



## Conservation Act Framework

### Description

The Department of Conservation (DOC) manages a number of tourism-related activities under a framework of conservation-related legislation of which the Conservation Act 1997 is the overarching statute. The Conservation Act relates to all public conservation land managed by DOC (including land whose owner agrees it should be managed by DOC), and all other natural and historic resources held under the Act.

The first listed function of DOC is *'to manage for conservation purposes, all land, and all other natural and historic resources...'*. A further function that is most closely tourism related is *'to the extent that the use of any natural or historic resource for recreation or tourism is not inconsistent with its conservation, to foster the use of the natural and historic resources for recreation, and to allow their use for tourism'*.


Other tourism-relevant legislation administered by DOC includes:


- Reserves Act 1977 - acquisition, control and management of public reserves;
- National Parks Act 1980 - preservation and management of national parks;
- Marine Reserves Act 1971 - establishing and managing of areas of sea and foreshore for preservation purposes;
- Wildlife Act 1953 - protection of native wildlife and control of wild animals;
- Marine Mammals Protection Act 1978 - protection of all marine mammals;
- New Zealand Walkways Act 1990 - establishment of walkways over public and private land.

### How and when the tool is used

DOC's functions are implemented at local and regional conservancy levels primarily through Conservation Management Strategies (CMS), conservation management plans and national park management plans. CMS provide specific guidance on the types of activities that are appropriate in different areas. All these statutory plans are prepared under the umbrella of "General Policy" which provides unified policy for the implementation of conservation legislation. There is a separate but related General Policy for the National Parks Act. Both General Policies contain detailed policies on public benefit and enjoyment, visitor management and on accommodation and related facilities.

Specific tourism-related work areas of DOC include:

- Provision of visitor services/centres;
- General facilities maintenance;
- Management of historic resources on conservation land;
- Administration of [concessions \(Concessions Framework\)](#)  on conservation lands;
- Provision of information, and advocacy;
- Liaison between government and non-governmental agencies.

There are many categories of public conservation land, and policies for tourism and recreation vary markedly accordingly to the category. For example, some types of reserves are managed as nature or scientific reserves and exclude all or most public access. On the other hand, recreation reserves have a predominantly recreation function. DOC administers marine reserves and some other types of marine protected areas, which have different management regimes from land areas (see [marine planning](#) ). Many Crown-owned reserves are administered by other agencies than DOC.

Public access to DOC-managed land is free of charge (although controlled to protect values/quality of experience): concessionaires are generally not allowed to control access. DOC is able to charge fees for accommodation, facilities and services. Currently, direct public charges are limited mainly to hut fees.

DOC conservancies undertake a wide range of [monitoring](#)  activities, and some conservancies also have also developed concessions monitoring strategies. Historically there has been little research or monitoring on visitor impacts, although this has increased in recent years. Environmental indicators are being developed to provide for and reflect different management needs and integrate with other environmental indicators.



DOC's Visitor Strategy (1996) is a non-statutory strategy guiding recreation and tourism policy. It provides guidance on:

- assessing and monitoring potential visitor impacts; deciding a suitable management regime for visitors; monitoring visitor impacts and remedial actions to prevent unacceptable visitor impacts (see [visitor impact management](#) 🌿)
- managing recreational opportunities, visitor facilities and services through the [Recreational Opportunity Spectrum \(ROS\) system](#) 🌿
- informing and educating visitors and managing visitor safety and risk management
- explaining the management of tourism concessions on protected lands
- links to the government's tourism strategy.

### Application

The framework of legislation outlined above sets a high threshold of protection and preservation for New Zealand's natural resources. DOC's roles in fostering recreation and allowing tourism are clearly constrained by the requirement that such activities are not inconsistent with DOC's conservation function.

The Conservation Act clearly notes a difference between recreation ("foster") and tourism ("allow"). However, it is not clear what this difference amounts to as the terms are not defined in the Act. In terms of implementation, DOC's activities are based on the premise that recreation, tourism and conservation should generally be able to co-exist in same protected areas. DOC treats 'tourism' as constituting those activities for which users are paying a commercial operator, and these activities are managed through the concessions framework.

Visitor strategy principles for managing tourism concessions include that DOC will consult and work closely with groups such as local and regional councils, recreation and conservation groups and iwi. Conservation legislation requires that the various Acts be interpreted and administered to give effect to principles of the Treaty of Waitangi. There is public involvement in development and implementation of CMS and national park management plans through conservation boards and the New Zealand Conservation Authority, as well as through submissions. Up till recently there has been little consideration of the effects of tourism and recreation activities on host and nearby communities, but there is growing interest in the economic impacts of conservation activities. There are, however, few mechanisms to integrate the strategic planning of tourism on public and private land (see [community tourism strategies](#) 🌿).

Regulatory provisions and the concessions provisions of the Conservation Act are implemented at the conservancy (regional) level. Variations in application are widely noted. In some these are because of differences in policy through the CMS, while on other cases they appear to stem from difference regional interpretations. The cumulative effects of concessions are difficult to manage and there is pressure on resources to monitor concessions. Not all revenue from concessions is spent in the area where it was generated and there is concern about the disparity of resources for tourism management and monitoring between conservancies.

### Our evaluation

There are few regions of New Zealand in which the conservation estate is not significant in tourism. Therefore the statutory framework for the administration of these areas and resources is a key to understanding managing in the country. A key question is the extent to which the Conservation Act framework is integrated with the [Resource Management Act framework](#) 🌿. This may be the key to accommodate projected increase in tourism growth to natural areas, in the interests of sustainable, resource-based tourism industry that is acceptable to the host community.

There are some key tensions that need to be balanced by DOC in its approach to tourism management on the public conservation estate. They involve the balance between protection and public use, the balance of the 'preservationist' requirement of the legislation with the right of free access, the balance of 'traditional' recreation with commercial tourism, and the balance of the right of free access with the requirements of private tourism enterprises.