

AGENDA ITEMS FOR PLC MEETING WITH MINISTER OF CONSERVATION,
NOVEMBER 1989

Marginal Strip Provisions in Conservation Law Reform Bill

1. Intent of Bill

1.1 Repeal of S 58 Land Act – why any necessity?
Breach of spirit of SOE Act 1986.

1.2 Inadequate reform and exclusion of many existing provisions for the Queen's Chain./not the comprehensive reform the title to the Bill would suggest.

1.3 Whole 'reform' tailored to suit Government's asset sales programme to SOEs rather than a 'conservation' reform.
Inadequate treatment of all Crown lands in riparian situations; no treatment of very extensive road and local government reserves.

1.4 Watering down of marginal strip provisions in Conservation Act 1987.
Breach of spirit in relation to applicability of marginal strips to SOEs.

2. Closure of marginal strips.

2.1 Provision allowing 'temporary' closure contrary to providing 'permanent' access as in Explanatory Note to Bill.

2.2 Why have no public notice and objection procedures been included in the Bill to deter wanton abuse by managers?

2.3 In view of the PLC all strips have public access value and the vast majority have conservation values therefore no administrative ability to close or revoke should exist.

3. Crown Ownership.

3.1 Minister claims that the Bill "expressly and explicitly reserves marginal strips to the Crown." PLC can find nothing in the Bill that does such.

3.2 Why does Government reject the continuation from S 58 Land Act of the phrase "reserved from sale or other disposition" when the stated intention is to retain Crown ownership?

3.3 Why have survey costs for marginal strips been considered to be an unacceptable burden when boundaries for SOE lands have to be determined by survey for the issue of full title in any event? Record of the existence of the Queen's Chain on certified plans/cadastral maps provides public certainty that they exist. These are readily accessible to the public at nil cost. Recording on certificates of title instead of on plans will require specialist legal skills for searching and interpreting –beyond the reach of the general public – has Government considered this aspect?

3.4 Why haven't certificates of title 'limited as to parcels' been used to allow later survey of strips and avoid delays in land transfers to SOEs if no alternative to the CT option is available?

4. Revocation and Disposal.

4.1 Why any necessity for new powers of revocation?

What is wrong with Reserves and Other Lands Disposal Bills if only essential disposals are anticipated?

4.2 What is the basis for Minister's claim that he currently has unfettered discretion to waive the establishment of S 58 strips and that the Bill provides tighter restrictions on such. Why is Minister publicly confusing reduction in width provisions with waiverings?

4.3 Why are public notice and objection procedures in the Conservation Act 1987 being removed.?

4.4 Criteria for revocation in Bill wide open to 'liberal' interpretation. What is the 'objective test' that the Minister claims to be enforceable in courts?

4.5 Has the effect of fragmentation of strips, that will arise from selective disposals, been considered in its effect on overall public access?

5. Movable Strip Provisions

5.1 Why have movable strip provisions been limited to only new strips?

The Bill is only of limited effect by excluding existing strips. If avoiding survey costs by recording the existence of strips on certificates of title is the price of this provision then PLC is of the view that it should be dropped from Bill. A comprehensive review of the all 'Queen's Chain' laws then be instigated to find a workable alternative of providing movable strips under all statutes.

6. Width of Strips.

6.1 The current flexibility under the Land Act of creating strips wider than 20 metres is lost in the Bill. If the movable strip provision were dropped from the Bill and objections to definition of strips by survey put aside, why cannot the phrase "not less than 20 metres" be retained?

7. Management of Strips

7.1 What major changes in circumstance require the radical move of vesting management control of strips away from the Crown?

7.2 Why is Government claiming that the Bill will provide more practical management of strips than the present informal use, without administrative cost, by adjoining farmers.?

Has government considered the immense administrative cost of approving, recording and supervising potentially a hundred thousand plus individual managers? How can this be justified at a time of DOC retrenchment and many underfunded critical conservation activities?

7.3 Why is Government passing over to private individuals, with conflicts of interest, the Crown's responsibility to judge on behalf of the wider community what is the most appropriate management for public access and conservation?

7.4 Why has Government created major obstacles in the way of resuming management? eg ability to create improvements and entitlement to compensation, and for administration costs.

7.5 If there is a necessity for issuing use rights why cannot provisions like those in the Land Act which do not convey 'occupier' status be used instead of creating managers? (cf grazing permits S 68A and recreation permits S 66A) This would guarantee public access at all times.