Conservation Areas

Last year a precedent was established for the transfer of Conservation Areas into private ownership. This involved 5000 hectares of Raukumara Forest Park on the flanks of the East Capes' Mount Hikurangi which was transferred to Ngati Porou. The handing over of ownership did not arise from either a Waitangi Tribunal recommendation or because the land had been wrongly acquired by the Crown. The transfer was made to restore the mana of Ngati Porou.

Public objection requirements for land disposals under the Conservation Act were by-passed by use of section 436 of the Maori Affairs Act 1953, which apparently overrides all other statutes including the National Parks Act.

Section 436 stipulates that land acquired by the Crown for a public purpose may be revested in Maori owners when it is no longer required for that purpose. In this case the Ministers of Forests and Conservation were satisfied that covenants, easements, and a Walkway registered on a freehold title would provide greater 'conservation benefit' than continuing public ownership and control. Covenanted areas are managed by a joint Ngati Porou/DOC committee with no public involvement and no oversight from the East Coast Conservation Board. It is now claimed that the Maori owners have rejected the covenant provisions and are not allowing the public on the mountain (Southland Times 22/7/92).

Unfortunately **covenants** and **easements** lack security for the conservation or public access purposes for which they are established. They can be varied or extinguished at any time, without any provisions for public notification or objection (see 'Covenants lack security'). **Walkways** can be closed to the public at any time at the request of the landowner. **These mechanisms are no substitute for direct public ownership and control over land that the Crown has either retained or acquired ownership for public purposes.**

Commercial pressures

Increasing financial restraints and Government under-funding has forced DOC in to revenue generation from the conservation estate as a means of paying for essential operations. This has now become big business for DOC. It has created a conflict of interest for DOC as grantor of such activities, being recipient of concession fees from private operators, as well as the official protector of the natural resource.

The dualism of 'commercial player' and land guardian has been latched on to by private commercial interests who are strenuously lobbying Government to leave the money-making to them. Existing public facilities of huts and tracks are being coveted (ODT 28/7/92). These have already been paid for from the public purse. **The Routeburn Track and other 'Premier Tracks' are the most attractive for private takeovers. If private interests are made responsible for track maintenance there is immediate scope under the Conservation Act to charge the public for use of these.** Only DOC is precluded under the Conservation Act from charging for the use of tracks and paths (section 17). The principle of access to and use of conservation areas being free of charge and therefore freely available to all, has become extremely vulnerable under this commercial onslaught.

Private commercial interests have also mooted pushing the Mount Cook National Park boundary up to the Mueller Range and selling the Hermitage area, on a freehold basis, to commercial interests (ODT 17/6/92). Such areas would therefore become exempted from any national park restraints on development and liable to great changes to its physical and social character; being detrimental to national park values.

DOC's 'Draft Strategy for Managing Tourism' ventures beyond its statutory mandate (as confirmed by Crown Law Office opinion) of 'allowing' tourism, into what can be construed as encouraging tourism by giving weight to tourism while ignoring its duty to 'foster' recreation. With restrictions on overall use in sight, and prospects of rationing by entry systems, it is apparent that DOC's **encouragement** of commercial enterprises in parks will be at the expense of future availability for the non-commercial recreationalist.

In that supposed bastion of private enterprise, the USA, our Minister of Conservation last year recorded his observations of a very different trend in park management—

> "One of the interesting trends in US park management is the current strengthening in public policy, and the reinforcement of the federal government's role in running the parks process. There was no talk of privatisation, and they seem to be much tougher on the private sector than we are...the fact that [a business opportunity] may be a good business idea and a chance to make money does not determine the outcome" (Hon. Denis Marshall. Terra Nova. August 1991).

ACTION BOX

Write to Denis Marshall, Minister of Conservation asking—

- That section 436 Maori Affairs Act not be used to transfer conservation lands.
- For assurance that public objection and disposal provisions of the Conservation, Reserves, and National Parks Acts will continue to apply to all land disposals and transfers.
- That he directs DOC to fulfill its duty to 'foster' recreation and no more than 'allow' tourism.
- That all income from the conservation estate go into the Consolidated Fund, and all of DOC's operations be funded from 'Vote: Conservation'.
- That no commercial interests be permitted to operate walking tracks or public huts on conservation lands.