

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

15 February 1990

PRESS RELEASE

PUBLIC RIGHTS TO QUEEN'S CHAIN STILL JEOPARDISED

The Law Society's statement on the Queen's Chain (ODT 12/2/90) highlights the fact that the Conservation Law Reform Bill still contains major adverse changes to the rights the public currently enjoy, according to Mr Bruce Mason, Public Lands Coalition spokesperson.

It is therefore difficult to conclude, as the Law Society has implied, that public rights will not be jeopardised by the Bill. It provides for not establishing strips, and for closure of those that remain "in any case to protect any (private) asset," Mr Mason said. The PLC believes that it is unnecessary and highly undesirable to create new powers to close public access.

Mr Mason says it appears that the Society has not looked closely at the Bill or the historical origins of the Queen's Chain. In particular the Land Act provisions that the Bill will replace were not addressed by the Society's statement, Mr Mason added.

Strong public objections to the prospect of existing Queen's Chain being sold, and with it loss of public rights of access, saw Government's intended disposal provisions removed from the original version of the Bill. However these were replaced by entirely new powers to waive any requirement to create Queen's Chain along water margins when any lands of the Crown are disposed of in the future. I can see little virtue in the Law Society welcoming this waiver clause, Mr Mason said.

The Society has only assessed the mechanics of the proposed law, and not questioned the radical policy shifts proposed by Government. These are to appoint private managers over public land, and provide for closure of access by politicians and their officials for other than public safety/emergency reasons.

Such additional powers cause us major concern and should be dropped from the Bill, Mr Mason said. The Police and fire control authorities already have adequate powers over the Queen's Chain, under separate legislation, if there are genuine reasons for barring the public.

Since 1840, by royal instruction, chain-wide strips around coastlines were not "to be occupied by any private person for any private

purpose,” but reserved for “the recreation and amusement of the inhabitants (of New Zealand) and where it “may be desirable...for any other purpose of public convenience, utility, health or enjoyment..” This has been the corner-stone of subsequent laws which provide for the setting aside of Queen’s Chain strips as New Zealand has been settled by sale of Crown land, or further subdivided when private land.

The Law Society may perceive there to be legal remedies in the Bill which allow challenge of Ministerial decisions or of infringements by private managers, Mr Mason said. However complicated and expensive legal mechanisms will not provide much recourse for the average citizen denied access. This view is based on the PLC member organisations’ long experience in trying to settle other countryside access problems, Mr Mason said.

Contrary to the Law Society’s statement there is no express provision in the Bill creating an offence if managers do not provide public access. The Offence provision, Clause 24G(11) relates solely to damage to and use of Queen’s Chain strips, and not to blocking of access.

These contentious parts of the Conservation Law Reform Bill are a very poor replacement for the current situation under the Land Act (section 58), which will be repealed if the Conservation Bill becomes law, Mr Mason said.

‘Section 58 strips’ provide the large majority of Queen’s Chain around tens of thousands of kilometres of coastline, lakes and rivers. Under the Land Act these strips exist for the purpose of public access, no one has the right to occupy, possess, or obstruct them. This is a very different situation from what the Government intends when they become ‘marginal strips’ subject to the Conservation Act, Mr Mason concluded.

ENDS

Further information from:

Mr Bruce Mason

Dr Hugh Barr

Appended:

1. Extract from reported-back version of the Conservation Law Reform Bill.
2. Extract from *The Landscape*, December 1977.