

Public Land News

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PUBLIC LANDS COALITION

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Our High Country Heritage: Will Labour sell to the highest bidder?

Treasury threatens public ownership of pastoral leases

Two years after the Government's momentous decision of September 1986 to retain pastoral leases in public ownership and control, this 2.8 million hectares of the Crown's rapidly dwindling estate is up for grabs again. Treasury officials have latched on to a review of the Land Act currently underway in an apparent attempt to overturn Government's 1986 decision. However the Department of Land's proposals in a new Land Bill holds much promise for the protection of the public interest in conservation and recreation values in the South Island high country.

The public expect these lands to remain in direct Crown control and to be carefully managed for a mix of conservation, recreation, and commerce.

Public Interest of Paramount Importance

In 1986, thousands of concerned conservationists and outdoors people opposed Government proposals to sell unique high country lands to Landcorp. After a protracted battle, with Treasury and Landcorp against the Department of Conservation and public groups, the Government decided that ownership and control of pastoral leases must remain with the Crown. As Deputy Prime Minister Geoffrey Palmer and Lands and Conservation Ministers Wetere and Marshall jointly stated back in 1986:

"...the Cabinet saw the protection of both the lessees' rights in terms of their leases, and the rights and interests of the public interest in the land as being of paramount importance.

This is to ensure that neither the lessee's nor the public's interests are adversely affected by the division of the Department of Lands and Survey's responsibilities into the new agencies.

The protection of native plants and animals, the unique high country landscape, soil and water conservation, and negotiating increased opportunities for public recreation will be key tasks for the Department of Conservation."

Landcorp was charged with administering the leases, but is obliged to consult DOC and have regard to its advice.

We welcomed this decision because it recognised the major public interest in the high country and provided a way to reconcile conservation and production on these lands.

Pastoral Leases have Multiple Values

Hard on the heels of the 1986 settlement came the 1987 Crown Land Carve-up. The Public Lands Coalition convinced the Government that 600,000 hectares had been wrongly allocated to the new state-owned enterprises. We succeeded in having them reallocated either to DOC or to the Department of Lands (which is the holder of the Crown's interest where lands are not predominantly conservation or commercial).

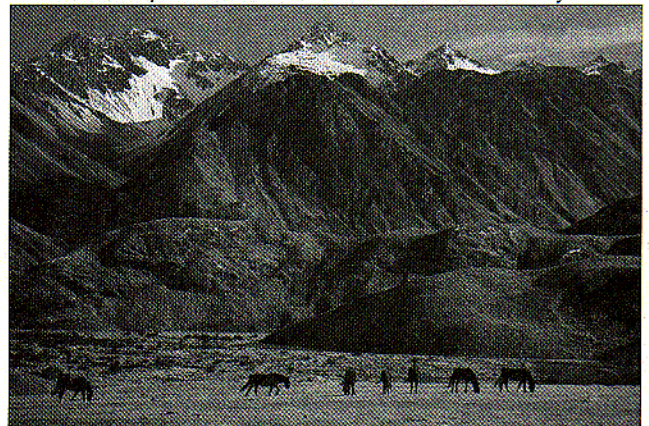
In large part the land allocation shambles can be blamed on Treasury's insistence that where Crown land had any commercial use it should be privatised to a corporation, even though many such areas also had high conservation or recreation values. Treasury argued that if DOC wanted to protect these areas, it should buy these lands in the marketplace. Meanwhile through recent savage budget cuts to DOC, Treasury has made sure that even this ludicrous option -

Two Thumb Range, South Canterbury.

Mesopotamia Station

from homestead paddocks of Erewhon Station. Now only the lower mountain slopes are grazed; the upper areas are under DOC: huge areas similar to this remain in pastoral leases.

Barney Brewster



PUBLIC LANDS COALITION

Member Bodies

Acclimatisation Societies of NZ - PO Box 22 021, Wellington

Federated Mountain Clubs - PO Box 1604, Wellington

Royal Forest & Bird Protection Society - PO Box 631, Wtn.

buying back our own land from ourselves - remains impossible.

In the high country conservation and commercial lands are probably more mixed together than on any other part of the public estate. Extensive areas of rugged mountainland are periodically grazed but predominantly has soil, water and conservation value. Wetlands are of immense value for water storage, wildlife, hunting and fishing, and may also be grazed by cattle. Rolling tussock hillsides such as at the Lindis Pass are periodically grazed by sheep and provide great pleasure to tourists but could be ruined by pine planting or pasture development.

Treasury dogma demands "transparency" between commercialism and conservation objectives.

Translated to pastoral leases "transparency" would require DOC to purchase public lands of high conservation value at full market prices. It would also remove the Crown's powers as a landlord exercising land use controls on pastoral lease land. These include Crown controls on grazing, on wetland drainage, pine planting, burning, roading, cultivation and resort development. These have proved to be the only effective controls available. They safeguard the landscape and natural character of the high country but allow continued extensive pastoralism and development by Crown consent.

Treasury propose eliminating most of these controls and any that are retained would initially become the responsibility of catchment authorities, to be later absorbed in to new regional Governments.

The PLC believes that such moves would gravely affect the public interest in the high country. There is a case for freeholding parts of pastoral leases solely with production values. There is also a case for surrendering from pastoral lease areas with high conservation or recreation value to become reserves. In between land with a mixture of these values should be retained in Crown control and farmed subject to leasehold controls.

Too Many Players

Since the 1986 reorganisation, there have been too many players in the administration of pastoral leases. This has led to wasteful duplication, the administrators seem to be confused about their roles, and leases are generally administered ineffectively.

On paper there appears to be political accountability; in practice there is not. The Minister responsible for Landcorp is, as a matter of policy, only concerned with overall profitability of the SOE and not with individual cases. For this service Landcorp receives a large taxpayer subsidy. If a dispute arises between the various agencies the committee of Ministers are too busy on more pressing affairs of state to become involved in the multitude of individual cases that were formerly dealt with in a semi-judicial manner by the Land Settlement Board and its district committees.

The PLC has been closely monitoring the effectiveness of the present split administration. The coalition is firmly of the view that it is not working; a simpler system with fewer players who are politically accountable is urgently needed.

Ngaitahu Maori Land Claim

This claim is currently before the Waitangi Tribunal and covers all the lands in question. The tribunal's eventual recommendations and Government's response to these are unknown.

The PLC is of the view that, as reaffirmed by Government in September 1986, protection of the public interest should be paramount in any settlement of the Ngaitahu claim.

The present hiatus is demonstrated by:

- **the Protected Natural Areas Programme stalling.** One third of the South Island high country has been surveyed by PNA teams. The first Recommended Area for Protection (RAP) was defined in 1984 but still remains unprotected despite DOC giving implementation priority. This is because DOC has no power to negotiate with lessees.
- **unwillingness to act in the public interest.** A frequent condition of approval for transferring lease ownership is that runholders surrender severely eroded alpine lands. This has not happened since 1986.
- **secrecy.** Because there is no official public watchdog, most decisions are taken without any public accountability. The public are also deterred from obtaining official information off Landcorp because of the high costs charged for this information.
- **public participation procedures ceasing.** There has been no successor to the Land Settlement Board and its district committees, abolished in 1986. This impedes both runholders and public groups from obtaining explanations or reviews of departmental decisions.
- **loopholes in the present administration being exploited by developers and some lessees.** This is instanced by:

- *illegal roading* in the Ryton basin of the Craigieburn

Range.

- *widespread unauthorised commercial activities* including hunting, fishing, skiing, widely advertised and often billed as "exclusive" operations. No assertive action is being taken to control these. Many of these activities directly impinge on other recreationalists with access being refused and snow, fish, game and scenery suddenly becoming privatised.

- *gross burning infringements* are not being followed by prosecutions.

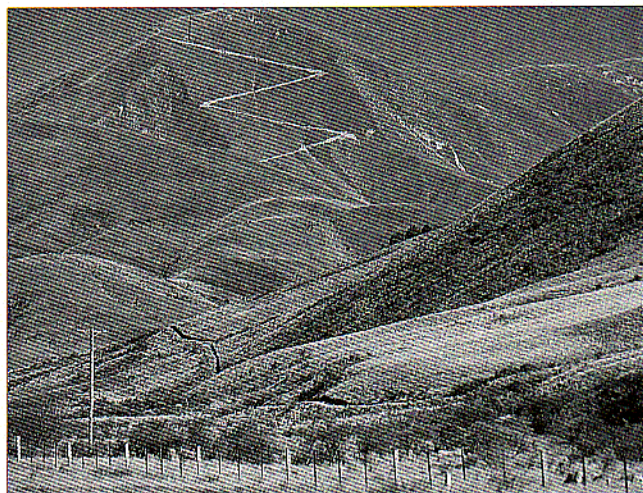
- *known cases of overstocking* of sensitive tussocklands are not being rectified.

- *orders for restoration works* on illegally drained wetlands are not being enforced.

This wasteful and damaging situation has to stop!

Farm tracking on Longslip Mountain above the scenic Lindis Pass highway. DOC needs powers to prevent further such disfigurement on pastoral leases.

Bruce Mason



Changing Perceptions

Pastoral leases remain the only major land holdings left of the Crown lands estate, other than protected areas which are under separate legislation.

For some years a number of people - both Government officials and independent observers - have felt that the present system of pastoral leases is not appropriate for mountain lands. Under the 1948 Land Act a pastoral lease conveys perpetual rights of renewal, carrying with it exclusive rights of occupation (see box). Pastoral tenures were conceived at a time when extensive grazing was seen to be the only possible use for these lands and soil erosion the only threat. This is no longer the case.

Major advances in Government policy affecting mountain lands have occurred during the last 40 years only partly matched by amendments to the Land Act. In many areas the policy is not clearly supported by the law, a situation that is now proving damaging for the public interest.

Government policy changes over the years have been a logical consequence of increasing diversification in primary production on the better lands, tourism, a growing interest in public recreation, and rapidly increasing awareness of the rich and varied natural values over such a large "forgotten" slice of the South Island. These areas are largely unrepresented in New Zealand's protected areas system yet contain a stunning array of rare plants, animals, and recreational opportunities. Major doubts exist as to the sustainability of grazing on "unimproved" native grasslands, raising questions as to the wisdom of allowing permanent use rights over these lands. This issue and nature conservation and public access-recreation concerns now match soil and water conservation which have historically been advanced as the sole basis for the Crown retaining ownership of the land and direct control over its use. This is recognised by Government having developed a large number of policies to safeguard non-commercial values in the high country.

Department of Lands' Proposals

The Department's review takes on board the Government's High Country policies. These promote the broad public interest in these lands *and* also respects existing lessees' rights. Contracts between the Crown and runholders will be honoured. The Lands Department proposes a categorisation of all land within individual leases

Their three categories are:

Category A: Natural or recreational lands deserving protection within DOC.

Category B: Multiple use lands with both natural and commercial values. New leases or rights of use would be designed to suit local requirements.

Category C: Land which is neither A or B. This would be offered to the existing pastoral lessee for freeholding.

Once the land is categorised, a complete package is put to the lessee, with no compulsion to accept but offering favourable terms for freeholding. Alternatively increasing rentals on the lease make it attractive for the runholder to accept the package.

The process only goes ahead if the lessee agrees to the total package. No selective freeholding would be permitted while hanging on to the balance as pastoral lease.

As at 31 March 1988 there were 412 pastoral leases and licences covering 2.85M hectares or 10% of New Zealand.



Uncertainty of access has been a longstanding problem on pastoral leases. The Department of Lands propose creating waterside accessways along the banks of all streams greater than three metres wide. Barbara Larson

Other Lands Department proposals include:

- Objectives for the management of pastoral leases, these being essential to provide legislative backing for Government policy.
- A consolidation of existing provisions for the protection of vegetation and soil cover.
- Retaining concessionary rentals for pastoral leases in recognition of their conservation restrictions.
- Waterside accessways. Riparian strips (the "Queen's Chain") will be deemed to exist along the banks of all streams greater than 3 metres wide whether or not they are shown on existing survey plans or lease titles. This is an important provision that will guarantee public foot access.

Other Provisions Needed

The PLC's experience under the former Lands and Survey administration, and the present system, indicates the need for other key provisions in the Land Bill:

- Only sustainable uses of natural resources be permitted on pastoral leases.
- DOC must have legal teeth on all conservation and recreation matters, and be able to directly advise the Office of Crown Lands (which replaced the Department of Lands on 1 November 1988).
- The Office of Crown Lands must consult DOC on all matters that affect conservation or recreation values.

Pastoral Leases

These provide:

- exclusive right of pasturage (trespass rights).
- perpetual rights of renewal for terms of 33 years.

Do not convey to the lessee:

- rights to the soil.
- right to acquire freehold.

The Crown's consent is required for:

- stocking in excess of limitations set by the Crown.
- changing use of land.
- burning.
- cultivating, sowing, felling bush.

Pastoral Occupation Licences

Maximum term 21 years, with no right of renewal and same restrictions as for pastoral leases.

• A range of offence and penalty provisions for breaches of leases so that the Crown has effective remedies and deterrents.

• Tighter control of commercial tourism.

• A Pastoral Lands Authority, consisting of nominees of major affected interests, to review policy, oversee departmental performance, and act as a semi-judicial body for rehearings of administrative decisions, determining categorisations, matters of dispute, and conducting inquires. (The present hiatus on pastoral leases is due largely to the absence of a body to fulfil these vital functions. The need will be even greater if the categorisation procedure is adopted with public input).

The key ingredient is dealing with each lease as a complete package, with voluntary exchanges of rights, and incentives for lessee acceptance. Farmers have already indicated to our Coalition their support for a comprehensive approach like this.

The PLC believes that all major interests can be satisfied by the changes proposed. There should not be any losers. The PLC has approached Federated Farmers seeking support for the Lands Department's approach and offering continuing liaison with them as the Land Bill evolves.

Why Central Government cannot shirk its responsibilities

• Pastoral leases stretch the length of the South Island and are a large and nationally important part of the Crown's estate. They require direct Ministerial responsibility, national policies, consistency in their administration, and management skills not unlike those used in our national parks and major reserves.

• Devolving management responsibility to regional Government will create difficulties in monitoring administrative performance, and the likelihood of differing and contradictory standards between regions.

• Regional and local authorities are notoriously parochial. Local interests will invariably over-ride the national interest unless there is close oversight and a willingness on the part of central Government to intervene.

• Catchment boards do not have the breadth of experience or expertise necessary to do the job. The specialist fields of nature and landscape conservation, and high country recreation management are not within the competency of catchment authorities.

• Catchment boards have a development bias that would compromise their ability to manage pastoral leases according to Government policy. Many subsidised soil and water conservation works in the high country have been at the direct expense of nature conservation and recreation values.

• Direct central Government involvement is most cost effective. It is simple, accountable, and will mean that people already dealing with pastoral leases will continue to apply their specialist knowledge and experience.

There must be a strong commitment from Government to provide the funding necessary to instigate natural areas, recreation, and landscape assessments prior to embarking on categorisation.

What you can do

1. Write to Deputy Prime Minister Geoffrey Palmer asking that Government does not depart from the principles it established in 1986 of Crown ownership and central Government administration of pastoral leases during the current review of the Land Act.
2. Write to Minister of Lands Peter Tapsell supporting the approach of the Department of Lands to pastoral leases in its draft Land Bill.
3. Visit the South Island high country this summer.
4. Acquaint your family and friends with the matters raised in this issue (pass on this copy or reproduce it for wider distribution).

Commitment to Consultation

The Public Lands Coalition is committed to consultation between member bodies, with high country runholders, government agencies and kindred groups. In the last 12 months we have run 3 major public gatherings at Molesworth (Marlborough), Cass (North Canterbury) and Lake Heron/Rakaia (South Canterbury) attended by nearly 300 people including invited runholders and officials who took part in talks and workshops. We have undertaken a series of meetings with Federated Farmers to develop mutual understanding on high country issues. We have met officials and ministers to put the case for protecting conservation and recreation values in the high country.

Now we need your help:

- Please write to the Ministers in this issue.
- Please send your name and address if you can help with information, photos, field work or research to:
PLC Researcher,

- In Easter we plan a major high country gathering near Queenstown.

- Please send us a donation to the:

PLC's goals for pastoral leases and other Crown lands

- 1 To retain all lands of important conservation and recreation value in Crown ownership with public control through central Government.
- 2 To ensure the survival of native ecosystems, species, and landscapes which in the aggregate give special value to the high country.
- 3 To protect fish and game bird habitats for the use and enjoyment of the public.
- 4 To provide unobstructed public access rights to conservation lands and enhanced public recreational opportunities generally.
- 5 To create wider public and political recognition of the special significance of the high country, and coastal, river, and lakeside reserves to New Zealand.
(A full copy of the PLC's Charter is available on request).