



OPEN LETTER

Crown Land Management Amendment (Statutory Review) Bill 2026

We, the undersigned organisations, write to express our deep concern regarding the *Crown Land Management Amendment (Statutory Review) Bill 2026 (the Bill)*.

In its current form—and in the manner in which it has been introduced—this Bill represents a serious departure from principles of transparency, accountability, and respect for established legal rights.

OUR POSITION

We call on the Government to take one of the following steps:

- Withdraw the Bill in its entirety; or
- Amend the Bill to remove provisions that undermine established legal protections and Aboriginal land rights.

LACK OF TRANSPARENCY

The Bill was introduced into the NSW Legislative Council late in the evening of 17 March 2026 without prior notice or consultation with key stakeholders, including the NSW Aboriginal Land Council. This lack of engagement is deeply concerning, particularly given the significant legal and social implications of the proposed changes.

The Bill was presented as a routine outcome of a statutory review of the Crown Land Management Act 2016. However, the review report itself was tabled nearly two years late—and only after the Bill had already been introduced. There has been no meaningful consultation since early 2024, and critically, the contents of the report do not align with several key provisions in the Bill.

MISCHARACTERISATION OF THE BILL'S IMPACT

Public statements accompanying the Bill assert that it introduces minor, beneficial administrative changes and does not adversely affect the public or any specific group.

These claims are misleading.

In reality, the Bill introduces provisions that:

- Remove or weaken public interest protections governing the use and management of Crown land;
- Expand powers for authorised officers to enter and issue orders affecting neighbouring landholders;
- Introduce retrospective powers that alter existing legal rights and obligations; and
- Undermine Aboriginal land rights by targeting undetermined land claims under the Aboriginal Land Rights Act 1983.

EROSION OF ABORIGINAL LAND RIGHTS

Of particular concern are provisions that retrospectively validate previously unlawful uses of Crown land and redefine what constitutes a “lawful use” under legislation. These changes directly affect inchoate Aboriginal property rights and appear designed to circumvent longstanding legal principles affirmed by the courts, including the High Court.

The Bill does not clearly disclose these intentions. Instead, the relevant provisions are technical and opaque, with no explicit reference to their impact on Aboriginal land claims. This lack of clarity raises serious concerns about legislative intent and democratic accountability.

Retrospective lawmaking of this nature undermines legal certainty and public trust. As affirmed by the High Court, in a system governed by the rule of law, any legislation that alters existing rights retrospectively must do so with clear and unambiguous language. That standard has not been met here.

WEAKENING OF PUBLIC INTEREST PROTECTIONS

The Bill also diminishes long-standing safeguards that ensure Crown land is managed in the public interest and in accordance with its designated purposes. These protections are essential to maintaining equitable access, environmental stewardship, and community benefit.

Additionally, new enforcement powers affecting neighbouring landholders are unnecessary and disproportionate, particularly given the existing roles of local government and environmental regulators.

A CALL FOR ACCOUNTABILITY AND SCRUTINY

The cumulative effect of these provisions is profound. Yet they have been introduced without adequate disclosure or Parliamentary scrutiny. This approach is inconsistent with democratic norms and risks setting a troubling precedent.

We believe that legislation of this significance must be subject to rigorous examination, including transparent articulation of its purpose and impacts and genuine consultation with affected communities and stakeholders.

CONCLUSION

This Bill, in both substance and process, raises serious concerns about fairness, transparency, and respect for established rights—particularly Aboriginal land rights.

It is incumbent upon us to speak clearly and collectively in defence of these principles.

SIGNATORIES

Organisation Name

Contact Details

Date