**Version**
**as at 23 September 2026**

# Outdoor Access Act 2008

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| Public Act | 2008 No 101 |
| Date of assent | 29 September 2008 |
| Commencement | see section 2 |

Act title: amended, on 10 July 2026, by section 337 of the Regulatory Systems (Primary Industries) Amendment Act 2026 (2026 No 41).

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**Note**

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

**This Act is administered by the Ministry for Primary Industries.**

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**The Parliament of New Zealand enacts as follows:**

## 1 Title

This Act is the Outdoor Access Act 2008.

Section 1: amended, on 10 July 2026, by section 337 of the Regulatory Systems (Primary Industries) Amendment Act 2026 (2026 No 41).

### 2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

## Part 1
## Preliminary provisions

### 3 Purpose

The purpose of this Act is—

(a) to provide the New Zealand public with free, certain, enduring, and practical walking access to the outdoors (including around the coast and lakes, along rivers, and to public resources) so that the public can enjoy the outdoors; and

(b) to continue the New Zealand Walking Access Commission as the Outdoor Access Commission with responsibility for leading and supporting the negotiation, establishment, maintenance, and improvement of—

(i) walking access (including walkways, which are one form of walking access) over public and private land; and

(ii) types of access that may be associated with walking access, such as access with firearms, dogs, bicycles, or motor vehicles.

Section 3(b): amended, on 10 July 2026, by section 338 of the Regulatory Systems (Primary Industries) Amendment Act 2026 (2026 No 41).

### 4 Interpretation

In this Act, unless the context otherwise requires,—

**administering authority** means any Minister, department, local authority, or public body, or the Commissioner of Crown Lands, that owns, controls, or administers any public land

**cadastre** has the same meaning as in section 4 of the Cadastral Survey Act 2002

**chief executive** has the same meaning as in section 4 of the Cadastral Survey Act 2002

**code of responsible conduct** or **code** means the code of responsible conduct issued under section 17

**controlling authority** means a body that—

(a) is appointed as a controlling authority under section 35; or

(b) becomes a controlling authority under section 36

**Crown** has the same meaning as in section 2(1) of the Public Finance Act 1989

**department** means a public service agency defined in section 5 of the Public Service Act 2020

**enforcement officer**—

(a) means an enforcement officer appointed under section 43 and warranted under section 46; and

(b) includes a person described in section 44

**firearm**—

(a) has the same meaning as in section 5 of the Arms Act 2026; but

(b) includes anything from which a shot, bullet, missile, or other projectile can be discharged other than by force of explosive

**foreshore** means the marine area that is bounded,—

(a) on the landward side, by the line of mean high water springs; and

(b) on the seaward side, by the line of mean low water springs

**honorary enforcement officer** means an honorary enforcement officer appointed under section 45 and warranted under section 46

**in writing** means printed, typewritten, or otherwise visibly represented, copied, or reproduced, including by fax, email, or other electronic means

**lake** means a body of fresh water that is entirely or nearly surrounded by land

**landholder**—

(a) means the owner or occupier of land; and

(b) includes any employee or other person acting under the authority of the owner or occupier; and

(c) includes the administering authority of public land

**local authority** has the same meaning as in section 5(1) of the Local Government Act 2002

**Maori freehold land** has the same meaning as in section 4 of Te Ture Whenua Maori Act 1993

**Maori Land Court** means the court continued by section 6 of Te Ture Whenua Maori Act 1993

**Minister** means the Minister who, under the authority of a warrant or with the authority of the Prime Minister, is responsible for the administration of this Act

**occupier**, in relation to land, means a person who has a right to occupy the land under a lease

**offence** means an offence against a provision of this Act or any regulation or bylaw made under this Act

**Outdoor Access Commission** or **Commission** means the Outdoor Access Commission continued under section 6

**personal mobility device** means—

(a) a vehicle that—

(i) is designed and constructed, or is adapted, for use by persons who require mobility assistance due to a physical or neurological impairment; and

(ii) is powered by hand or by a motor that has a maximum power output not exceeding 1 500 W; or

(b) a vehicle that has been declared under section 168A(1) of the Land Transport Act 1998 to be a mobility device

**private land**—

(a) means—

(i) any land that is held in fee simple by any person other than the Crown:

(ii) any Maori land (within the meaning of section 4 of Te Ture Whenua Maori Act 1993):

(iii) any land that is held by a person under a lease or licence granted to the person by the Crown; but

(b) does not include any road

**public land**—

(a) means any land that is not private land; but

(b) does not include any road

**register** means the register kept under section 9 of the Land Transfer Act 2017

**Registrar-General** means the Registrar-General of Land appointed in accordance with section 231 of the Land Transfer Act 2017

**river** means a continuously or intermittently flowing body of fresh water, and includes a stream or modified watercourse

**road**—

(a) means a formed or unformed road; but

(b) does not include a private road (within the meaning of section 315(1) of the Local Government Act 1974)

**Sport and Recreation New Zealand** means the agency established by section 7 of the Sport and Recreation New Zealand Act 2002

**structure**—

(a) includes—

(i) a bridge, fence, gate, shelter, or stile; and

(ii) a boundary marker, hoarding, marker, notice, poster, or sign; but

(b) does not include a bivouac, a tent, or a temporary structure erected for temporary shelter

**Surveyor-General** means the Surveyor-General appointed in accordance with section 5 of the Cadastral Survey Act 2002

**vehicle**—

(a) means a contrivance equipped with wheels, tracks, or revolving runners on which it moves or is moved; but

(b) does not include—

(i) a pram or pushchair:

(ii) a personal mobility device

**walking access** means the right of any member of the public to gain access to the New Zealand outdoors by—

(a) passing or repassing on foot over a walkway or other land over which the public has rights of access; and

(b) performing any activity that is reasonably incidental to that passing or repassing

**walkway**—

(a) means any walkway declared under section 24 or 31; and

(b) includes any part of a walkway; and

(c) includes any walkway, established or administered under the New Zealand Walkways Act 1990, that was in existence immediately before this Act came into force.

Section 4 **department**: amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Section 4 **firearm** paragraph (a): replaced, on 23 September 2026, by section 394 of the Arms Act 2026 (2026 No 47).

Section 4 **New Zealand Walking Access Commission** or **Commission**: repealed, on 10 July 2026, by section 339(2) of the Regulatory Systems (Primary Industries) Amendment Act 2026 (2026 No 41).

Section 4 **Outdoor Access Commission** or **Commission**: inserted, on 10 July 2026, by section 339(1) of the Regulatory Systems (Primary Industries) Amendment Act 2026 (2026 No 41).

Section 4 **register**: replaced, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 4 **Registrar-General**: amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

## 5 Act binds the Crown

This Act binds the Crown.

## 5A Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in Schedule 1AA have effect according to their terms.

Section 5A: inserted, on 10 July 2026, by section 340 of the Regulatory Systems (Primary Industries) Amendment Act 2026 (2026 No 41).

# Part 2
# Outdoor Access Commission

Part 2 heading: replaced, on 10 July 2026, by section 341 of the Regulatory Systems (Primary Industries) Amendment Act 2026 (2026 No 41).

## Subpart 1—Continuation, objective, and functions of Commission

Subpart 1 heading: amended, on 10 July 2026, by section 342 of the Regulatory Systems (Primary Industries) Amendment Act 2026 (2026 No 41).

### *Continuation of Commission*

Heading: amended, on 10 July 2026, by section 343 of the Regulatory Systems (Primary Industries) Amendment Act 2026 (2026 No 41).

#### 6 New Zealand Walking Access Commission continued as Outdoor Access Commission

(1) This section continues the New Zealand Walking Access Commission as the Outdoor Access Commission.

(2) The Outdoor Access Commission is the same body as the New Zealand Walking Access Commission constituted under this Act before its amendment by the Regulatory Systems (Primary Industries) Amendment Act 2026.

Section 6: replaced, on 10 July 2026, by section 344 of the Regulatory Systems (Primary Industries) Amendment Act 2026 (2026 No 41).

#### 7 Commission is Crown entity

(1) The Commission is a Crown entity for the purposes of section 7 of the Crown Entities Act 2004.

(2) The Crown Entities Act 2004 applies to the Commission except to the extent that this Act expressly provides otherwise.

#### 8 Board of Commission

(1) The Commission consists of no fewer than 5, and no more than 8, members.

(2) Members of the Commission are the board for the purposes of the Crown Entities Act 2004.

(3) The Minister must, after consultation with the Minister of Māori Affairs, appoint at least 1 member who has a knowledge of tikanga Māori (Māori customary values and practices).

### *Objective, functions, and priorities of Commission*

#### 9 Objective of Commission

The objective of the Commission is to lead and support the negotiation, establishment, maintenance, and improvement of walking access and types of access that may be associated with walking access, such as access with firearms, dogs, bicycles, or motor vehicles.

### 10 Functions of Commission

(1) In meeting its objective under section 9, the Commission has the following functions:

(a) providing national leadership on walking access by—

(i) preparing and administering a national strategy; and

(ii) co-ordinating walking access among relevant stakeholders and central and local government organisations, including Sport and Recreation New Zealand:

(b) providing local and regional leadership on, and co-ordination of, walking access in collaboration with local authorities:

(c) compiling, holding, and publishing maps and information about land over which members of the public have walking access:

(d) providing advice on walking access to the Minister or any other person:

(e) facilitating resolution of disputes about walking access, including initiating negotiations about disputed issues, mediating disputes, and referring disputes to a court, tribunal, or other dispute resolution body:

(f) negotiating with landholders to obtain walking access (including walkways, which are one form of walking access) over public or private land:

(g) negotiating rights in addition to any walking access that is obtained, such as the right of access with firearms, dogs, bicycles, or motor vehicles:

(h) administering a fund to finance the activities of the Commission, or any other person, in obtaining, developing, improving, maintaining, administering, and signposting walking access over any land:

(i) receiving and managing private funding, contributions, or sponsorship for the promotion of walking access:

(j) researching, educating the public about, and participating in topics and programmes related to walking access:

(k) developing, promoting, and maintaining the code of responsible conduct:

(l) administering walkways under this Act, with planning and supervision focused at a local level:

(m) monitoring the compliance with, and enforcement of, this Act in relation to walkways.

(2) If the Commission is aware that a site is culturally sensitive, it must consider whether it is appropriate to publish a map or information indicating the location of the site before doing so.

### 11 Consideration of priorities for walking access over private land

In considering its priorities for negotiating walking access over private land, the Commission must take into account the desirability of walking access—

(a) over land on the coast where there is not already walking access over the foreshore or the land adjoining the foreshore on its landward side:

(b) over land adjoining rivers or lakes where there is not already walking access over the land:

(c) to parts of the coast, rivers, or lakes to which there is not already walking access:

(d) being continuous over land adjoining the coast, rivers, or lakes (for example, by replacing walking access that has become obstructed by being submerged beneath a body of water):

(e) to conservation areas (within the meaning of section 2(1) of the Conservation Act 1987):

(f) to areas of scenic or recreational value:

(g) to sports fish (within the meaning of section 2(1) of the Conservation Act 1987) and game (within the meaning of section 2(1) of the Wildlife Act 1953).

## Subpart 2—Code of responsible conduct

### 12 Purpose and status of code

The purpose of sections 13 to 19 is to provide for the development and issue of a code of responsible conduct in relation to walking access for the general guidance of—

(a) users of walking access; and

(b) landholders of land on which walking access is located; and

(c) landholders of land adjoining land on which walking access is located; and

(d) controlling authorities of walkways.

### 13 Contents of code

(1) The code may include all or any of the following:

(a) summaries of benefits conferred and obligations imposed, by this Act or any other enactment, on members of the public and relevant landholders in relation to walking access:

(b) recommendations on the standards of behaviour to be observed by users of walking access and relevant landholders, including in relation to sites of cultural significance:

(c) information about the administration of walkways under this Act, including conditions on the use of walkways and the powers of enforcement officers in relation to walkways:

(d) information about tikanga Māori (Māori customary values and practices) and Māori relationships with land and waterways:

(e) any other information that the Commission considers would be useful for users of walking access and relevant landholders.

(2) The code may make recommendations that are specific to a local area or a region.

### 14 Preparation of draft code

The Commission must prepare a draft code as soon as practicable after the commencement of this Act.

### 15 Notice of draft code to public

(1) The Commission must, by any means it thinks appropriate,—

(a) give notice of the draft code to the public; and

(b) invite members of the public to comment on the draft code.

(2) The Commission must ensure that—

(a) the notice is widely published; and

(b) the draft code is readily available to members of the public; and

(c) a reasonable period of time is allowed for members of the public to comment on the draft code.

(3) The Commission must consider each comment it receives under this section.

### 16 Matters to be considered

(1) Before issuing a code under section 17, the Commission must—

(a) reconsider the content of the draft code; and

(b) be satisfied that the recommendations on standards of behaviour (if any) are appropriate.

(2) In complying with subsection (1), the Commission must have regard to—

(a) any comments about the code received by the Commission; and

(b) the purpose of this Act; and

(c) any other matters that the Commission thinks are relevant to its considerations.

### 17 Issue of code

The Commission may issue the code at a time, and in a manner and form, that the Commission thinks appropriate.

### 18 Amendment or revocation of code

(1) The Commission may, at any time,—

(a) amend the code; or

(b) revoke the code and substitute another code.

(2) Sections 14 to 17 apply, with all necessary modifications, to amendments to, or the revocation and substitution of, the code under subsection (1).

(3) However, sections 14 to 17 do not apply to minor amendments that do not materially affect the code.

### 19 Availability of code

The Commission must ensure that copies of the code are readily available to members of the public for inspection.

Section 19: replaced, on 10 July 2026, by section 345 of the Regulatory Systems (Primary Industries) Amendment Act 2026 (2026 No 41).

## Part 3
## Walkways: Establishment and administration

### Subpart 1—Establishment of walkways

*Establishment of walkways over public land*

### 20 Proposal to declare walkway over public land

If the Commission considers that all or part of any public land should be made available for use as a walkway, it may propose to declare all or that part of the land (as the case may be) to be a walkway.

### 21 Administering authority's consent required for walkway over public land

(1) If the Commission proposes to declare any public land to be a walkway, it must obtain the written consent of the administering authority of the land to do so.

(2) If the administering authority consents to the declaration of the walkway, it may impose any conditions in relation to the walkway when granting consent.

### 22 Plan of walkway over public land

(1) Any public land that is to be declared a walkway must be defined on a plan.

(2) The plan must define the land in accordance with rules made by the Surveyor-General under section 49 of the Cadastral Survey Act 2002, unless the Surveyor-General grants an exemption or specifies alternative requirements in accordance with section 47(5) of that Act.

(3) The plan must be lodged with the chief executive and recorded in the cadastre.

### 23 Name of walkway over public land

(1) The Commission must assign a distinctive name to a walkway over public land.

(2) In assigning the name, the Commission must take into account the views (if any) of—

(a) hapū or iwi that have manawhenua (customary authority over land) in the area in which the walkway is located; and

(b) any other persons or organisations that the Commission considers representative of persons who have an interest in the naming of the walkway.

### 24 Declaration of walkway over public land

(1) The Commission may, after complying with sections 21 to 23 in respect of a proposal to declare public land to be a walkway, publish a notice—

(a) declaring the land to be a walkway; and

(b) assigning a distinctive name to the walkway; and

(c) specifying any conditions imposed in relation to the walkway by the Commission or by the administering authority when granting consent to the walkway.

(2) A notice under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

(3) *[Repealed]*

**Legislation Act 2019 requirements for secondary legislation made under this section**

| | | |
|---|---|---|
| **Publication** | The maker must:<br>• notify it in the *Gazette*<br>• publicly notify it in a daily or other newspaper circulating in the area in which the walkway is located<br>• if the Commission thinks it desirable in the circumstances, publicly notify it by any other method | LA19 ss 73, 74(1)(a), Sch 1 cl 14 |
| **Presentation** | It is not required to be presented to the House of Representatives because a transitional exemption applies under Schedule 1 of the Legislation Act 2019 | LA19 s 114, Sch 1 cl 32(1)(a) |
| **Disallowance** | It may be disallowed by the House of Representatives | LA19 ss 115, 116 |

*This note is not part of the Act.*

Section 24(1): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 24(2): replaced, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 24(3): repealed, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

### 25 Registration of notice declaring walkway over public land

(1) If public land that is declared to be a walkway is subject to the Land Transfer Act 2017, the Commission must lodge with the Registrar-General a copy of the notice referred to in section 24(1).

(2) The Registrar-General must record the particulars of the notice in the register.

Section 25(1): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 25(1): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 25(2): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

*Establishment of walkways over private land*

### 26 Negotiation of walkway over private land

If the Commission considers that all or part of any private land should be made available for use as a walkway, it may negotiate an agreement with the landholder for—

(a) an easement or lease over all or that part of the land (as the case may be) for use as a walkway; or

(b) the purchase of any land that includes all or that part of the land (as the case may be) proposed for use as a walkway.

### 27 Maori freehold land

(1) If the Commission proposes to negotiate under section 26 for an easement or lease over, or the purchase of, Maori freehold land for use as a walkway, it must do so—

(a) in the case of Maori freehold land vested in the trustees of a trust constituted under Part 12 of Te Ture Whenua Maori Act 1993, with the trustees of that trust; and

(b) in the case of Maori freehold land vested in a Maori incorporation (within the meaning of Te Ture Whenua Maori Act 1993), with that incorporation; and

(c) in the case of Maori freehold land vested other than in trustees or an incorporation referred to in paragraph (a) or (b), with the sole owner, joint tenants, or owners in common of that land, as the case may be; and

(d) in the case of Maori freehold land owned, vested, or held in any other capacity, with the person in whose name the land is registered.

(2) The provisions of Te Ture Whenua Maori Act 1993 apply to—

(a) any easement or lease obtained over Maori freehold land for use as a walkway; and

(b) any purchase of Maori freehold land that includes land proposed for use as a walkway.

### 28 Plan of walkway over private land

(1) Any private land that is to be declared a walkway must be defined on a plan.

(2) The plan must define the land in accordance with rules made by the Surveyor-General under section 49 of the Cadastral Survey Act 2002, unless the Surveyor-General grants an exemption or specifies alternative requirements in accordance with section 47(5) of that Act.

(3) The plan must be lodged with the chief executive and recorded in the cadastre.

(4) To avoid doubt, this section and section 29 do not override the requirements under any other Act that apply to the transfer of the fee simple estate in, or the lease of, only part of the land held in a record of title.

Section 28(4): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

### 29 Registration of easement, lease, or transfer

(1) The Commission must lodge with the Registrar-General, in a form registrable under the Land Transfer Act 2017,—

(a) an easement or lease obtained under section 26; or

(b) a transfer to the Commission of the fee simple estate in land purchased under section 26.

(2) The Registrar-General must register the easement, lease, or transfer upon receiving it.

Section 29(1): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

### 30 Name of walkway over private land

(1) The Commission must assign a distinctive name to a walkway over private land.

(2) In assigning the name, the Commission must take into account the views (if any) of—

(a) hapū or iwi that have manawhenua (customary authority over land) in the area in which the walkway is located; and

(b) any other persons or organisations that the Commission considers representative of persons who have an interest in the naming of the walkway.

### 31 Declaration of walkway over private land

(1) This section applies to private land proposed for use as a walkway and in respect of which the Commission has complied with sections 26 to 30 (either by obtaining an easement or lease over, or by purchasing land that includes, the land proposed for use as a walkway).

(2) The Commission must publish a notice—

(a) declaring the land to be a walkway; and

(b) assigning a distinctive name to the walkway; and

(c) specifying any conditions imposed under the easement or lease (if any) in relation to the walkway.

(3) A notice under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

(4) *[Repealed]*

| **Legislation Act 2019 requirements for secondary legislation made under this section** | | |
|---|---|---|
| **Publication** | The maker must:<br>• notify it in the *Gazette*<br>• publicly notify it in a daily or other newspaper circulating in the area in which the walkway is located<br>• if the Commission thinks it desirable in the circumstances, publicly notify it by any other method | LA19 ss 73, 74(1)(a), Sch 1 cl 14 |
| **Presentation** | It is not required to be presented to the House of Representatives because a transitional exemption applies under Schedule 1 of the Legislation Act 2019 | LA19 s 114, Sch 1 cl 32(1)(a) |
| **Disallowance** | It may be disallowed by the House of Representatives | LA19 ss 115, 116 |

*This note is not part of the Act.*

Section 31(2): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 31(3): replaced, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 31(4): repealed, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

### 32 Registration of notice declaring walkway over private land

(1) The Commission must lodge with the Registrar-General a copy of the notice referred to in section 31(2).

(2) The Registrar-General must record the particulars of the notice in the register.

Section 32(1): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 32(2): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

## Subpart 2—Rights of public and powers of Commission in relation to walkways

### 33 Rights of public to use walkways

(1) Members of the public may, at any time and without charge,—

(a) pass or repass over any walkway on foot; and

(b) perform any activity that is reasonably incidental to that passing or repassing.

(2) Subsection (1) does not prevent any member of the public who requires mobility assistance due to a physical or neurological impairment from using a personal mobility device on a walkway.

(3) Subsections (1) and (2) are subject to—

(a) the provisions of this Act and any other enactment relating to the administration or control of public land; and

(b) any conditions imposed in relation to a walkway.

### 34 Powers of Commission in relation to walkways

The Commission's powers in relation to walkways include the power to—

(a) make any arrangements that the Commission considers necessary or desirable to make a walkway reasonably accessible to members of the public:

(b) promote, supervise, or control activities of committees appointed, or organisations approved, by the Commission for the establishment or enjoyment of walkways by the public:

(c) monitor controlling authorities in the exercise of their powers and performance of their functions:

(d) provide for enforcement under Part 4.

## Subpart 3—Controlling authorities of walkways

### 35 Appointment of controlling authorities

(1) The Commission may appoint a department, local authority, or public body, or the Commissioner of Crown Lands, to be the controlling authority of a walkway.

(2) The Commission may, at any time, review an appointment made under subsection (1) and, if the Commission thinks fit, revoke the appointment.

(3) However, before appointing a department under subsection (1) or revoking the appointment of a department under subsection (2), the Commission must obtain the consent of the Minister responsible for the department.

(4) A local authority of a district or region may be appointed as the controlling authority of a walkway despite any part of the walkway being located within the district or region (as the case may be) of another local authority, but only if the Commission first consults both local authorities.

(5) This section is subject to section 36.

### 36 Appointment of controlling authorities for walkways on public land

(1) If public land has been declared to be a walkway under section 24, the administering authority of the land is the controlling authority for the walkway.

(2) However, if the administering authority advises the Commission, in writing, that it does not consent to becoming the controlling authority,—

(a) subsection (1) does not apply; and

(b) the Commission may appoint a controlling authority in accordance with section 35.

(3) If there is no controlling authority under this section or section 35, the Commission is the controlling authority.

(4) To avoid doubt, if the Commission becomes the controlling authority under subsection (3), the Commission may subsequently, in accordance with section 35, appoint another person to be the controlling authority in place of the Commission.

### 37 Functions and powers of controlling authorities

(1) A controlling authority of a walkway has the following functions:

(a) erecting and maintaining poles, markers, or other suitable indicators to mark the line of the walkway:

(b) erecting and maintaining, at the controlling authority's discretion,—

(i) any stiles, fences, or other structures that are necessary or desirable to enable members of the public to use the walkway:

(ii) notices warning members of the public who use the walkway not to trespass on any land adjoining the walkway:

(c) providing for the proper control and use of the walkway:

(d) generally promoting and maintaining the walkway for the pleasure, safety, and welfare of members of the public.

(2) A controlling authority of a walkway has the power to do anything that is reasonably necessary or desirable to enable it to carry out its functions, including—

(a) developing, improving, and maintaining the walkway:

(b) establishing any camping grounds, huts, hostels, accommodation houses, or other facilities or amenities on the walkway or land adjoining the walkway:

(c) imposing charges for the use of facilities or amenities:

(d) spending money in the discharge of its functions and powers in respect of the walkway, as long as the controlling authority is not prohibited from doing so by another enactment or any rule of law.

(3) A controlling authority may establish, or impose a charge for, facilities or amenities on a walkway or land adjoining a walkway only if—

(a) it is not inconsistent with any conditions imposed in relation to the walkway; and

(b) either—

(i) it is provided for by the easement or lease relating to the walkway (if any), but only in the case of facilities or amenities on the walkway; or

(ii) the controlling authority obtains the written consent of the landholder of the land on which the facilities or amenities are, or are proposed to be, located.

## Subpart 4—Closure and revocation of walkways

### 38 Closure of walkways

(1) A controlling authority may close a walkway if it is satisfied on reasonable grounds that the walkway should be closed—

(a) for safety reasons; or

(b) during an emergency; or

(c) for maintenance or development work on the walkway; or

(d) at the request of the landholder of land adjoining the walkway.

(2) A controlling authority must close a walkway if it considers that the closure is necessary to comply with a condition imposed in relation to the walkway.

(3) A walkway must not be closed for any longer than the controlling authority considers necessary.

(4) A controlling authority—

(a) must notify the Commission of a closure—

(i) in advance of the closure (if advance notice is reasonably practicable); or

(ii) within 48 hours of the closure (if advance notice is not reasonably practicable); and

(b) must notify members of the public of a closure in accordance with section 39.

Section 38(4)(a)(ii): amended, on 10 July 2026, by section 346 of the Regulatory Systems (Primary Industries) Amendment Act 2026 (2026 No 41).

### 39 Public notification of closure of walkway

(1) A closure must be publicly notified—

(a) by signs erected at all points at which the closed walkway could be entered; and

(b) in a daily or other newspaper circulating in the area in which the walkway is located; and

(c) if the controlling authority thinks it desirable in the circumstances, by any other method of giving public notice.

(2) All signs and notices under subsection (1) must specify—

(a) the name of the walkway; and

(b) the period during which the walkway will be closed; and

(c) that it is an offence to enter the walkway during the period of closure; and

(d) the reason for the closure.

(3) A closure is not invalid merely because a notice required under subsection (1)(b)—

(a) was not published; or

(b) was published late; or

(c) did not contain the information required by subsection (2).

### 40 Revocation of notice declaring walkway

(1) The Commission may by notice revoke, in whole or in part, any declaration of a walkway, but only if—

(a) the land on which the walkway is located is no longer suitable or available for use as a walkway; or

(b) the Commission and the controlling authority of the walkway agree that it is no longer appropriate to retain the walkway.

(2) Land may become unsuitable or unavailable for use as a walkway for any reason, including because of—

(a) the expiry of the easement or lease over the land; or

(b) a condition imposed in relation to the walkway; or

(c) the need to protect the environment; or

(d) the need for public safety.

(3) A notice under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

(4) *[Repealed]*

| **Legislation Act 2019 requirements for secondary legislation made under this section** | | |
|---|---|---|
| **Publication** | The maker must:<br>• notify it in the *Gazette*<br>• publicly notify it in a daily or other newspaper circulating in the area in which the walkway is located<br>• if the Commission thinks it desirable in the circumstances, publicly notify it by any other method | LA19 ss 73, 74(1)(a), Sch 1 cl 14 |
| **Presentation** | It is not required to be presented to the House of Representatives because a transitional exemption applies under Schedule 1 of the Legislation Act 2019 | LA19 s 114, Sch 1 cl 32(1)(a) |
| **Disallowance** | It may be disallowed by the House of Representatives | LA19 ss 115, 116 |

*This note is not part of the Act.*

Section 40(1): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 40(3): replaced, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 40(4): repealed, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

### 41 Registration of notice revoking walkway

(1) If a walkway is revoked under section 40 in respect of land that is subject to the Land Transfer Act 2017, the Commission must lodge with the Registrar-General a copy of the notice referred to in section 40(3).

(2) The Registrar-General must record the particulars of the notice in the register.

Section 41(1): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 41(1): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 41(2): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

### 42 Surrender of easements and leases

If a walkway over private land is revoked under section 40, the Commission must ensure that, as soon as is reasonably practicable,—

(a) the easement or lease relating to the former walkway (if any) is surrendered; and

(b) the surrender is registered.

## Part 4
## Compliance, enforcement, and miscellaneous provisions

## Subpart 1—Enforcement officers and their powers in relation to walkways

*Appointment and removal*

### 43 Appointment and removal of enforcement officers

(1) The Commission may, by written notice, appoint as enforcement officers—

(a) people who are suitably qualified and trained:

(b) on the recommendation of a controlling authority, officers of the controlling authority who are suitably qualified and trained.

(2) An enforcement officer—

(a) is appointed for a term not exceeding 3 years, but may be reappointed:

(b) may be removed from office by the Commission, by written notice, for inability to perform the functions of the office, legal incapacity, neglect of duty, or misconduct, proved to the satisfaction of the Commission:

(c) may at any time resign office by written notice to the Commission.

(3) An enforcement officer appointed under subsection (1) is not to be regarded as employed in the service of the Crown for the purposes of the Government Superannuation Fund Act 1956 or the Public Service Act 2020 just because the person is an enforcement officer.

Section 43(3): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

### 44 Other persons also enforcement officers under this Act

The following persons are, by right of office, also enforcement officers for the purposes of this Act:

(a) every sworn member of the police; and

(b) every fish and game ranger and warranted officer, within the meaning of section 2(1) of the Conservation Act 1987.

### 45 Appointment and removal of honorary enforcement officers

(1) The Commission may, by written notice, appoint fit and proper people who are suitably qualified and trained to be honorary enforcement officers.

(2) An honorary enforcement officer—

(a) is appointed for a term not exceeding 3 years, but may be reappointed; and

(b) may be removed from office by the Commission, by written notice, if the Commission considers for any reason that the person is no longer a fit and proper person to be an honorary enforcement officer; and

(c) may at any time resign office by written notice to the Commission.

(3) The Commission may reimburse an honorary enforcement officer for reasonable expenses incurred while performing his or her duties under this Act if the Commission—

(a) has authorised the officer to incur expenses up to a specified amount; and

(b) has subsequently approved those expenses.

(4) An honorary enforcement officer is not to be regarded as employed in the service of the Crown for the purposes of the Government Superannuation Fund Act 1956 or the Public Service Act 2020 just because the person is an honorary enforcement officer.

Section 45(4): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

### 46 Warrants of appointment

(1) The Commission must issue a written warrant to—

(a) every enforcement officer appointed under section 43(1); and

(b) every honorary enforcement officer appointed under section 45(1).

(2) A warrant of appointment must state—

(a) the powers the officer may exercise under sections 50 and 51; and

(b) the area or areas in relation to which the officer may exercise the powers, or that the officer may exercise the powers throughout New Zealand.

### 47 Surrender of warrant

On the termination of the appointment of an enforcement officer or honorary enforcement officer, the officer must surrender to the Commission—

(a) his or her warrant issued under section 46; and

(b) any article of uniform, badge of office, or equipment issued to the officer.

*Powers of enforcement officers and honorary enforcement officers*

### 48 Exercise of powers

(1) Before an enforcement officer or honorary enforcement officer exercises his or her powers under this Part, the officer must produce his or her warrant of appointment (unless it would be impracticable to do so).

(2) It is sufficient evidence that a person is an officer under this Part if the person produces—

(a) his or her warrant of appointment as an enforcement officer or honorary enforcement officer; or

(b) evidence that the officer holds an office described in section 44.

(3) An enforcement officer or honorary enforcement officer exercising a power under this Part may call on any person in the vicinity for assistance, and the person called upon is authorised to assist the officer, as long as the person acts under the direction and supervision of the officer.

### 49 Use of dog or vehicle

An enforcement officer or honorary enforcement officer exercising a power under this Part may enter onto a walkway with a vehicle or a dog if the officer believes, on reasonable grounds, that the vehicle or dog is necessary for the purposes of exercising the power.

### 50 Power to interfere to prevent or stop offending

An enforcement officer or honorary enforcement officer may—

(a) summarily interfere to prevent an offence; and

(b) require a person whom he or she believes on reasonable grounds to be committing, or to be about to commit, an offence, to stop doing an act.

### 51 Power to require personal details

If an enforcement officer or honorary enforcement officer believes, on reasonable grounds, that a person has committed, is committing, or is about to commit, an offence, the enforcement officer may require the person—

(a) to give his or her full name, residential address, and date of birth; and

(b) to produce evidence of his or her full name, residential address, and date of birth.

### 52 Protection of persons acting under authority of this Part

A person who does, or omits to do, an act in the course of performing a duty or exercising a power under this Part is under no civil or criminal liability for that act or omission unless the person acts, or omits to act, in bad faith or without reasonable grounds.

## Subpart 2—Offences and penalties in relation to walkways

### 53 How proceedings commenced

(1) Proceedings are commenced by filing a charging document under section 14 of the Criminal Procedure Act 2011.

(1A) Despite anything to the contrary in section 25 of the Criminal Procedure Act 2011, the limitation period in respect of an offence against this Act ends on the date that is 12 months after the date on which the offence was committed.

(2) Any person, including the Commission, an enforcement officer, or an honorary enforcement officer, may file a charging document.

Section 53(1): replaced, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 53(1A): inserted, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 53(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

#### *Offences*

### 54 Strict liability offences

(1) Every person commits an offence who, without lawful authority under this Act (for example, under section 55(2)) or under any other enactment,—

(a) takes any plant (other than a noxious weed) growing on or adjacent to a walkway; or

(b) has in his or her possession a firearm while on a walkway; or

(c) discharges a firearm on, adjacent to, or across a walkway; or

(d) brings a horse or dog onto, or has control of a horse or dog on, a walkway; or

(e) sets a net, trap, or snare, or places poison or explosives, on or adjacent to a walkway (except a net or trap set for the purposes of fishing in a water body or lake adjacent to a walkway); or

(f) lights a fire on a walkway (other than in a fireplace provided by the controlling authority responsible for the walkway); or

(g) having lit a fire on a walkway in a fireplace provided by the controlling authority, fails to extinguish the fire before leaving the walkway; or

(h) uses a vehicle on a walkway; or

(i) erects a structure on or over a walkway.

(2) The onus is on the defendant to prove that at the time of the alleged offence an activity is authorised.

(3) In prosecuting an offence against subsection (1), the prosecution does not need to prove that the defendant—

(a) intentionally or recklessly committed the offence; or

(b) knew that the offence occurred on or in relation to a walkway.

(4) In this section,—

**dog** does not include a disability assist dog within the meaning of section 2 of the Dog Control Act 1996

**noxious weed** means any plant specified as a pest in a pest management plan made under Part 5 of the Biosecurity Act 1993

**plant**—

(a) means any member of the plant kingdom and any part of or seed or spore from any plant; and

(b) includes any algae, bacteria, or fungi

**take**, in relation to all or part of a plant, includes cut, damage, destroy, disturb, remove, transplant, uplift, and uproot,—

(a) by any means; and

(b) whether or not the plant or part of it is removed from, or subsequently returned alive or dead to, the land on which it grew.

Section 54(4) **noxious weed**: amended, on 18 September 2012, by section 93 of the Biosecurity Law Reform Act 2012 (2012 No 73).

### 55 Defences to strict liability offences

(1) It is a defence to an offence against section 54(1) if the defendant proves—

(a) that the defendant took all reasonable steps to ensure that the offence was not committed; or

(b) that the act or omission of the defendant took place or occurred in an emergency and was consistent with providing for the safety and welfare of a person.

(2) A person is not guilty of an offence against section 54(1) in relation to a walkway if the person—

(a) was at the time the landholder of the land on which the walkway is located; or

(b) did that thing—

(i) with the permission of the landholder of that land; or

(ii) in accordance with an agreement between the landholder of that land and the controlling authority of the walkway.

(3) The defences set out in this section do not limit any other defences that may be available.

### 56 Offences requiring knowledge, intent, or recklessness

(1) Every person commits an offence who, without authority from the landholder on whose land a walkway is located or, if relevant, the landholder of the land adjacent to the walkway,—

(a) enters or remains on the walkway if the walkway—

(i) is closed under section 38; or

(ii) was closed under section 28 of the New Zealand Walkways Act 1990 and remains closed; or

(b) interferes with or disturbs livestock or wildlife on or adjacent to the walkway; or

(c) damages, destroys, or alters a structure that is on, over, or adjacent to the walkway.

(2) Every person commits an offence who—

(a) obstructs walking access on or over a walkway; or

(b) after being required to remove an obstruction that is on or over a walkway by an enforcement officer or honorary enforcement officer, fails to remove the obstruction; or

(c) makes a false report that an offence against section 54 or this section has been committed; or

(d) annoys, disturbs, or endangers—

(i) any person using a walkway; or

(ii) an enforcement officer, an honorary enforcement officer, or the landholder on whose land a walkway is located or whose land adjoins a walkway; or

(e) obstructs, threatens, or attempts to intimidate—

(i) the landholder on whose land a walkway is located or whose land adjoins a walkway; or

(ii) a person using a walkway; or

(f) fails to comply with a requirement of an enforcement officer or honorary enforcement officer acting under section 51; or

(g) impersonates or falsely represents himself or herself to be an enforcement officer or honorary enforcement officer or a person acting under the instructions of an officer; or

(h) while an enforcement officer or honorary enforcement officer is acting in the exercise of his or her powers or in the discharge of his or her duties under this Part,—

(i) obstructs, resists, threatens, or attempts to intimidate the officer or any person acting under the instructions of the officer; or

(ii) uses language that is abusive or threatening to the officer or assisting person; or

(iii) behaves in a threatening manner to the officer or assisting person.

(3) In prosecuting an offence against subsection (1) or (2), the prosecution must prove that the defendant knowingly, intentionally, or recklessly committed the offence.

(4) In this section,—

**livestock** has the same meaning as in section 2(1) of the Conservation Act 1987

**obstructs** includes erecting a false or misleading notice or sign on or adjacent to any walkway

**wildlife** has the same meaning as in section 2(1) of the Wildlife Act 1953.

### 57 Not offence if authorised by regulations

A person is not guilty of an offence against this Act if the act or omission of the person is authorised by regulations made under this Act.

### 58 Relationship with offence provisions in other enactments

If there is an inconsistency between an offence under this Act and an offence under any other enactment, in relation to the administration or control of public land, the provisions of that other enactment prevail.

*Penalties*

### 59 Penalties

(1) A person who commits an offence against section 54 is liable on conviction to a fine not exceeding $5,000.

(2) A person who commits an offence against section 56 is liable on conviction to a fine not exceeding $10,000.

Section 59(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 59(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

### 60 Penalties for continuing offences

A person who commits an offence against section 56(2)(b) is liable, in addition to the penalty for the offence, to a fine not exceeding $100 for each day or part of a day that the offence continues after he or she has been required to stop the offence.

### 61 Penalties for bodies corporate

A body corporate that commits an offence against section 54 or 56 is liable on conviction to a fine not exceeding 5 times the maximum fine otherwise provided for the offence.

Section 61: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

### 62 Liability of directors and managers

If a body corporate is convicted of an offence, every director and every person concerned in the management of the body is guilty of the same offence, if the prosecution proves—

(a) that the act or omission that constituted the offence took place or occurred with the director's or the manager's authority, permission, or consent; or

(b) that the director or the manager knew or could reasonably be expected to have known that the offence was committed, was being committed, or was about to be committed, and failed to take all reasonable steps to prevent or stop it.

### 63 Sentence of community work

A court may sentence a person who commits an offence against section 54 or 56 to a sentence of community work, and the provisions of subpart 2 of Part 2 of the Sentencing Act 2002 apply accordingly.

### 64 Offenders liable for loss, damage, or costs

(1) A person convicted of an offence under this Part is liable, in addition to the penalty for the offence, for any loss, damage, and expenses arising from, or caused by, the act or omission constituting the offence, including (as the case may be)—

(a) the full market value of any thing removed from a walkway or from land adjoining a walkway; and

(b) the reasonable costs—

(i) of returning any animals or plants to the walkway or to land adjoining the walkway; and

(ii) of repairing any damage done to the walkway or to land adjoining the walkway; and

(c) all necessary and reasonable actions required to—

(i) remedy any loss caused by the offence; or

(ii) prevent an offence.

(2) In assessing an amount payable under subsection (1), the court may take into account the salaries, wages, and incidental expenses incurred in investigating the act constituting the offence or in remedying any loss or damage caused by the offence.

(3) An amount payable under subsection (1) may be awarded by the court in fixing a penalty and is recoverable in the same manner as a fine.

### 65 Evidence in proceedings

(1) In any proceedings for an offence, a certificate, lease, licence, map, plan, or copy certified as true by the Commission, the Director-General of Conservation, or the chief executive (or an officer authorised by the Commission, the Director-General of Conservation, or the chief executive) is sufficient evidence of its contents—

(a) without production of the original records; and

(b) without the personal attendance of the certifying officer or proof of his or her signature.

(2) Subsection (1) applies unless the defendant adduces evidence to the contrary and the interests of justice require the attendance of the certifying officer.

## Subpart 3—Miscellaneous provisions

*Liability of landholders in relation to walking access*

### 66 Limitation on liability of landholders

(1) A landholder is not liable for any loss or damage suffered by a person using—

(a) walking access on the landholder's land, in the case of private land; or

(b) a walkway on the landholder's land, in the case of public land.

(2) The liability referred to in subsection (1)—

(a) means liability under—

(i) the Occupiers' Liability Act 1962; or

(ii) any common law rule referred to in section 3 of that Act; and

(b) includes liability for both compensatory and exemplary damages.

(3) However, subsection (1) does not apply to any loss or damage caused by the landholder's deliberate act or omission.

*Regulations and bylaws in relation to walkways*

### 67 Regulations

(1) The Governor-General may, by Order in Council, make regulations for all or any of the following purposes:

(a) providing for the maintenance of good order on walkways:

(b) providing for the conditions under which the public may enter, remain on, or use any walkway:

(c) prescribing conditions applying and charges payable in respect of the use of facilities on any walkway:

(d) providing for strict liability offences in the event of a breach of any regulation and prescribing penalties, not exceeding $1,000, for those offences:

(e) providing for any other matters contemplated by or necessary to give full effect to this Act and for its due administration.

(2) Regulations made under this section may apply—

(a) throughout New Zealand; or

(b) to an area specified in the regulations; or

(c) to any walkway specified in the regulations.

(3) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

| **Legislation Act 2019 requirements for secondary legislation made under this section** | | |
|---|---|---|
| **Publication** | PCO must publish it on the legislation website and notify it in the *Gazette* | LA19 s 69(1)(c) |
| **Presentation** | The Minister must present it to the House of Representatives | LA19 s 114, Sch 1 cl 32(1)(a) |
| **Disallowance** | It may be disallowed by the House of Representatives | LA19 ss 115, 116 |

*This note is not part of the Act.*

Section 67(3): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

### 68 Bylaws

(1) A controlling authority (other than a department that is a controlling authority) may make bylaws for 1 or both of the following purposes:

(a) providing for the maintenance of good order on walkways:

(b) providing for the conditions under which the public may use any walkway.

(2) Bylaws apply to any walkway—

(a) over which the controlling authority has jurisdiction; and

(b) that is specified in the bylaws.

(3) Bylaws made under subsection (1)—

(a) must not be inconsistent with this Act or any regulations made under section 67; and

(b) must be made,—

(i) if the controlling authority is a local authority, in accordance with section 156(1) of the Local Government Act 2002, as if they were made under that Act; or

(ii) if the controlling authority is not a local authority,—

(A) only after the controlling authority has taken into account the views (if any) of the persons or organisations that it considers representative of the interests of persons likely to be substantially affected by the bylaws; and

(B) by resolution of the controlling authority and signed by at least 2 members of the controlling authority who are authorised to do so.

(4) Despite anything to the contrary in this Act or in any other enactment, the controlling authority must not delegate the power conferred by subsection (1).

(5) A person who fails to comply with any bylaw made under this section contravenes this subsection and is liable, on conviction, to a fine not exceeding $1,000.

Section 68(5): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

### 69 Bylaws to be approved by Commission and published

(1) A controlling authority that makes bylaws under section 68 must submit them to the Commission for approval.

(2) The approved bylaws are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

(3) That Act applies as if—

(a) the Commission were the maker of the bylaws; and

(b) the bylaws were made by the Commission approving them.

(4) Publication of the bylaws in accordance with subsection (2) is, in the absence of proof to the contrary, evidence that the bylaws have been properly made and approved under this Part.

**Legislation Act 2019 requirements for secondary legislation referred to in subsection (2)**

| | | |
|---|---|---|
| **Publication** | The maker must:<br>• publish it in the *Gazette* | LA19 ss 73, 74(1)(a), Sch 1 cl 14 |

| | | |
|---|---|---|
| | • publish it in a daily or other newspaper circulating in the area in which the walkway is located<br>• if the controlling authority thinks it desirable in the circumstances, by any other method of giving public notice<br>• make copies of it available for inspection and purchase at the offices of the controlling authority, and if the controlling authority is not a local authority, at the office of every local authority in whose district or region the walkway is located | |
| **Presentation** | It is not required to be presented to the House of Representatives because a transitional exemption applies under Schedule 1 of the Legislation Act 2019 | LA19 s 114, Sch 1 cl 32(1)(a) |
| **Disallowance** | It may be disallowed by the House of Representatives | LA19 ss 115, 116 |

*This note is not part of the Act.*

Section 69: replaced, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

### 70 Minor changes and error corrections

(1) Despite the requirements for approval and publication under section 69, a controlling authority may, by resolution that is publicly notified, make minor changes to, or correct errors in, a bylaw, but only if the changes or corrections do not affect—

(a) an existing right, interest, title, immunity, or duty of any person to whom the bylaw applies; or

(b) an existing status or capacity of any person to whom the bylaw applies.

(2) In this section, **publicly notify** means to give notice—

(a) in a daily or other newspaper circulating in the area in which the walkway is located; and

(b) if the controlling authority thinks it desirable in the circumstances, by any other method of giving public notice.

Section 70: replaced, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

### 71 Certain other requirements do not apply to bylaws

Section 157 of the Local Government Act 2002 does not apply to a bylaw made by a local authority under section 68.

## *Transitional provisions*

### 72 Existing controlling authorities of walkways to continue

(1) An entity that, immediately before the commencement of this Act, is a controlling authority appointed under section 11 of the New Zealand Walkways Act 1990 is to be treated as a controlling authority appointed under section 35 of this Act.

(2) If an administering authority or the Minister of Conservation is, immediately before the commencement of this Act, still deemed to be a controlling authority under section 11(3) or (4) of the New Zealand Walkways Act 1990, the administering authority or the Minister is to be treated as having become a controlling authority under section 36 of this Act.

### 73 Easements, leases, and agreements to vest in Commission

(1) On the commencement of this Act, all easements, leases, and agreements entered into for the purposes of the New Zealand Walkways Act 1990 and in existence immediately before the commencement of this Act vest in the Commission.

(2) If an enactment provides for an easement to be granted or provided to the Crown under the New Zealand Walkways Act 1990, and the easement has not been granted or provided on the commencement of this Act, it must instead be granted or provided to the Commission as grantee.

(3) However, the Crown and the Commission are, together and separately, subject to any obligation or liability to which—

(a) the Crown was subject, immediately before the commencement of this Act, under an easement, lease, or agreement referred to in subsection (1); and

(b) the Commission is subject under an easement referred to in subsection (2) when that easement is granted or provided to the Commission.

(4) The Crown is not in breach of any obligation referred to in subsection (3) as long as it takes all reasonable steps to satisfy the obligation.

(5) Subsections (1) and (2) have effect whether or not any enactment, deed, or agreement permits, or requires consent to, those matters.

(6) This section is subject to section 74.

### 74 Agreements made under New Zealand Walkways Act 1990

(1) This section applies to all agreements—

(a) made under section 16(1)(a) of the New Zealand Walkways Act 1990; and

(b) that were in existence immediately before the commencement of this Act.

(2) The agreements referred to in subsection (1) are administered by the Minister of Conservation.

### 75 Grants and gifts to Commission

(1) All money received under section 18 of the New Zealand Walkways Act 1990 and held in the Department of Conservation Grants and Gifts Trust Account (a Trust Bank Account established under section 67 of the Public Finance Act 1989) immediately before the commencement of this Act—

(a) vests in the Commission; and

(b) must be applied for the purposes for which the money was granted or gifted.

(2) The vesting referred to in subsection (1)(a) occurs on the commencement of this Act.

### 76 Liability of Commission

(1) The Commission is not liable for acts or omissions of any person under the New Zealand Walkways Act 1990.

(2) However, a proceeding commenced under the New Zealand Walkways Act 1990 that, immediately before the commencement of this Act, is pending by or against the Director-General of Conservation may be carried on, completed, or enforced by or against the Director-General of Conservation as if that Act had not been repealed.

*Government Superannuation Fund in relation to Commission*

### 77 Current contributors to Government Superannuation Fund

(1) This section applies to any person who, immediately before being employed by the Commission, was a contributor to the Government Superannuation Fund under Part 2 or 2A of the Government Superannuation Fund Act 1956.

(2) A person to whom subsection (1) applies is, for the purposes of the Government Superannuation Fund Act 1956, deemed to be employed in the Government service, and that Act applies to the person as if his or her service as an employee of the Commission were Government service.

(3) A person ceases to be deemed to be employed in the Government service when that person ceases to be employed by the Commission.

### 78 No entitlement to recommence contributions to Government Superannuation Fund

Section 77 does not entitle a person to become a contributor to the Government Superannuation Fund if the person has (since being employed by the Commission) ceased to be a contributor.

### 79 Commission is controlling authority

For the purposes of applying the Government Superannuation Fund Act 1956 to a person referred to in section 77, the Commission is the controlling authority in relation to that person.

*Review of Act*

*[Repealed]*

Heading: repealed, on 10 July 2026, pursuant to section 347 of the Regulatory Systems (Primary Industries) Amendment Act 2026 (2026 No 41).

### 80 Minister must review Act

*[Repealed]*

Section 80: repealed, on 10 July 2026, by section 347 of the Regulatory Systems (Primary Industries) Amendment Act 2026 (2026 No 41).

*Repeal and amendments*

### 81 New Zealand Walkways Act 1990 repealed

The New Zealand Walkways Act 1990 (1990 No 32) is repealed.

### 82 Acts amended

The Acts specified in the Schedule are amended in the manner indicated in that schedule.

# Schedule 1AA
# Transitional, savings, and related provisions

s 5A

Schedule 1AA: inserted, on 10 July 2026, by section 348 of the Regulatory Systems (Primary Industries) Amendment Act 2026 (2026 No 41).

## Part 1
## Provisions relating to Regulatory Systems (Primary Industries) Amendment Act 2026

Schedule 1AA Part 1: inserted, on 10 July 2026, by section 348 of the Regulatory Systems (Primary Industries) Amendment Act 2026 (2026 No 41).

### 1 Interpretation

In this Part,—

**amendment Act** means the Regulatory Systems (Primary Industries) Amendment Act 2026

**commencement date** means the day after the date on which the amendment Act receives the Royal assent.

Schedule 1AA clause 1: inserted, on 10 July 2026, by section 348 of the Regulatory Systems (Primary Industries) Amendment Act 2026 (2026 No 41).

### 2 References to previous Title

Every reference in legislation and in any document to the Walking Access Act 2008 must, unless the context otherwise requires, be read as a reference to the Outdoor Access Act 2008.

Schedule 1AA clause 2: inserted, on 10 July 2026, by section 348 of the Regulatory Systems (Primary Industries) Amendment Act 2026 (2026 No 41).

### 3 References to Walking Access Commission

Every reference in legislation and in any document to the Walking Access Commission must, unless the context otherwise requires, be read as a reference to the Outdoor Access Commission.

Schedule 1AA clause 3: inserted, on 10 July 2026, by section 348 of the Regulatory Systems (Primary Industries) Amendment Act 2026 (2026 No 41).

# Schedule 1
# Acts amended

s 82

## Consequential amendments to Acts

### Conservation Act 1987 (1987 No 65)

Definition of **walkway** in section 2(1): repeal.

Section 6B(1): omit "the New Zealand Walkways Act 1990," in each place where it appears.

Section 6B(1)(f): repeal.

Section 6M(1)(e): repeal.

Section 17C(1): omit "the New Zealand Walkways Act 1990,".

Section 17D(1): omit "the New Zealand Walkways Act 1990,".

Section 26ZS(1)(e): repeal.

Item relating to the New Zealand Walkways Act 1990 in Schedule 1: omit.

### Crown Entities Act 2004 (2004 No 115)

Part 1 of Schedule 1: insert the following item in its appropriate alphabetical order:

| Name | Exemption from acquisition of securities, borrowing, guarantee, and derivative rules | | | | Exemption from section 165 (net surplus payable to Crown) |
|---|---|---|---|---|---|
| | S 161 | S 162 | S 163 | S 164 | |
| New Zealand Walking Access Commission | | | | | ✓ |

### Crown Pastoral Land Act 1998 (1998 No 65)

Paragraph (a) of the definition of **protective mechanism** in section 2: omit "section 8 of the New Zealand Walkways Act 1990" and substitute "sections 26 to 29 of the Walking Access Act 2008".

Heading above section 59: omit "*of Minister of Conservation*".

Heading to section 59: omit "**of Minister of Conservation**".

Section 59(a): omit "Reserves Act 1977," and substitute "Reserves Act 1977 or".

Section 59(a): omit "or section 8 of the New Zealand Walkways Act 1990".

Section 59: add as subsection (2):

(2) Without the prior written consent of the New Zealand Walking Access Commission (established by section 6 of the Walking Access Act 2008), a substantive proposal may not designate any land as land to be disposed of subject to the creation of an easement under sections 26 to 29 of the Walking Access Act 2008.

### Crown Pastoral Land Act 1998 (1998 No 65)—*continued*

Section 80(3): omit "section 8 of the New Zealand Walkways Act 1990" and substitute "sections 26 to 29 of the Walking Access Act 2008".

Section 80(3)(a)(ii): omit "Director-General of Conservation" and substitute "New Zealand Walking Access Commission (established by section 6 of that Act)".

Section 80(3)(b): repeal and substitute:

> (b) the New Zealand Walking Access Commission must promptly do all acts necessary to enable the creation of the easement.

### Hauraki Gulf Marine Park Act 2000 (2000 No 1)

Section 11(1)(h): repeal.

Item relating to the New Zealand Walkways Act 1990 in Schedule 1: omit.

Schedule 1: insert in its appropriate alphabetical order "Walking Access Act 2008".

### Litter Act 1979 (1979 No 41)

Paragraph (l) of the definition of **public place** in section 2(1): omit "section 2 of the New Zealand Walkways Act 1975" and substitute "section 4 of the Walking Access Act 2008".

Section 6(1)(f): repeal and substitute:

> (f) every enforcement officer and honorary enforcement officer within the meaning of the Walking Access Act 2008 while that officer is acting in the exercise of his or her powers and the discharge of his or her duties on any walkway:

### Ombudsmen Act 1975 (1975 No 9)

Part 2 of Schedule 1: insert the following item in its appropriate alphabetical order:

> New Zealand Walking Access Commission

### Summit Road (Canterbury) Protection Act 2001 (2001 No 3(L))

Definition of **walkway** in section 4(1): repeal and substitute:

> **walkway** has the same meaning as in section 4 of the Walking Access Act 2008

## Notes

### *1 General*

This is a consolidation of the Outdoor Access Act 2008 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

### *2 Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

### *3 Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

### *4 Amendments incorporated in this consolidation*

Arms Act 2026 (2026 No 47): section 394

Regulatory Systems (Primary Industries) Amendment Act 2026 (2026 No 41): Part 20

Secondary Legislation Act 2021 (2021 No 7): section 3

Public Service Act 2020 (2020 No 40): section 135

Land Transfer Act 2017 (2017 No 30): section 250

Biosecurity Law Reform Act 2012 (2012 No 73): section 93

Criminal Procedure Act 2011 (2011 No 81): section 413

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