

PRESS STATEMENT

HON PHILIP WOOLLASTON

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MINISTER OF CONSERVATION

PUBLIC LANDS COALITION CLAIMS REBUTTED

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Conservation Minister Philip Woollaston says that he rejects absolutely reported claims by the Public Lands Coalition that the Government plans to "give away the Queen's chain."

"The reported claims of the Public Lands Coalition are outrageously wrong. The Conservation Law Reform Bill does not, as they claim, transfer marginal strips to private ownership. In fact the bill expressly and explicitly reserves them to the crown.

"The new proposals provide a stronger protection of marginal strips than does the present Land Act. In future, reclassification can only occur if the strip has little or no conservation or public access value, or if any such values can be protected in some other way. This is a significant improvement", said Mr. Woollaston.

ENDS

Mr. Woollaston will be available for comment until 5pm on Friday 8th September. Phone Parliament extension 8954 or (04) 719954.

THE QUEEN'S CHAIN

There have been a number of statements made in recent weeks which grossly misrepresent the facts on marginal strips.

Some of these statements and the facts are set out below.

Statement 1:

Of Section 58 of the Land Act: "There was no Ministerial discretion as to whether the [Queen's Chain] should be reserved".

Fact:

Section 58 of the Act says that the strip shall be reserved along the banks of rivers and streams "Unless the Minister of Conservation considers it unnecessary to do so". (Section 58 (1) (c) of the Land Act 1948).

This is a total discretion which cannot be challenged on any objective grounds. (In respect of the sea coast and margins of lakes over 8 ha the discretion is similarly unfettered, but relates to "the reduction of the width of the strip of land to not less than 3 metres")

Statement 2:

"Nor was there any mechanism for allowing the strip to be sold..."

Fact:

Section 58 of the Act only applies when land is being sold. If the discretion above is exercised the land is not reserved from sale. That is, in simple language, it is sold.

Statement 3:

"The Conservation Law Reform Bill specifically repeals Section 58 of the Land Act and substitutes a Ministerial discretion..."

Fact:

The discretion in the Conservation Law Reform Bill to declare land not to be marginal strip is very narrow. In the words of the Bill it can only be exercised if:

Either:

- (i) The strip has little or no value in terms of conservation and the provision of public access; or
- (ii) Any value the strip has in terms of conservation and public access can be effectively protected by another means ..."

This is an objective test, clearly enforceable in the courts and leaves little or no room for the exercise of ministerial whims. It is very much stronger than the virtually unfettered discretion in Section 58 of the current Land Act.

Finally, it has been suggested that, in pointing out that under existing law the Minister of Conservation can decide not to reserve a marginal strip along a river from sale, I am "misleading the public" and "cannot even read the Land Act correctly". I enclose a copy of Section 58 of the Act. You may care to read it so that you can judge for yourself.