



20 OCTOBER 1989

Mr Bruce Mason
Public Lands Coalition

DUNEDIN

Dear Bruce

I was startled by the scurrilous statement you made concerning me and the Queens Chain in Wednesday's Otago Daily Times.

In your statement, you misquoted me, you misrepresented the Conservation Law Reform Bill, and you said I was wrong about the existing Land Act when it is you who is wrong.

You described what I said as "ludicrous", when it is not, and you, to put it charitably, appear to have misunderstood the law making process.

Your whole statement is deceptive and unfair. I cannot guess why you made it in the terms that you did.

I intend to substantiate what I have said above. First, however, I would like you to look at the enclosed copy of the relevant part of a speech I made to the Surveyors Annual Conference at the weekend. To set the context, you should note where I say "New Zealanders want to have access to water. They don't want rivers and beaches to be reserved to private owners, in law or in effect. I absolutely agree with those sentiments". I want you to notice that I strongly support protection of the "Queens Chain".

You might like also to notice my summary, where I said, "the government is not intending to lessen protection of the "Queens Chain". The Conservation Law Reform Bill is not intending to lessen that protection. And if the Bill needs amendments to make that clear, the amendments will be made".

Generally, I want you to read carefully what I said and see whether you really think there is any ludicrous claim made. More than that, I want you to see whether you think your last sentence is fair.

Now to your statement. You start by saying that you want the government to redraft the Bill "to ensure the Crown retains full ownership and control of the Queens Chain". Anyone reading that would think that the Crown was not going to retain full ownership and control. But there is no where where the Crown gives away full ownership and control. Your very first sentence is misleading.

Further down, you say that private landowners "will just be able to decide for themselves when and for how long they will stop public access along the strip". The fact is that the Bill allows temporary closure of a strip, but only for operational or safety reasons, and subject to the overall legal requirement to manage in a way which best serves conservation purposes and best provides public access (as well as any requirements the Minister might impose, and subject also to the Minister's power to take over management at any time). The reality is starkly different from the picture you painted.

You say that I "gave the impression" that the Bill allowed the Minister to choose a manager. What I said, and what I was quoted as saying, was that the Minister of Conservation had the power "to appoint people to manage the strips, with the first option being given to the landowner". I believe that the "impression" which I gave was totally accurate.

You say that my statement that the Land Act "gives the Minister unfettered discretion to dispose of strips is wrong". First, I did not say, and was not quoted as saying that the Land Act gives the Minister unfettered discretion. You can read what I said, and it was completely different from what you say I said. That section of my speech was not fully reported in the newspaper, but you have even misquoted what the newspaper reported me as having said.

You say that the existing Land Act does not allow the disposal of existing strips. My reading of the Bill is that it certainly does allow the disposal of existing strips. The Minister and his office certainly think that he has that power. This is what the Act says : "There shall be reserved from sale ... unless the Minister of Conservation considers it unnecessary to do so". So, if the Minister does not consider it necessary to reserve a strip from sale, it can be sold. There is nothing at all about a time limitation on the Minister's decision. Further, you say that the discretion does not apply to coasts and lakes. There is discretion, for *coasts* rivers and lakes, down to a width of 3 metres. The ~~Bill~~ ^{Act} says "provided that the Minister of Conservation may approve the reduction of the width of the strip of land to not less than 3 metres if in his opinion the reduced width will be sufficient for reasonable access to the sea, lake, river or stream. Was it deliberate that you left this bit out?

Finally, you say that Court judgements are based on what an Act says and "not what the government of the day claimed to be the case in the news media". The first part of your statement is quite correct, of course. The second part appears to question my integrity. It implies that I have claimed something which is not true. I have not claimed anything which is not true, and I resent the apparent implication. This statement also fails to acknowledge that the law making process is incomplete. The present Bill will not become an Act. There will undoubtedly be amendments before enactment takes place. You know that as well as I do.

I had previously regarded the Public Lands Coalition as an organisation of some credibility. So far as I am concerned, that credibility is now on the line. What I think you should now do is to acknowledge my above comments and apologise. I await your response.

Yours sincerely

Most of this letter is rebuttable. Don't know if it was replied to. If reply located, will be published.
B Mason Aug. 2000

Clive Matthewson

Clive Matthewson
MP for Dunedin West.