

Public Land News

Published by the

PUBLIC LANDS COALITION

OCTOBER 1989

Public Access to New Zealand's Countryside Under Attack

This is a special newsletter asking for your help to protect the 'Queen's Chain'

For more than a century New Zealanders have had unobstructed, free access along our rivers, lakes and beaches. This has been by means of one chain (20 metre) wide strips of Crown-owned land along our shores and river banks. These have been prohibited from privatisation since a royal decree by Queen Victoria in 1840. Now this birthright is in danger of being handed over to adjacent landholders.

Summary

The Conservation Law Reform Bill, currently before a parliamentary select committee, repeals the century-old provisions for the 'Queen's Chain', and provides for management of newly refashioned 'marginal strips' to be transferred to adjacent land owners. They may then make farming or forestry improvements and temporarily close strips to public access. These provisions will affect every New Zealander, as anglers, hunters, boaties, surfers, canoeists, bathers, picnickers, walkers and trampers could suddenly find access to their favourite beach, lake or river is closed.

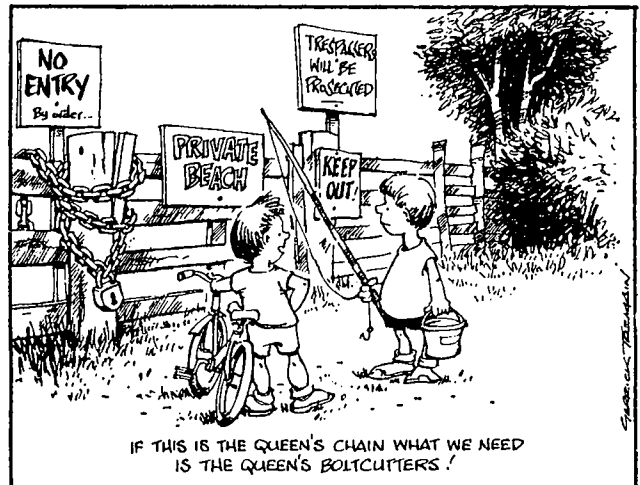
What Can You Do?

The Acclimatisation Societies in conjunction with Royal Forest & Bird Society and Federated Mountain Clubs, which together make up the Public Lands Coalition, (PLC) are fighting hard to ensure:

1. The Crown retains ownership of all marginal strips.
2. The Crown retains full control of marginal strips as provided for by the current Section 58 in the Land Act (adjacent land owners currently have no rights to develop the strip or control public access. This informal use by adjacent farmers, without legal rights of use or occupation, has worked well).
3. Marginal strips should be open for public access at all times.

Please write to the Prime Minister and ask Mr Palmer to ensure the Bill is redrafted to meet the above requirements. Please also write to Mr Philip Woollaston, Minister of Conservation. If you can, also visit your local MP and write a letter to the editor of your local newspaper.

The PLC has met with officials and the Minister of Conservation. The PLC is dismayed that the Government believes the Bill strengthens the 'Queen's Chain'. Our thorough investigations have led the PLC to believe that the reverse is true.



Otago Daily Times

The Conservation Law Reform Bill — Eroding our Heritage

The Conservation Law Reform Bill was introduced to Parliament in August 1989. This Bill repeals or amends all existing 'Queen's Chain' (S. 58 Land Act) and Marginal Strip (S. 24 Conservation Act 1987) legislation and establishes a new regime for the creation of new strips, and the management of all existing strips. The primary reasons for this are to avoid survey costs for marginal strips on Crown lands that are soon to be transferred to the State Owned Enterprises (SOEs)—Landcorp, Forestcorp and Electricorp.

It is the SOEs, and the Treasury's single-minded push for getting the state out of any involvement in land management, that is shaping the legislation. The Government also wants to get maximum dollar value for the lands it is selling to the SOEs by removing possible impediments to commercial management (strips will have little effect in the view of PLC).

To make matters worse the new provisions will also apply to the many thousands of kilometres of Section 58 strips that exist along most of our rivers, lakes and coasts ('Queen's Chain'). Yet these have nothing to do with SOEs.

No government would get away with giving away ownership or control of legal roads to private interests. Why should comparable accessways through the countryside, like marginal strips, be regarded any differently by Government?

New Provisions

Public Ownership in Dispute

The Minister of Conservation assures us that the Crown is to retain ownership of all marginal strips. This was indisputable under the Land Act. However the PLC believes that the new provisions for marginal strips to be created on SOE land transfers ownership of the strips to the SOEs.

As marginal strips are part of our national heritage we believe the Crown's ownership must be absolutely certain, and not open to doubt as in the current Bill.

Marginal Strips to Move

Any new marginal strips established under the Bill will now move if the river or lake moves. This is one of the few welcome initiatives in the Bill. Unfortunately it will not apply to existing strips.

Purpose of Marginal Strips

The Bill more clearly sets out the purposes for which marginal strips are managed; these now include the maintenance of water courses, water quality and aquatic life, the protection of natural values, and public recreation and access.

But these excellent provisions will count for nothing if the management of marginal strips is passed to adjacent landowners.

Management Provisions

Section 24G of the Bill requires the Minister to appoint the adjacent land owner as manager of the strip. This manager shall manage the strip according to how s/he interprets the purposes of management.

However the manager may also —

- make improvements to the strip and the improvements may include the planting and harvesting of crops or trees, or both;
- prohibit or restrict the bringing of any animals on to the strip;
- temporarily close the strip or any part of it to the public for operational or safety reasons, or both.

These activities are not subject to any approvals and the only power the Crown retains is that it can impose restrictions or resume the management of the strip. However the Crown is then liable to pay compensation for improvements. In a resource-starved Department of Conservation, it is unlikely the department will be willing to resume management or even issue requirements, except in extreme circumstances. The reality of this section is that the Crown is transferring management of the strips, including control of public access, to private land owners. This is a complete break with New Zealand tradition of free access to the outdoors.

The PLC believes landowners should, in most situations, be able to continue informal use of marginal strips but not be allowed to develop or close them to public access.

Disposal of Marginal Strips

The Bill allows the Minister to dispose of strips, if a strip in the Minister's opinion, has "little or no conservation or public access value, or if these values could be protected by other [unspecified] means". This applies not only to future marginal strips but to all existing strips.

Never before has the Minister had the discretion to totally dispose of existing strips.

The Land Act only gives the Minister discretion at the time the strip is to be defined and then only for strips along rivers and streams. This discretion does not apply to coastal or lake strips nor does it allow the Minister to disestablish an existing strip.

The PLC believes that marginal strips should never be disposed of except in the case where a river has eroded the bank and the strip no longer lies adjacent to the water body, or an existing strip does not provide good access. In these situations it makes sense to be able to exchange the strip for a more appropriate strip. This exception should be specified in the legislation and it should be restricted to an exchange rather than a disposal. The proposed provisions are far too wide.

The future of public access to and along our waterways is now in the hands of the general public. You must let Government know what you think on this matter.

Don't Forget (do it now!)

Please write to the Prime Minister expressing your concerns and asking that the Bill be amended to ensure that for Section 58 strips and marginal strips:

- the Crown retains undisputed ownership;
- the Crown retains direct management control;
- public access at all times is a legal right.

If you use our lakes, rivers, coasts, or their margins please write urgently to:
The Prime Minister
The Rt Hon. Geoffrey Palmer
Parliament Buildings
Wellington

PUBLIC LANDS COALITION

Member Bodies

Acclimatisation Societies of NZ - PO Box 22 021, Wellington
Federated Mountain Clubs - PO Box 1604, Wellington
Royal Forest & Bird Protection Society - PO Box 631, Wtn.