

PUBLIC LANDS COALITION

Federated Mountain Clubs
P.O.Box 1604
Wellington

N Z Fish & Game Council
P.O.Box 22 021
Wellington

Royal Forest & Bird Protection Society
P.O.Box 631
Wellington

c/- P O Box 76, Dunedin.

18 January 1990.

Rt. Hon. Geoffrey Palmer,
Prime Minister,
Parliament Buildings,
Wellington.

Dear Mr Palmer,

THE QUEEN'S CHAIN

We write to you on the matter of the protection of the Queen's Chain.

The Coalition welcomes your interest in this issue, and the assurances contained in your press statement of 28 November last year. In essence these were that the Government has no intention of restricting the public's right of access to the Queen's Chain, that Government wants the Queen's Chain, and that the Conservation Law Reform Bill is meant to strengthen it's protection, not the reverse.

We have only just been able to obtain a copy of the amended provisions of the Conservation Law Reform Bill and find that the select committee has fallen well short of reflecting your Government's stated intentions.

While we acknowledge that some important changes have occurred, there remain three major areas of concern. These are central to the basic issues of rights of public access and public control over the Queen's Chain. Consequently in our view it is essential that the Bill is further changed.

We note from your assurance of 28 November that if the Bill is still ambiguous when it is reported back, then further amendments will be made to clarify the Government's intent to strengthen the protection of the Queen's Chain. We consider that the areas of concern affecting marginal strips, outlined below, require amendment.

1. Public Access Restricted

While the proposed ability for private managers to close marginal strips has been removed by the select committee, the Minister of Conservation has been given broad powers of closure, at the request of managers, 'where closure is necessary in any case to protect any asset.' This is clearly contrary to your Government's stated intentions of no restrictions on public access.

There must be no ability in the Conservation Act to close public access to the Queen's Chain, if the unfettered rights of access as historically enjoyed under the Land Act are to be retained.

2. Disposal of Marginal Strips

We are deeply troubled that while the proposed ability to dispose of existing marginal strips has been dropped from the Bill, an entirely new provision has been added by the select committee. This would allow waivering of the establishment of new marginal strips, thereby sanctioning the sale of Crown/Conservation lands around the margins of waterbodies without Queen's Chain being reserved.

While welcoming the deletion of the earlier proposed disposal provisions, we are confounded by the logic of the committee seeing fit to drop these disposal clauses, and the criteria proposed to justify disposal, then applying the very same criteria for a new waivering clause.

We believe continuing public access and control over all riparian lands must be assured by the establishment of Queen's Chain on all state-owned lands intended for sale.

3. Private Managers, Private Assets, and Public Ownership.

The proposals contained in the original Bill, and retained by the select committee, for the appointment of private managers over marginal strips are a complete departure from the long-accepted practice of public control and management.

The Government has failed, in our view, to demonstrate any necessity for the radical change of appointing managers over the Queen's Chain.

The proposed ability for private managers to create improvements or assets on the Queen's Chain is a form of privatisation which could quickly outweigh the Crown's presumed ownership of the strips. Substantial legal and financial interests will be able to be created, leaving Crown ownership of the land nominal and ineffective for the purposes of ensuring unobstructed public access or conservation.

Existing informal arrangements whereby adjoining farmers can make use of the Queen's Chain, where appropriate, have worked satisfactorily and should be allowed to continue. This coupled with the excellent purposes for marginal strips set out in the Bill will indeed improve the Crown's management of the Queen's Chain without any necessity for divesting management responsibility. We believe that it is unrealistic for private individuals to be expected to manage such areas for public purposes that are often contrary to their own interests.

Management of the Queen's Chain has cost the Crown very little. In comparison the potential long-term cost to the public of private control is likely to be immense, arising from irreversible alienation of the public interest.

We also feel that the Government has demonstrated inconsistency in the approaches taken between recent legislation affecting different categories of Queen's Chain. Whereas your Resource Management Bill treats Esplanade Reserves consistent with your stated intentions, the Conservation Law Reform Bill does not.

Esplanade Reserves are to remain as reserves, an existing means of waiving their establishment on private land is to be removed, no power to create private managers or interests over them is created, with no ability to close public access.

Given the huge level of public support for the Queen's Chain as it presently exists, we ask that the Conservation Law Reform Bill be amended by:

1. Removing all powers of closure to public access.
2. Requiring the establishment of marginal strips when any lands of the Crown are intended for sale.
3. Retaining the Department of Conservation as the manager of marginal strips on behalf of all New Zealanders. Experience to date indicates that Crown responsibility will not be a significant burden on the state.

We seek an urgent meeting with you to discuss this vital issue. Please contact (024) 779 076 or (024) 761 544 to make arrangements.

Yours sincerely,

Niall Watson,
On behalf of

Bryce Johnson, Director,
N.Z. Acclimatisation Societies

Janet Girvan, President,
Federated Mountain Clubs of N.Z.

Kevin Smith, Conservation Director,
Royal Forest & Bird Protection Society