burden of proof thus should fall on the Crown, not on hapu and iwi.

It seems to us that there are two possible ways forward following repeal of the FSA.

One is that the process which the FSA interrupted should continue, that is, the matter should go to the Maori Land Court for the nature and extent of rights and title in foreshore and seabed areas to be determined. But this path should only be followed for those hapu and iwi who wish to proceed in this way.

However, we are not convinced that a satisfactory resolution will be found within the confines of 'the law' as it currently exists, because it does not and cannot adequately represent or respect the collective rights of Maori.

We are therefore of the view that the way forward lies in what the Waitangi Tribunal referred to as *"the full restoration of te tino rangatiratanga over the foreshore and seabed"*[28]. As stated in WAI 1071:

> *... "a government whose intention was to give full expression to Maori rights under the Treaty [in 2004] would recognise that where Maori did not give up ownership of the foreshore and seabed, they should now be confirmed as its owners."*[29]

That is the only resolution that would be consistent with the Treaty, with domestic human rights legislation, and beyond that, with the government's obligations under international law. While we did not refer to the United Nations Declaration on the Rights of Indigenous Peoples in the earlier section on human rights breaches, preferring to focus there instead on the government's legally binding obligations, the Declaration has since its adoption by the General Assembly in 2007 come to be seen as a measure of the minimum standards for governments in their relationship/s with indigenous peoples. This resolution would also be consistent with the Declaration.

During our presentation to the Ministerial Review Panel on 7 April 2009, it was suggested that we might devise a peaceful or human rights framework whereby the foreshore and seabed matter could be resolved. The sole framework that meets both of these criteria is that the direction of the way forward must come from hapu and iwi, as they are the only ones who can

determine what the full restoration of te tino rangatiratanga over the foreshore and seabed might mean in terms of relationships, rights and responsibilities in their respective rohe.

Such a framework would be based in the first instance on the Treaty, in particular, the guarantee of the continuance of tino rangatiratanga contained therein. As well, the rights of indigenous peoples in international law, which can be seen as reinforcing the guarantees of the Treaty to a certain extent, could usefully be included in so far as they are consistent with Maori law.

What this framework might look like is not known at this time, but we are confident that a new way forward will come from hapu and iwi if they are permitted to have sufficient time to develop it. Some public discussion has put emphasis on the need for businesses to have this quickly resolved - one of the classic colonising devices has always been the privileging of business (and others) interests over the rights of Maori, and it is way past time for that to stop. There is no reason to again proceed with unseemly haste, but there is every reason to ensure that this time round sufficient time is taken to ensure a just and durable resolution is reached.

As the Review Panel is aware from our presentation, we are concerned that the time constraints put on the Review by the government have not permitted the Panel to speak directly with all hapu and iwi to ascertain their views on the ways forward. Furthermore, the inclusion of hapu and iwi representatives in the public submissions process rather than their being accorded the respect they are entitled to as parties to the Treaty, as well as the six week consultation period, have an unfortunate similarity to the processes around the FSA.

It is therefore our view that a process of full and proper negotiation with hapu and iwi should be the primary recommendation of the Review report.

Finally, there is the wider context in which the FSA occurred, that is, the ongoing failure of successive governments to honour the Treaty and the associated need for constitutional change to give full effect to its provisions. The FSA is an example of the urgency of this need - as we have outlined in our submission, in response to the Court of Appeal ruling, the government set about creating a climate of prejudice and diminished respect for Maori and their rights, dismissed the findings of domestic and international bodies in relation to its foreshore and seabed policy and the FSA, and enacted legislation that involved multiple Treaty and human rights breaches. The only way to ensure full respect for, and protection of, the rights of Maori from the whims of the government of the day, so that something like this does not happen again, is through constitutional arrangements which reflect those laid out in the Treaty.

While appreciating the constraints on the Review Panel by the terms of reference, we are nevertheless hoping that your report will place the foreshore and seabed within this wider context.

Again, thank you for your attention to our submission.

References

[1] *Ngati Apa v Attorney General*, [2003] 3 NZLR 643
[2] Submission to the Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous People, 23 November 2005 at http://www.converge.org.nz/pma/CERD71-PMA1.pdf
[3] NGO Report to the Committee on the Elimination of Racial Discrimination, Peace Movement Aotearoa, 21 May 2007 at http://www.converge.org.nz/pma/CERD71-PMA.pdf
[4] Indigenous Peoples' Rights and the Treaty of Waitangi, Joint submission to the Universal Periodic Review of New Zealand, 10 November 2008 at http://www.converge.org.nz/pma/towupr09.pdf
[5] Although, curiously, when vesting title in the Te Arawa lake beds, the government published a series of web pages explaining what they were doing, and how public and business access would be protected under the terms of that settlement. This indicates that there is a capability to educate and inform when it suits a government - we consider it a tragedy that this capability was not applied in their reaction to the Court of Appeal ruling on the foreshore and seabed
[6] 'Now for the wether', The Press, 4 May 2004
[7] Decision 1(66): New Zealand Foreshore and Seabed Act 2004, 11 March 2005. CERD/C/66/NZL/Dec.1
[8] Breakfast programme, TV1, 14 March 2005
[9] 'Labour defiant over UN rebuke', Tracey Watkins, The Dominion Post, 5 April 2006
[10] 'Foreshore to forefront of Cullen talk', Otago Daily Times, 13 October 2005 The text of the speech is at http://www.beehive.govt.nz/ViewDocument.aspx?DocumentID=24246
[11] 'Analysis of submissions on the proposals for the foreshore and seabed', NZ Government, December 2003, 17
[12] A range of Pakeha statements, articles, letters and submissions are available on the foreshore and seabed information page at http://www.converge.org.nz/pma/fsinfo.htm
[13] 'Poll finds foreshore and seabed policy fair', Media Statement by Dr Michael Cullen, 6 February 2005 at http://www.beehive.govt.nz/ViewDocument.aspx?DocumentID=22125
[14] 'Government foreshore and seabed policy breaches basic human rights', Peace Movement Aotearoa, December 2003 at http://www.converge.org.nz/pma/fs231203.htm
[15] Submission on the Foreshore and Seabed Bill 2004, Peace Movement Aotearoa, July 2004 at http://www.converge.org.nz/pma/fspma.doc
[16] WAI 1071: Report on the Urgent Hearings into the Crown's Foreshore and Seabed Policy, Waitangi Tribunal, March 2004
[17] 'Waitangi Tribunal Report disappointing', Dr Michael Cullen, 8 March 2004
[18] UN Charter, International Covenant on Civil and Political Rights (ICCPR) Article 1, and the International Covenant on Economic, Social and Cultural Rights Article 1
[19] Universal Declaration of Human Rights (UDHR) Article 7, ICCPR Article 26, and International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) Article 5; Right to justice, NZ Bill of Rights Act (BORA) 1990, Section 27
[20] UDHR Article 17, and ICERD Article 5; Right to be secure against unreasonable seizure, BORA Section 21
[21] UDHR Article 2, ICCPR Article 2, and ICERD Article 2; BORA Section 19, and NZ Human Rights Act 2001
[22] ICCPR Article 27; BORA Section 20
[23] Committee on the Elimination of Racial Discrimination General Recommendation No. 23: Indigenous Peoples, 5 at www.unhchr.ch/tbs/doc.nsf/(Symbol)/73984290dfea022b802565160056fe1c?Opendocument
[24] See for example Committee on the Elimination of Racial Discrimination; Decision 2(54) on Australia, 18 March. CERD A/54/18
[25] Committee on the Elimination of Racial Discrimination GR 23, 5
[26] See for example: 'Statement by Ngati Kahungunu on the government proposals on the foreshore and seabed', 12 September 2003 at http://www.converge.org.nz/pma/in120903.htm and Media Release, Te Runanga-Iwi o Ngati Kahu, 21 April 2004 at http://www.converge.org.nz/pma/fs210404a.doc
[27] 'Retreat on public access to farmland', New Zealand Herald 29 June 2005
[28] Report on the Crown's Foreshore and Seabed Policy, WAI 1071, 139
[29] Report on the Crown's Foreshore and Seabed Policy, WAI 1071, 138