

PRESS STATEMENT

HON PHILIP WOOLLASTON

1 MARCH 1990

MINISTER OF CONSERVATION

PLC's "Queen's chain facts" ARE FALLACIES

---

A news sheet circulated by the Public Lands Coalition's Dunedin Office is based on a number of misapprehensions on the law as it now stands, according to Conservation Minister Philip Woollaston. "The latest claims by the PLC's Dunedin branch are a mixture of fact and fallacy," said Mr. Woollaston.

"There is no total right of public access at all times under the Land Act, as PLC claims. One of the problems of the present law is that the public has no guaranteed right of access to marginal strips.

"The Bill currently before Parliament guarantees public access, with the provision for the Minister (not a neighbour or manager) to restrict access when justified. The PLC correctly point out that the word "temporarily" was omitted in the Bill was reported back from the select committee. I am now looking at re-inserting that by way of a Supplementary Order Paper.

"The pamphlet incorrectly claims that a new disposal clause has been added. The power in the original Bill to dispose of marginal strips has been removed entirely. It has been replaced by a clause allowing for a decision to be made at the time of the disposal of land to retain or not to retain a marginal strip. The present law also allows the Crown not to take a strip.

"The discretion in the Bill is much more restricted than the powers in the current Land Act. At present the Minister of Conservation may decide not to take a marginal strip, or reduce it to down to 3 metres, without being required to consider anything. The Bill allows the Minister not to take a marginal strip only if it would have little or no conservation benefit. I am however prepared to consider whether the Bill should be further amended so it accords more closely the old Land Act.

"PLC assert that managers appointed under the Bill will have considerable proprietary interest in improvements created on the land which may outweigh the Crown's legal interest as owner. That is clearly not the case; however if it is not obvious a further clarification may be required.

"The PLC claim that fishing lodges and suchlike may be built on a marginal strip. The Bill clearly does not allow that. It requires that marginal strips be managed for the purposes of conservation and public access. A fishing lodge, whether private or commercial, would obviously be contrary to these purposes and could not be allowed on a marginal strip.

"I appreciate the desire of PLC to achieve public access to marginal strips. While some minor and technical changes will be made in a Supplementary Order Paper, the legislation now demonstrates the Government's determination to secure that right for New Zealanders," said Mr. Woollaston.