The Independent 13 April 1995

Free the high country farmer from history's hobbles

The South Island High Country casts a wonderful shadow across the imagination of most New Zealanders. The name McKenzie evokes memories of a sheep rustler and his dog. The tramp, the "Shiner," with his swag, walking the South Island back-roads, is one of New Zealand's most durable memories.

Guest Comment
with Paul Jackman

History stares us in the face. Right now, New Zealand's past and present are in collision over how land should be owned and managed in the South Island high country.

"Should farm lands now under pastoral lease be made freehold?" is the formal question. Earnest issues, such as sensible land management options for fragile ecosystems and public access to recreational areas, are being debated.

However, the real story lies elsewhere.

At the beginning of European settlement, a notion flourished that New Zealand could be a rural Arcadia, a rustic paradise, as of an England already destroyed by the industrial revolution.

The English reactionaries who promoted this dream hated the satanic mills transforming their homeland. They also hated the happy rough and tumble of pioneer United States and Australia. They wanted to recreate another England, in which master and servant knew their place. They damned, in other settler societies, people without status or rank being able, willy-nilly, to acquire land. They believed gentry should own the land, not latter-day Davy Crocketts.

Their answer was to restrict land sales, by keeping land prices artificially high, to hold back the boundaries of settlement. Close settlement, based on small farms, was the goal.

As a result, most South Island land, taken by fair means or foul from the Maori, was put up for sale at a price way above its realistic value.

The best-known advocate of recreating another England was Edward Gibbon Wakefield. As Keith Sinclair put it in *A History of New Zealand*, "In Wakefield's Utopia, land policy would control the expansion of the frontier and regulate class relationships."

Of course it didn't work. Governments desperate for income made the land that no one could afford available for lease. In 1860 a man with a horse, dogs and a flock of sheep could lease Canterbury land for one 20th of the freehold price.

New Zealand pastoral farming was born. Land leased in this way was not retained under Crown ownership for any social purpose except to be sold later. For example, the 1877 Land Act allowed for 10-year leases, but the Crown could expel the run-holder at any time, without compensation, to freehold the run into smaller blocks.

Over the years most of that leasehold land has become freehold, as farming on smaller blocks became viable. However, parts of the South Island high country remain under lease to this day.

As early as 1873 problems with this *ad hoc* land ownership were becoming obvious. Rabbits were already out of control. Run-holders were debating whether to control rabbit numbers when they had no financial interest in the land as an enduring asset.

As a result, over the years the property rights of run-holders have been adjusted more and more to replicate freehold rights, to encourage good land management. This reflected increasing awareness that good stewardship requires the farmer to have a stake in the land.

Finally in 1948 a permanent right of renewal was added to pastoral leases, giving absolutely secure tenure. A pastoral lease is now as secure as a freehold right, and totally different from a conventional lease, which has an expiry date. Pastoral leases are passed from generation to generation. Also, they are tradeable. As a measure of their worth, pastoral leases trade at almost exactly the same price as freehold.

So why didn't the 1948 Land Act leasehold land make the land in question freehold, then and there? The Crown wanted to impose restrictions on land use, due to concerns about erosion. As of right, pastoral lease farmers are not permitted to till the land or plant crops. As of right they are permitted only to graze the land, with restrictions on stock numbers.

However, more recent scientific research has dispelled the concerns on which the 1948 Land Act was based. Scientists have realised that erosion rates now are much the same as prior to human activity in the South Island. The geological newness of New Zealand's mountains means they are intrinsically unstable.

Also, in terms of sustainable agriculture, the Resource Management Act now has the same effect on freehold and leased land alike.

Debate is now underway about whether, finally, it is time to ease the rules for freeholding of high country

TO PAGE 9

FROM PAGE 8

pastoral lease farms.

There is, however, opposition. It is based, at heart, on a feeling that tenure reform is a sneak privatisation of public property. This permeates opposition to reform, yet it is an historical hallucination.

For example, opponents of tenure reform are against three pastoral lease properties having been set aside as compensation to Ngai Tahu for past treaty violations. A petition to Parliament pretends that the public estate is being plundered, as if a National Park is being handed over to a private interest.

Yet, in reality, the three properties were being farmed by private interests until the Crown, on the open market, purchased their pastoral leases to use as compensation. The land was never public and is not in state ownership for a public purpose now.

In recent years, in so many ways, New Zealand as a nation has grown up. We have learnt that the best commercial and environmental results come from clear and separate responsibilities. Farmers should farm and the Department of Conservation should conserve. Land should be managed by one or the other, with clear accountability.

High country farmers should not be shackled to a holding pattern formula for land tenure that is now out of date. They and their families should have the option of enjoying the same opportunities as other New Zealanders, along with the same responsibilities. ■

Paul Jackman is public relations manager for Federated Farmers.

The Independent 23 June 1995

Is the packaging of Bills hiding the truth in high-country battle?

Guest Comment

with Bruce Mason

As the debate over plans for freeholding of the South Island pastoral high country heats up, the public may be excused for thinking the main combatants are talking about different lands, or different Bills before Parliament.

Employing public relations advisers and communications managers by government, Crown agencies, and business and interest groups is now normal practice. The danger is that the factual accuracy of the message becomes incidental to the packaging. Winning the argument is all that matters. Introducing false arguments based on misrepresentation of opponents' positions is okay as a means to the end.

Some may say that this is to be expected in the political arena, but does this make such practices acceptable? I believe not.

Arguments favouring mass freeholding of the South Island high country, advanced by Federated Farmers' public relations manager Paul Jackman, (*The Independent*, 13 April), fall into the "false argument" category in my view. That Lands Minister, Denis Marshall, has adopted a similar approach is extremely disturbing.

We want public rights of access, and public reserves created over some of these lands. We acknowledge the only equitable way of achieving this is to allow the granting of freehold over other areas. That position has often been spelt out to Federated Farmers.

It is a gross misrepresentation to claim that environmental and recreational groups oppose reform of pastoral lease tenure. In fact many groups have put thousands of hours into tenure reviews over the last two years; dozens are in progress, with several completed.

What the groups oppose is not reform, as Federated Farmers claims, but Marshall's planned changing of the rules through the Crown Pastoral Land Bill.

The present ban on freeholding these Crown lands may be replaced by a presumption that everything can be freeholded. That is, if they are "capable of productive (meaning 'commercial') use." Naturally, Federated Farmers is happy with such a prospect.

Jackman also states the groups claim that there is a right of "wander at will" over pastoral leases. I have not heard of any group claiming that such rights exist. The very lack of rights of public access is the reason that environmental and recreational groups seek them.

We want public rights of access, and public reserves created over some of these lands. We acknowledge the only equitable way of achieving this is to allow the granting of freehold over other areas. That position has often been spelt out to Federated Farmers.

In effect, Jackman wants a massive hand-over of the Crown's interest in the land to individual lessees, without their giving anything to the public in return. If, under the new order promoted by the Bill, any public access is created, this will not necessarily be public rights. They are likely to be privileges of access, subjected to periodic closures, and with the ability to extinguish such "rights" at some future date.

A central fallacy advanced by Jackman is that pastoral leases are as good as freehold; that they are, by implication, already fully private land.

This argument does not recognise that leaseholds involve overlapping interests between landlord and tenant. The minister has conservatively valued the Crown's interest in these 2.45 million hectares at $100 million. The fact that the lessee interest is greater does not extinguish the Crown's interest.

The Crown's prior consent is required before lessees increase stock numbers above that prescribed in their leases, cultivate or otherwise disturb the soil, burn tussock or grass, allow anyone else to occupy the land, or change the use of the land. A breach of any one of these conditions makes a lease liable to forfeiture. Public reserves can be compulsorily created at any time.

This hardly sounds to me like private freehold land.

A measure of the extreme distortion of Jackman's argument is his ridiculous claim that environmentalists want these fragile lands to be "forever grazed... regardless of the local ecology."

For decades, concerned groups have been condemning the degradation of these lands under pastoral use. We have consistently called for destocking and surrender from leases of high alpine areas unsuitable for grazing. The current tenure review process under the Land Act can achieve this. Tenure reviews, on the basis of an exchange of rights between landlord and tenant, have allowed diversification into viticulture, horticulture, and tourism development. This has allowed lessees to move away from a total reliance on grazing.

It doesn't require the Crown Pastoral Land Bill to achieve good outcomes for the environment, the economy, recreationists, or individual farmers, as Jackman portrays. The present Land Act and goodwill between interest groups and individual runholders are already achieving this.

The government's problem is that its Bill appears to be another state-sponsored asset flog-off before the advent of MMP.

Marshall has admitted as much. Like its plans for leasing the Queen's Chain, the government has no mandate for this. It should seek it through a general election.

Public scepticism of its motives and promises is justifiable. ■

Bruce Mason is researcher and a spokesman for Public Access New Zealand. For many years he has advocated creating public access and reserves in the South Island pastoral high country. He is better known as a defender of the Queen's chain.

The Independent 14 July 1995

Farmers' man: High Country anti-reformist must get his story straight

Bruce Mason's attack on me (*The Independent*, 23 June 1995) reads like the cry of a drowning man. There's no point in Public Access New Zealand whinging because, for a change, its opponents are well organised.

The suggestion that the farmers are somehow cheating because they employ me is hilarious. Would that I were so important. The reality is that the public is never fooled by hollow rhetoric, which is why the opponents of tenure reform in the High Country are failing to get any traction.

Mr Mason's diatribe raises a few points that need to be quickly answered.

He says he doesn't oppose pastoral lease tenure reform in the South Island High Country. That's strange. In the *Otago Daily Times* (17/3/95), he said of High Country pastoral farms, "PANZ believes the majority should be retained in Crown ownership."

Mr Mason says no one has ever implied that the public has access rights to pastoral lease farm lands. Well, he has. The *Otago Daily Times* (10/3/95) reports Mr Mason condemning reform because it might encourage commercial fishing, sightseeing and recreational activities. He warns, "The public would be shut out, unless they were invited or able to pay. Otherwise they would be trespassers." That implies a mythical right of access. Again, Mr Mason, in the *Southland Times* (11/10/94), opposed Ngai Tahu becoming owners of pastoral lease properties because, "if they're trying to get dollars out of tourists they're going to shut the public out." The same myth again.

Mr Mason then accuses me of "extreme distortion" for saying that environmentalists want the High Country grazed forever. His denial is welcome, but his policy has that effect. As of right, pastoral leases only permit grazing.

I suggest to Mr Mason, as this debate unfolds, he not waste time trying to shoot the messenger.

Paul Jackman
Public Relations Manager
Federated Farmers of New Zealand (Inc).

The Indepenent 7 July 1995

Outdoorsmen v Fed Farmers

Paul Jackman's response to my criticism of Federated Farmers' propaganda on high country tenure reform (23 June) confirms my central thesis - that as Federated Farmers' public relations manager he raises false arguments based on repeated misrepresentation of others' positions.

Mr Jackman continues this deviousness on 7 July. By plucking reported statements out of context it is possible to twist the meaning of anything anyone says. This is a "skill" that a politicised journalist like Mr Jackman constantly employs.

I stand by every one of my statements that PANZ has never stated nor implied that there are rights of public access over pastoral leases, or that we are opposed to tenure reform. All our words and actions defy Mr Jackman's interpretations. We want rights of access created as a result of tenure review. To achieve public access there must be reform. To constantly bleat otherwise, as Mr Jackman does, is hogwash.

Mr Jackman and his employers are playing a high-risk, winner-take-all game. If they continue on their present course of alienating all non-government recreation and conservation organisations they run the real risk of losing all. In the present unstable state of Parliament, MPs and parties need to be assured that the changes to pastoral lease tenure proposed in the Crown Pastoral Land Bill have broad electoral support. If every NGO, other than the Feds, are opposed to the rules for freeholding being liberalised, the odds are against passage of the Bill.

What Mr Jackman overlooks is that, as influential as Federated Farmers have been pre-MMP, they cannot rely on this to get their way in the present or future. There are only a handful of pastoral runholders and dependants whose interests are being advanced by the Bill. Their voices may count for little against the large constituency of voters that recreation and conservation NGOs are able to galvanise into political action. There is nothing more inflaming of public passions than to have your interests, as part owners of the high country, stomped on. Widespread distrust of government's real intentions in this matter can only assist our message.

Bruce Mason
Spokesperson
Public Access New Zealand

The Independent 28 July 1995

Feds rebut Mason

Bruce Mason's attack on one of the staff of Federated Farmers *(The Independent* 14 July) is offensive, wrong and defamatory.

Mr Mason can be assured that the federation's public relations manager Paul Jackman has the total support of Federated Farmers in general and, in the particular role he has played in the South Island High Country tenure reform debate. Mr Jackman's public statements on that subject have been in accord with federation policy. Mr Jackman's comments have reflected a carefully considered policy position for which the federation as a whole takes responsibility.

Federated Farmers takes grave exception to Mr Mason's attack on Mr Jackman's professionalism and integrity. Mr Mason does his cause no good by this personal invective. In a healthy democracy debate is often robust. However, Mr Mason would do better to play the ball and not the man. He can be assured that any attempt to drive a wedge between Federated Farmers and its staff will fail totally.

Graham Robertson
President
Federated Farmers

The Indepenent 11 August 1995

The thin skin of PR

Poor Paul Jackman of Fed Farmers. He must be the most thin-skinned PR man yet known.

I thought everyone knew a PR person's job was to put a spin on things in order to advance the employer's views. So when, as part of that job, he writes a piece on the Crown Pastoral Lands Bill full of half-truths and other distortions, why should he be surprised when someone points that out?

Bruce Mason's response was terse, far briefer than it could have been. To say, as Graham Robertson does *(The Independent,* 28 July), that it was "offensive, wrong and defamatory," is ridiculous. In fact that quoted remark sums up perfectly the numerous attacks on Mason over the years.

The more I read of the utterances of Fed Farmers spokespeople, the more I think that they can't possibly - I hope - represent the views of the considerable number of reasonable, and reasoned, fair-minded farmers.

If I were a cocky I'd be hosed off by the way in which pieces such as that spun by Jackman depict farmers as blinkered opportunists.

Brian Turner
Sawyers Bay