



**Submission to the Ministry of Justice
Foreshore and Seabed Review**

19 May 2009

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Foreshore and Seabed Review
Freepost 224164
PO Box 180
Wellington 6140
New Zealand

Dear Foreshore and Seabed Review Panel

**RE: TOURISM INDUSTRY ASSOCIATION: SUBMISSION THE MINISTRY OF JUSTICE
FORESHORE AND SEABED REVIEW**

The Tourism Industry Association (TIA) wishes to make the following submission on the "*Ministry of Justice Foreshore and Seabed Review*".

BACKGROUND

This submission is from the Tourism Industry Association New Zealand (TIA), located in Wellington. If you wish to contact us regarding this submission, in the first instance, please telephone Sarah Berry, TIA Manager, Strategic Communications and Policy on 04 494 1845 or 0272 465 650 or e-mail her at sarah.berry@tianza.org.nz.

In accordance with the conditions of lodging a submission, TIA has no objection to the contents of the submission being made a matter of public record. With respect to the Terms of Reference for the Foreshore and Seabed Review, TIA's submission relates to item c) and specifically to the comment regarding "public interests (*including Maori, local government and business*)", as follows:

- c) Whether the Foreshore and Seabed Act 2004 effectively recognizes and provides for customary or aboriginal title and public interests (including Maori, local government and business) in the coastal marine area and maintains and allows for the enhancement of mana whenua.¹*

KEY POINTS

1. Value of the tourism industry:

The \$20.1 billion tourism industry is hugely valuable to the New Zealand economy. It is the country's second largest export sector with international expenditure accounting for nearly 20% of New Zealand's total export earnings.

¹ TIA acknowledges that, in the Act, "foreshore and seabed" means the area between mean high water springs (high water mark) and the outer limits of the territorial sea (12 nautical miles). The foreshore and seabed includes the air space and water space above the land, and the subsoil, bedrock and other matters below. In practical terms, it is the seabed and "wet" part of the beach that is covered by the ebb and flow of the tide. It does not include the dry land on the beach next to the intertidal zone. In relation to this submission, the term "coastal marine area" means any foreshore and seabed that is not in private ownership, but includes any foreshore and seabed that was owned by local authorities before the Act was passed. In the Act, this is known as "public foreshore and seabed".

2. Right of public access:

Many TIA members and operators in the tourism industry rely on having public access to New Zealand's foreshore and seabed for their tourism promotion and activity. These operators include tourism sea kayakers, canoeists, boaties, sail and ferry operators, walking track guides, sea based tour operators, wharf retailers, charter fishing guides, and accommodation providers such as seafront hotels, motels and B&Bs who may, for example, promote swimming and sea views to their guest, among many others. The Foreshore and Seabed Act 2004, as outlined in the Ministry of Justice's Discussion Paper, is based on four main principles:

1. *Guaranteeing public access now and in the future;*
2. *Regulating the rights and interests of all New Zealanders;*
3. *Protecting existing customary rights and interests; and*
4. *Ensuring certainty in respect of rights and interests in the coastal marine area.*

Recommendation 1: Given the considerable promotion and usage of the foreshore and seabed by tourism operators, TIA is writing to ensure that, in light of the current Ministerial Review, the four main principles of public access, regulating rights and interests of all New Zealanders, protecting existing customary rights and interests and ensuring certainty in respect of rights and interests (as outlined above) do not change.

3. Foreshore and Seabed Environmental Preservation:

Tourism New Zealand's research makes it clear that New Zealand's environment and scenery is the major draw-card for overseas visitors and forms the basis of the "100% pure" market positioning that underpins tourism's 10% contribution to New Zealand's gross domestic product (GDP) and economic growth. The industry recognises that in order to preserve New Zealand's 100% pure positioning and its place as the country's major export earner, it must encourage all New Zealanders (including our own operators) to adopt sustainable business practices resulting in protection of the environment. This includes making better use of water resources, using energy more efficiently, and improving waste and recycling processes, for example.

Recommendation 2: TIA encourages the Ministerial Review Panel to ensure that the conservation and preservation of the foreshore and seabed natural environment is taken into consideration when also considering other rights and interests under its current review.

CONCLUSION

TIA recognises and respects the complex nature of the work being undertaken by the Ministerial Review Panel under the current Foreshore and Seabed Review. TIA is eager to ensure that, as one of New Zealand's leading export sectors responsible for nearly one fifth of New Zealand's foreign exchange, the needs of the tourism industry are accounted for in this review, as per recommendations 1 and 2 outlined above.

TIA would be pleased to work more closely with the Ministerial Panel to progress these recommendations (or in providing any other input on behalf of the tourism industry) and we look forward to providing any further information which you may require.

Yours sincerely



Tim Cossar
Chief Executive
Tourism Industry Association (TIA)



Sarah Berry
Manager, Strategic Communications & Policy
Tourism Industry Association (TIA)

ABOUT THE TOURISM INDUSTRY ASSOCIATION - THE VOICE OF THE TOURISM INDUSTRY

TIA is the peak organisation that represents and advocates for the interests of the tourism industry in New Zealand. The businesses we represent generate more than 85% of New Zealand's tourism-related revenue. Tourism expenditure reached \$20.1 billion to the year ended March 2007 with international tourist expenditure accounting for 18.3% of New Zealand's total export earnings. The industry, directly and indirectly, employs one in ten New Zealanders in a diverse range of businesses – the majority of which are small and medium sized enterprises with less than five people. Not only is tourism important because of its size, representing 8.9% of New Zealand's GDP, it is highly employment intensive; regionally disparate; and very diverse - ranging from large stock exchange listed companies to small cottage industries. These businesses cover a range of tourism-related activities – hospitality, transport, adventure and activities, attractions and retail as well as related tourism services. In many cases, regional tourism businesses have developed around regional assets divested by other industries and have revitalised those assets and the communities that depend on them.

The TIA Executive team, led by Chief Executive, Tim Cossar, has a staff of eighteen based in Wellington working across the advocacy, events, membership and business services areas. The TIA Board consists of twelve representatives from the various sub-sectors of the industry. The Board is currently chaired by Norm Thompson, Deputy Chief Executive of Air New Zealand. Please go to the TIA website for further information: www.tianz.org.nz