

PUBLIC LANDS COALITION

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PRESS RELEASE

The Government's "final solution" for public access and enjoyment of the New Zealand outdoors has been revealed by recent legislation introduced to Parliament. This is according to the Public Lands Coalition, made up from acclimatisation societies, the Royal Forest and Bird Protection Society, and Federated Mountain Clubs.

"Not only is public ownership of the Queen's Chain and access above the water-line at grave risk, but now so too are adjoining rivers, lakes, the sea," Coalition spokesperson Bruce Mason said today. "This is a national catastrophe by anyone's standards," Mr Mason added.

A detailed analysis by the PLC of the Resource Management Bill has revealed a story of mind-boggling proportions, Mr Mason said. This has been presented to the select committee considering the Bill. "None of our interpretations of the Bill were challenged, in fact we were complemented as to the clarity of our submission," Mr Mason said.

"The law drafters have systematically eroded public rights of access over water-bodies and opened the door to mass privatisation. The changes are so thorough and specific that it is difficult to believe that they are not the result of specific Cabinet decision," Mr Mason said.

The Coalition believes that the Government's credibility on the Queen's Chain issue is in tatters, assisted by a National Opposition that is conspicuously silent in the public arena but privately wedded to privatising public assets. "In this respect both main parties seem devoid of a conscience as to the long-term social consequences of a relatively few private individuals, local authorities, and large corporations dictating where and how the public can have future access to the countryside," Mr Mason said.

Half the length of the Queen's Chain is already under direct attack by the Conservation Law Reform Bill, with private managers gaining control and the public being able to be barred. Now the other half of the Queen's Chain, being road and esplanade reserves, plus the Crown's ownership and public rights over rivers, lakes, and the sea is at risk from massive changes proposed in the Resource Management Bill.

Changes over 'Queens Chain' in the Resource Management Bill will—

- Allow easy disposal of roads around shorelines.
- Allow unrestrained private control over remaining public roads by adjoining land owners having leases and trespass rights. This would apply to roads anywhere in the countryside.
- Almost guarantee that no further esplanade reserves will be created when private land is subdivided. Land compensation payments will be extended to all sub-dividers for the land they are now required to provide as public reserves. District councils, instead of Government, will have to pay but will also be given the sole discretion to waive establishment of reserves. This, and loss of revenue for local authorities by the establishment of non-ratable reserves, will almost guarantee that no further esplanade reserves will be created, according to Mr Mason.

In relation to rivers, lakes, the sea, and their beds the Resource Management Bill—

- Replaces customary rights of public access, with discretionary consents in the hands of local authorities. This will require either permits or specific allowance for public use in district plans. Entry onto a bed of a water body is defined in the Bill as a 'land use' requiring consent.

Walking or boating on rivers, lakes, the sea or their beds without consent may be punished by up to 2 years in jail or \$150,000 in fines.

- Allows the issuing of coastal and land use consents to individuals over the beds of rivers, lakes and the sea, for any purpose, and with a specific right to exclude all other persons.
- Wipes out the Crown's ownership of riverbeds, this being possibly by mistake concedes the PLC.

The PLC believes that if the Government makes its proposals law, given time, it could very easily mean the end of the New Zealand tradition of free access for all to the greater part of the outdoors, especially our rivers, lakes, and coasts. Only those with ownership rights or the ability to pay for admission and use will be able to enjoy what should remain the right of everyone, Mr Mason concluded.

Some 1400 years ago Justinian wrote:

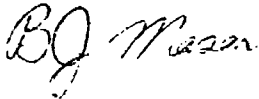
"...by natural law itself these things are the common property of all: air, running water, the sea, and with it the shores of the sea."

"If the Government continues to ram its proposed legislation through, most New Zealanders will in future be forced to become common criminals just to exercise their natural rights," Mr Mason concluded.

ENDS

For further information contact:

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Appendix: references to specific provisions —

The Resource Management Bill

In relation to the Queen's Chain—

Deals with road and esplanade reserves by—

- allowing easy disposal of roads by removing power of veto by Govt. (6th Schedule—S.345(3) Local Govt. Act);
- allowing private control over public roads by adjoining land owners having leases and trespass rights. This applies to all roads in the countryside (6th Schedule amends S 341 Local Government Act);
- almost guaranteeing that no further esplanade reserves will be created on private land. Compensation payments will be extended to all sub-dividers for the land they are now required to provide as public reserves. District councils, instead of Govt, will have to pay but will also be given the discretion to waive establishment of reserves (S.188-94).

In relation to rivers, lakes, the sea, and their beds—

- replaces customary rights of access etc guaranteed by Crown ownership, control, and policy, with discretionary consents in the hands of local authorities. This will require either permits, or specific allowance for public use in district plans. Entry onto a bed of a water body is defined as a 'land use' requiring consent (S.7). Much public recreation, tending to be informal and undocumented, is unlikely to qualify as a 'protected existing use' (S.8). There is no compulsion on local authorities to conform to national policies on public access. Walking or boating on rivers, lakes, the sea or their beds without consent may be punished by up to 2 years in jail or \$150,000 in fines (S. 384);
- allows the issuing of coastal and land use consents to individuals over the beds of rivers and lakes and coastal marine areas, for any purpose, and with a specific right to exclude all other persons (S.103);
- wipes out the Crown's ownership of riverbeds (by mistake?) (4th Schedule repeals S 261 Coal Mines Act).