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NEWS RELEASE

MATTHEWSON'S ASSURANCES ON QUEEN'S CHAIN MISLEADING

The Public lands Coalition has welcomed MP Clive Matthewson's statements in the Otago Daily Times that the wording of the Conservation Law Reform Bill could be improved to make its intention and effect with regard to the Queen's Chain clearer. This one chain wide strip of Crown land currently provides the public with legal right of access around most of New Zealand's coasts, lakes, and along river banks.

Mr Bruce Mason, researcher for the Public Lands Coalition, comprising Acclimatisation Societies, Federated Mountain Clubs and the Royal Forest and Bird Protection Society, said he was pleased to note that Mr Matthewson had indicated that the Bill would need to be re-drafted.

Mr Mason was reacting to Mr Clive Matthewson's reported statements to the Institute of Surveyors in Dunedin on Saturday.

The Coalition however disputes Mr Matthewson's claim that the Bill strengthens the protection of the Land Act's 'Section 58 strips' and the Department of Conservation's 'marginal strips' by formalising the use of strips by the adjacent land owner.

"It is absolutely ludicrous to suggest the Bill provides greater protection for public access than the current legislation," Mr Mason said.

"For the first time, private land owners are to have the legal right to close the strip to public access. They don't even need to get permission from the Minister or any one else, they will just be able to decide for themselves when and for how long they will stop public access along the strip."

"Mr Matthewson's statements suggest the Government is confused in its attempts to translate it's intentions for stronger protection for the Queen's Chain into legislation." Mr Mason said.

Mr Matthewson gave the impression that the Bill allows the Minister to chose if she or he wants to appoint a manager and if so who the most appropriate manager would be.

"This is not the case, as the Bill requires that the adjacent landowner shall be appointed as manager if they request." Mr Mason said.

"This means that from the moment the Bill is passed the adjacent landowner has the right to become manager of the strip, and will be legally able to plant and harvest trees or crops right to the shoreline and close it for public access.' The Coalition can see no necessity or merit in having private managers over the Queen's Chain. "The present system of informal grazing by the adjoining farmer has worked well for over a 100 years, without the right to exclude the public, . Most New Zealander's don't want their right of access to become merely a privilege subject to the whims of a private individual", Mr Mason said.

"Mr Matthewson's suggestion that the Land Act gives the Minister unfettered discretion to dispose of strips is wrong" Mr Mason said.

"The Land Act does not allow the disposal of existing strips, it allows the Minister to waive the requirement for a strip along rivers and streams but only at the time the strip could be established. This discretion does not apply to coasts and lakes." Mr Mason explained.

"Mr Mason said any one reading the Bill and Section 58 of the Land Act would see that the wording of the Bill does not meet the Government's stated objective of strengthening the provisions protecting the Queen's Chain."

"The Public Lands Coalition is simply asking the Government to re-draft the provisions of the Bill to ensure that the Crown retains full ownership and control of strips and that they be open to public access at all times. Anything less is a substantial erosion of the existing legislation, Mr Mason said.

"After all, this is really what the Government says it wants to do, but the Bill certainly doesn't say so."

"The reality is that when it comes to decisions by the courts, judgements are based on what the Act says and not on what the Government of the day claims to be the case in the news media "

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Bruce Mason
Researcher
Public Lands Coalition