

QUEEN'S CHAIN FACTS

The Conservation Law Reform Bill as it affects Marginal Strips

(As reported back by Select Committee, 13 December 1989)

PRIME MINISTER'S STATEMENT

On 28 November Mr Palmer stated 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 its protection, not the reverse.

BILL CHANGES CONSISTENT WITH GOVERNMENT'S STATED INTENTIONS

1. Retention of Crown Ownership of the land is now certain, however see #5 below.

2. Removal of ability to revoke and dispose of strips.

This secures *existing* strips, however see # 4 below regarding *new* strips.

PROVISIONS INCONSISTENT WITH GOVERNMENT'S INTENTIONS

3. Powers of closure over strips widened. *Contrary* to claims from MPs on both sides of the House, changes to the introduced version of the Bill widen the circumstances under which strips can be closed to public access and use.

The ability for managers to close strips 'temporarily for operational or safety reasons' has been removed. However the changed Bill provides for the Minister of Conservation, on the request of a manager, to close a strip "where any operation proposed on the strip will significantly affect public safety or where closure is necessary in any case to protect any asset."

There are no restraints, limitations, or time limits on the exercise of this power, which will likely be delegated to local officials, and *it will replace the public's total right of access at all times that exists under the Land Act.*

4. New waivering or disposal provision. An entirely new disposal clause has been added. New section 24AA will allow the Minister, by notice in the *Gazette*, to declare any Crown land to be not subject to the requirement to establish marginal strips.

This has obvious implications for the Government's massive land sales programme, pastoral leases, and other lands of the Crown. The public can have no future assurance of access over these lands, many of which are of prime recreational value. The new provision is also contrary to the Government's commitments to create and retain the Queen's Chain, contained in the establishment legislation for the State-owned enterprises and the Department of Conservation.

5. Appointment of managers. The amended Bill now allows the Minister ('may' replacing 'shall') to appoint adjoining landowners, or some other 'more suitable' person, as managers.

While the Crown will continue to own the land, managers will have considerable proprietary interest in the improvements created to and on the land. This may outweigh the Crown's legal interest. Privately owned improvements may include buildings, shore facilities, fishing lodges, fences, crops, pasture, trees, and induced soil fertility.

Under the Land Act, to be replaced by this Bill if it becomes law, divesting of the Crown's management control and the establishment of private interests or 'improvements' is forbidden.

PROGRESS OF THE BILL

Currently held over while Parliament in recess; will re-convene 20 February. Second reading etc and royal assent may follow shortly afterwards.

PUBLIC LANDS COALITION'S POSITION —

In keeping with Mr Palmer's statement the PLC is seeking further changes to the Conservation Law Reform Bill by:

1. Removal of all powers of closure to public access.

2. Requiring the establishment of marginal strips along sea and river shores, and along river banks when *any* adjoining 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.

Please write urgently to the Prime Minister, asking for the above changes to the Conservation Law Reform Bill.