

Runholders and conservation groups are at odds over a bill which could privatise vast tracts of back country in the South Island.

RON TAYLOR talks to the protagonists.

THE popular overseas image of New Zealand is snow-capped mountains, rolling pastoral tussock country and vast flocks of sheep watched over by a sun-bronzed shepherd with only his horse and dogs for company.

That's the scene of so many promotions — the South Island high country, open to all, wild and unfettered. It has been a reality for more than a century, part of every New Zealander's heritage, but it may be about to change.

There is legislation before Parliament which could turn much of the crown-owned high country into private property with keep out notices — unless you pay.

Affected are more than 2.6 million hectares of back-country Marlborough, Canterbury and Otago leased for pastoral farming. Its about 20 per cent of the South Island — 10 per cent of New Zealand — worked by fewer than 400 runholders.

The proposals for privatising this land are causing ructions between the farming community, conservationists and outdoor enthusiasts which are about to break out in public as a parliamentary select committee hears submissions on the Crown Pastoral Land Bill which rewrites the 1948 Land Act.

Essentially it will permit unrestricted freeholding of the high country leased from the Crown, the backbone of pastoral farming in New Zealand.

The argument for reform is that it will allow diversification including arable farming, horticulture, forestry and tourism on land at present confined to pastoral use.

Those opposed to wholesale change see it as privatisation of public property and the fencing of the nation's birthright. In the worst scenario, national visual treasures such as the Remarkables dominating Queenstown could wind up in private ownership.

Bob Brown is a product of the high country, born and bred to it, and now chairman of the High Country Federated Farmers. For the past 26 years he's leased a run in the Canterbury Gorge — "one of the places with a lot of the rough stuff in it." He loves the land and the life so he gets a bit miffed when opponents of the bill start talking about "desecration of the land" and the campaign for a "sneak land grab".

"What the bill offers is a voluntary tenure of use, flexibility, but there are some pastoral lessees who don't want to freehold the land and are perfectly happy to stick with their leases," says Brown. "The bill provides for all alternatives and that's what makes it so attractive."

If the legislation goes through — and it is a big "if" because of the mounting opposition and the Government's reliance on the splinter parties in Parliament — he expects more than 50 per cent of lessees will become freehold. He won't talk about his own option.

The bill is the work of the Minister of

Lands, Denis Marshall, but the issue of freeholding the high country has been around for many years. The last time it was seriously under consideration was in the early 80s. The Muldoon Government had legislation in the pipeline which probably would have gone through, but then came the 1984 snap election. It lapsed.

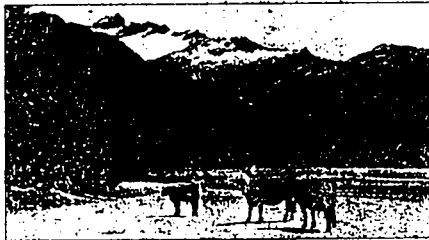
The anti lobby points out lease land that can be "sustainably farmed" is already being freeholded by voluntary tenure review. So far 140 lessees have registered for review and more than 20 applications have been approved. Land which is predominantly of recreational and natural value is being systematically transferred to the conservation estate. Consequently, say the conservationists, there is no need to scrap the existing Land Act. It is working because all interests must be satisfied in striking a deal and the public right of access to the high country is being upheld.

BUT Brown dismisses as "myth-making emotional nonsense" the line that the public has the right to wander at will over pastoral lease land and is about to lose that under the bill's freehold proposals. He says there is no difference in the law of trespass as it applies to freehold and leasehold land — "lease land is private land in every sense of the word." Traditionally, however, the runholders have allowed access.

Brown argues that the public will get assured access under the freehold pro-

posals. The Crown will require access rights, including paper roads and walkways, to be written into the title otherwise there will be no deal.

What the public generally does not understand is that lessees have permanent rights of occupancy under the 1948 Land Act. They cannot be disenfranchised and leases are bought



and sold, some by foreigners. The only limitation is on use. It must be for grazing.

"In effect, these lands are already privately owned," says Brown. That's why the leases have always traded on the open market, and that's why they're not about to be grabbed by anyone."

He rejects suggestions that farmers will be able to do as they please on gaining the freehold. The restrictions imposed under the pastoral lease system are incorporated in district plans under the Resource Management Act.

But if there is so little difference between leasehold and freehold, why the push for change?

"I guess the Crown has very good

reason for change because the Crown, for political reasons, wants to regain control of some of the conservation and recreational values. But there's also no doubt that freehold tenure is a little more secure for us. To encourage investment in the land requires secure tenure. The arguments put forward by the opposition has led to a perception of less security, which is not good for attracting investment."

The opposition representing 300,000 people is the combined clout of Public Access New Zealand (PANZ), the Federated Mountain Clubs, the New Zealand Fish and Game Council, the Royal Forest and Bird Protection Society and the New Zealand Deerstalkers Association. They have formed the High Country Public Lands Campaign to fight the bill.

PANZ's Bruce Mason says he's not opposed to the runholders getting the freehold of the best land and escaping the trap of pastoral-only farming of land clearly unsuitable for it, in exchange for reserves and access rights. That is already being achieved by review and everybody gets a fair shake. But the bill offers freehold rights to everything including mountain tops, glaciers and skifields.

"If they change the presumption like that, the Crown is putting itself in an incredibly weak bargaining position," says Mason. "We believe that in fact there'll be little land preserved for the public."

Mason claims there is division between the farming lobby leaders who are "playing politics" and many of the

runholders. This is shown by 40 per cent of the runholders seeking tenure reviews under the Land Act.

Federated Mountain Clubs lease committee convenor Allan Evans estimates that about 1.6 million hectares of recreational land lies within existing leases. They are under no threat from existing law because only land capable of sustained farming can be freeholded by voluntary negotiation.

EITHER the lessee has to stick with the significant constraints of a pastoral lease in perpetuity, or agree to surrender predominantly natural lands that may have never been used for grazing. The bill changes that. Nearly everything will be up for sale with only land of "high inherent value," as the bill puts it, going to the conservation estate.

"The key is Marshall's bill changes the definition of the land that can be freehold from 'farmland' to 'productive land.' This can be anything at all. Marshall swears it won't include all the recreational land we're talking about, but it will. It's skifields, heliskiing, safari hunting, guided tramping parties, holiday farms, fishing preserves in the vastness of this country's natural beauty with private owners demanding payment because it's 'productive land.' It's not on."

Bryce Johnson of the Fish and Game Council says New Zealand is unique in that wildlife, fresh water fisheries and natural water do not attach to the title of land upon which they exist.

"These things are part of the public estate. If there is going to be any tinkering with the freeholding process, then we want the public's historical interests fully protected. We'll accept nothing less."