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COVER: The pied stilt or poaka, *Himantopus himantopus leucocephalus*, is a wader common to wetlands and mud flats. This pied stilt was photographed roosting by a shallow Waikato pond. Photo by Brian Enting.

INSIDE COVER (OPPOSITE): Moss hummocks in the Rahu Saddle-Maruia area. Surrounded by a mosaic of pakihi and beech forest, this delightful bog is in the catchment of the Grey River. Photo by Brian Enting.

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Use of public land

SIR WILLIAM MARTIN, New Zealand's first Chief Justice, once remarked that most of the cases that came before him were disputes about women or land. Though such a statement would today be branded as male chauvinism at least in part, it is only too obvious that the status of women in society and the use of land, especially public land, are issues that arouse passion and protest today.

Fortunately our Society's aims in this context are limited to land use. For the use of land is the very essence of our efforts to protect native animals and native forests. Habitats must be protected if their inhabitants are to survive. Our concerns must extend to wetlands and coastal areas.

We find ourselves interested and involved in such issues as the claims by the Te Atiawa people to prevent possible pollution of their fishing beds on the North Taranaki reefs. The report of the Waitangi Tribunal is subject to political veto, and the power of decision really rests with the Executive Government.

The position is the same under the National Development Act, the Mining Act, the Forests Act, and the Reserves Act. Under all these Acts the public inquiries that are conducted by the appropriate tribunals or departments are subject to final political decision. This decision need not follow the recommendation in the reports and recently it has not in several notable areas. This procedure is neither new nor particularly objectionable in form. Appeals to the Privy Council from the decisions of our Court of Appeal are in this form. The Judicial Committee only recommends its decisions to Her Majesty. By convention the Crown invariably accepts the recommendations. No arbitrary power is used. So public confidence is retained.

On the other hand ultimate decisions and exercise of power by Ministers in the name of the Crown, over public lands, are criticised as being motivated by short-term political gain. It is impossible to allay this criticism, however unfounded, when decisions are made by a Cabinet holding office for 3 years at a time.

Our Society has since 1974 at least championed the importance of full and open public inquiry and non-political decisions on the use of public land. The publication of management plans and the holding of public hearings to evaluate them are already provided for in the Forests Act and the Reserves Act. However, this is not obligatory. The Minister can effect decisions as to the use of forests and reserves without doing so. There is also inadequate provision for observing the decision-making process. Reasons for decisions are not usually given. An obligation to give reasons is a salutary requirement. Failing to give full reasons precludes analysis and criticism by opponents or vindication by proponents. It offends common sense to say that the decisions are too important for such a process and requirement.

I would very much like to think that reforms in this area will be considered in line with avowals of more open government so popular at the moment.

—A. A. T. Ellis, President