



fact sheet



The Crown Lands Review – update

Interagency steering committee

In June 2012 the NSW Government began a review into the management of Crown land. The aim of the review was to address the overall management of Crown land including legislation, financial management, governance and business structure.

Release of the White Paper

In April 2014 the NSW Government released the Crown Lands Review White Paper. The White Paper proposed significant changes to the way Crown land is owned and managed in NSW.

Consultation

The NSW Aboriginal Land Council (**NSWALC**) provided a submission to the White Paper (see NSWALC factsheet – *the NSW Government White Paper and the NSWALC position*). The submission is available on the NSWALC [website](#).

Impacts on Aboriginal land rights

The *Aboriginal Land Rights Act 1983* (NSW) (**ALRA**) is remedial and beneficial legislation that was enacted to remedy the dispossession of Aboriginal people. The land claim process is the cornerstone of Aboriginal peoples realising the land justice and economic outcomes envisaged by the ALRA. Changes to the way Crown land is owned and managed will have impacts on Aboriginal land claims processes and the claimability of Crown land.

The review process and content

NSWALC is of the view that the Government should ensure that the review is conducted in a

transparent manner. Reform agendas should be guided by meaningful consultation and collaboration and robust assessments of cultural, social and environmental values of Crown land.

On 5 August 2015, NSWALC received correspondence from the Minister for Primary Industries and Minister for Lands and Waters acknowledging the beneficial nature of the ALRA and confirming that the Government does not have an agenda that could erode the compensatory elements of the ALRA.

Additionally, the Minister confirmed that **NSWALC would have a seat at the table** with a range of Government Departments to discuss the Crown lands review and Aboriginal Land Agreements.

It was the consistent and coordinated advocacy of Aboriginal Land Councils throughout NSW that led to NSWALC's inclusion on this group.

Local Land Pilots

The NSW Government (Department of Primary Industries) along with four councils (Warringah Council, Tamworth Regional Council, Tweed Shire Council and Corowa Shire Council) have been conducting pilots to test criteria for identifying 'local land'.

The draft local land criteria is:

- land that is providing a public good, predominantly for people in the local area or in adjacent parts of neighbouring local government areas
- land that is used for purposes that are consistent with the functions of local councils
- land that is managed as a community asset by councils or some other body.

Crown Lands Review – Update

The NSW Government has been recommending that where councils manage Crown reserves they should be managed under local government legislation. The NSW Government has also stated that it envisages that certain types of Crown land will not be classified as 'local land', even if they have local as well as state values (for example beaches).

The Department has stated to NSWALC that no land will be transferred or sold as a part of the local land pilots. The Department has also noted that the pilots will not impact on the application of the *Aboriginal Land Rights Act 1983* or the *Native Title Act 1993*.

Development of legislation

New Crown lands legislation will consolidate the following laws:

- *Crown Lands Act 1989*
- *Crown Lands (Continued Tenures) Act 1989*
- *Western Lands Act 1901*
- *Commons Management Act 1989*
- *Trustees of Schools of Arts Enabling Act 1902*
- *Public Reserves Management Fund Act 1987*
- *Wentworth Irrigation Act 1890*
- *Hay Irrigation Act 1902.*

The Department has noted that legislation will be drafted over the coming year. NSWALC is seeking further information about the timeframe and consultation processes.

The Crown Lands Review is ongoing, and NSWALC is committed to continuing our advocacy in this space.

We will keep the Network up to date with any developments.