

Foreshore & Seabed

Will it truly be Public Domain?

Government has called for submissions on its proposals for a “Public Domain” over the foreshore (between high and low tide marks) and seabed, and for giving the Maori Land Court extra powers to determine Maori customary rights. This is rather than reasserting Crown ownership, as Government announced it would do within days of the Court of Appeal decision on the Marlborough Sounds case.

The Queen’s chain (above high tide mark), and access to the shore, should not be confused with this issue.

The Government’s proposals are available from – www.beehive.govt.nz/foreshore

Unlike all other lands held for public purposes, such as parks and reserves, this “Public Domain” will not be owned by anyone, including by the Crown. It is a radically new approach. Much is unknown despite it being subject to “open access and use for all New Zealanders”. Government has not specified what specific rights the public will have, nor what restrictions there will be.

PANZ believes that whoever ends up with control or special use rights will effectively “own” this domain, with the risk of the public being incrementally displaced from beaches and coastal waters. The Government’s proposal must be considered in light of the intention to extend the scope of Maori interests beyond traditional customary use, to recognising “mana” and “ancestral association”. It will be the Maori Land Court rather than publicly accountable bodies that will determine what this means and what special rights will result. Government has ruled out freehold titles being issued by the Court, but not other forms of property rights. Government has acknowledged that these would not necessarily preclude exclusive use.

The principle of “open access and use” and the ring of “Public Domain” is fine, however the devil is in the detail. The Government hasn’t delivered the detail. There are also much wider implications from this concept, if applied to rivers, lakes and possibly other public lands such as national parks and conservation areas.

Please consider making a submission saying –

1. As Government has not established that the foreshore and seabed will truly be “Public Domain”, it should **assert Crown ownership and control** on behalf of all New Zealanders.
2. If Government continues with the “Public Domain” proposal, it must ensure –
 - that **no private property interests or occupation rights** are created that prevent public use and enjoyment.
 - that the “Public Domain” be **held by the Government in perpetuity** for public purposes including protection, conservation and recreation.
 - that **no private interests**, whether iwi, hapu or commercial, **be given control over public use.**
 - that **day-to-day management** of foreshore and seabed is exercised by publicly accountable bodies.
 - that the Maori Land Court’s jurisdiction be limited to recognising **Maori customary rights**, if such exist, being confined to traditional uses and practices that have continued uninterrupted.

Submissions should be made **by Friday 3 October** to –

Foreshore and Seabed Submissions

Department of the Prime Minister and Cabinet

P O Box 55

Wellington

or

foreshore.submissions@dpmc.govt.nz

“Beaches for Recreation” Petition

Opportunity for the public to have their say doesn’t end on 3 October. The PANZ petition runs until 31 October, then it will be presented to Parliament. Copy it and ask your friends to sign.

Remember, you can have your ultimate say at the next election