

When a public view isn't free

The case of the man under scrutiny for publishing a book of photos he took around Egmont National Park raises the interesting question - who owns a public view?

In a pecuniary sense, the man will benefit from sales of 500 books he is marketing in his home country, Japan, and now the Department of Conservation says he needed to get a concession to do that.

However, he says taking photos around Mt Taranaki was no more than a hobby while he lived and worked here for three years. Perhaps it was, but now it's not; if the book sells, he will profit.

The Department of Conservation's case is based on a special "concessions" section of the Conservation Act 1987 enacted by Parliament in the 90s to regulate tourism operators benefiting from NZ's great natural beauty.

Prime Minister John Key made promotion of tourism one of his special interests when National held the reins for three terms to 2017, so the money part of the act became especially important.

But while official stewardship of public views might have been partly achievable earlier this century, tourists are now free to take as many publication-standard photos as they like, because the means of capturing images has gradually gained a sophisticated new contributor – the cellphone.

It's easy to spot professionals - they have bulky camera bags and use drones, tripods and "proper" cameras with impressively long lenses. But now, any of us can take photos that are just about as good by using a tiny, flat instrument that goes in a pocket.

The last time I changed my phone, I moved from iPhone to Samsung Galaxy specifically because the camera was better (the phone isn't).

Anyone wondering around a national or local park these days could be shooting photos good enough for a book (or website), and the first time DOC will know about it is when it goes on sale somewhere.

In the case in question, the "hobbyist" now works in Norway, so DOC may not have much luck claiming retrospective payment.

The ownership of views is vexed. Traditionally, commonwealth law has allowed news media to take photos in a public place and publish them, so long as they're not personally harmful (involving sanctions such as defamation and protection of children).

The media claims no special rights in almost all spheres (there are exceptions with court), so the same right to take photos in places where the public has routine access ought theoretically to be available to everybody.

I have been testing that theory in my own way over the past four years in another highly valued arena, Pukekura Park. As a hobby, of course. I walk there several times a week, ostensibly to keep fit but also to take photos of the extraordinary views that present themselves.

The park is home to an amazing array of plant and bird life, which are lit by an appealing variety of sunlit and seasonal conditions that highlight every subject in photogenic ways.

JT column for July 20, 2019 – protecting the view (YouTube link updated)

After four years, I thought I'd captured every possibility, but a check with my brother Rob's beautiful book of images of the park published more than a decade ago reminds me I'm just an amateur.

The only advantage I have, I think, is time. Every occasion I head down for a brisk walk around the main lake and back up Scanlan Hill (it's a killer that makes me curse Brian Scanlan, former editor of my old newspaper, the Taranaki Herald) I see something new to snap.

Last week as I entered a track from the Victoria Rd carpark, I came across a pigeon that was just a couple of arm-lengths away, gorging itself on tree berries. It eyed me nervously as I shot about 50 frames. It fed on regardless, but fidgeted so much there was only one sharp photo for me to use.

For what, you might ask. Not a book, of course, but a digital essay I compiled into a 14-minute video of about 200 still images and a few short video clips, almost all taken by cellphone.

I offered to donate it to New Plymouth District Council for its website, but its comms people say it's not "fit for purpose". No reason given, but I'm guessing one might be because it contains images showing the real challenges of keeping such a demanding public view looking its best at all times.

If you're interested, it's now on YouTube; search for "Pukekura Park":

<https://youtu.be/R4Aruy8jRpU>