Crown Lands (Prevention of Sale) Bill.

Second Reading

Mr IAN COHEN [11.33 a.m.]: I move:

That this bill be now read a second time.

I thank members who have allowed what, I am sure, will be a short debate. The bill deals with the rank hypocrisy of the Government. I respect the Opposition's contribution to suspending standing orders to allow debate on the bill. They have been consistent. However, I disagree with them. Areas of high conservation land should be treated far differently, and I have grave concerns about the amount of such land that is sold off. If it is only grazing land, which the Deputy Leader of the Opposition spoke to me about earlier today and about which I am not so much concerned, it may not be in dispute. But many areas contain sensitive environmental lands that will be recategorised and sold off at 3 per cent of the market rate. I refer to the second reading speech in 1993 of Mr Martin, the then honourable member for Port Stephens, on the Crown Lands (Prevention of Sale) Bill, which is exactly the same bill I introduced. He said:

In July 1990 the then Premier placed a moratorium on the freeholding of Crown or leasehold land following the lifting of the previous Government's Crown land conservation policy. The policy of the previous Labor Government enabled Crown lands of certain values to be referenced by, for example, the National Parks and Wildlife Service or the Forestry Commission, if it was considered appropriate for their future needs, that is to say either for inclusion in the national park or for merchantable timber purposes. Under the Crown Lands Act 1989, land assessment procedures are set out in part 3, section 30 (1) and part 4, section 35 (1), the latter giving broad powers to the Minister. On 7th May 1993 the Minister for Conservation and Land Management announced the lifting of the moratorium on leasehold conversions, allowing processing of applications for Crown leases to be converted to freehold title, except where an interest is held by the National Parks and Wildlife Service or other agency, which must acquire such land within five years.

There are approximately 1,600 of the 2,000 Crown leases in question with values considered to be environmentally sensitive. The Government has claimed it has examined such leasehold property and is in a position to make recommendations about restrictions being attached to the freehold title. However, many people have expressed concern that there is not sufficient protection and that environmentally sensitive Crown land should not be sold. My purpose in introducing this legislation is to ensure that no government departments listed in the legislation carefully review each application for conversion. The bill also will make it possible for the Parliament to scrutinise sensitive conservation issues such as protected lands, habitat, and continuity of wildlife corridors by requiring the Minister to lay upon the table of the House assessment reports of applications for conversion of Crown leasehold land.

Where are we today with these assessment reports? We are seeing wholesale conversion, yet in 1993 the importance of these checks and balances and the impact of the changeover of leasehold land on areas of conservation significance were clearly laid out. Mr Martin continued:

Alienation of leases increased dramatically in the late 1980s after the changing government and departmental policy resulted in the abandonment of the 1978 conservation policy. This caused an outcry from conservationists and put the National Parks and Wildlife Service in an envious situation: it had to purchase, within a limited time, leases where it objected to conversion, or abandon its notified interest in them. Many conversions proceeded, with National Parks and Wildlife Service unable to purchase them. Traditionally, the National Parks and Wildlife Service has objected to the conversion of any lease that was predominantly naturally vegetated or known to contain other important features, such as Aboriginal sites or relics.

State Forestry would object to conversion mainly because of the presence of commercial timber. If stands of merchantable timber are present, State Forestry can gazette the lease as State forest within 12 months of the conversion application. Theoretically, this gazzettal also could be used to protect an area. The purpose of the gazzettal is not crucial. Alternatively, if logging of the lease is seen to be more of a one-off extraction exercise, the lease can be converted to freehold title, but it must first go through 10 years of conditional purchase title. During this time State Forestry can extract the merchantable timber as it sees fit.

Until the 1980s the Department of Lands mostly heeded the advice of other agencies, although compromises were often made. Even though the previous Department of Lands and its replacement, the Department of Conservation and Land Management, were and are able to control a clearing on leases, illegal clearing has often occurred. Permits for clearing are required on leasehold Crown land under section 27G of the Forestry Act 1916. State Forestry owns and has rights to extract timber from leasehold Crown land. State Forests would oppose the granting of clearing licences mainly because of the presence of commercial timber, but it can also oppose clearing licences under section 8A (2) of the Forestry Act.

This authority for refusing on environmental grounds was upheld on 6th December, 1982, by the Supreme Court of New South Wales in the case of *Evans* v. *Forestry Commission of New South Wales* …

The Department of Conservation and Land Management has never produced an environmental impact statement for a clearing license application for leasehold Crown land under part 5 of the Environmental Planning and Assessment Act 1979. Yet sections 111 and 112 of the Act provide mechanisms for refusing a clearing operation on environmental grounds. Given that many of these leases contain significant wildlife or scenic values, it would be difficult to conclude that clearing them would not significantly affect the environment. The National Parks and Wildlife Service afforded a detailed briefing to the then Premier, Mr Greiner, outlining the impact these conversions were having on the State's natural and cultural heritage.

In response, in July 1990 the then Premier placed a moratorium on conversions of leasehold Crown land. The National Parks and Wildlife Service and the then Department of Lands were given time to work out long-term solutions, something neither agency has done. It must be said that from 1970 to 1990 a massive amount of pressure has been borne by the Crown lands of this State. It is only right that we care for the land, which belongs not only to our children but also to their children.

Mr Martin, who later became a Minister of the Crown, clearly indicated Labor's opposition to the Coalition's plan. In an interesting debate on 19 May 1993 Ms Pam Allan, a Labor Opposition member who later became Minister for the Environment, said:

… the Government must put in place a proper system to ensure that those environmentally sensitive lands that the Government now wants to flog off are protected. When former Premier Nick Greiner decided before the 1991 State election, quite astutely, that it was important that the Government put in place this moratorium, I think the former Premier knew even then that a system had to be found to ensure that environmentally sensitive land was not going to be sacrificed by the extremely ambitious and cowboy-like Minister for Conservation and Land Management.

It is interesting that that tradition has carried on in certain portfolios under this Government. Ms Allan continued:

Unfortunately, not only did the former Premier suffer personal and political demise, but the new bunch that took over—the current Premier, John Fahey, the Minister for Conservation and Land Management and the pathetic, wimpish Minister for the Environment—failed to act on the promise made by the former Premier to put in place a system which would make the various stakeholders—the farming community, the conservation community, the Opposition, Government backbenchers and Independents—feel confident that these lands would be protected. As my colleagues the honourable member for Port Stephens and the honourable member for Cessnock have already pointed out, many pieces of land that could be quite appropriately disposed of in the way proposed by the Government, and other land is environmentally sensitive.

That is what Pam Allen said during debate on a matter for urgent consideration, Crown land leasehold conversion. It is quite clear that this matter needs to be debated urgently—the former Labor Opposition was so clearly strident with indignation at the flogging off of our valuable Crown leasehold lands. Now the Labor Government has introduced a budget bill that provides for the wholesale flogging off of leasehold land and it has been passed without debate. The Labor Opposition raised a hue and cry about the Coalition's introduction of the Crown land leasehold conversion legislation in May 1993, but now this Labor Government has done the very same thing.

The Government has done an absolute backflip and has introduced a bill in line with the Coalition Government's bill that it opposed in 1993. Effectively it is offering $30 million worth of land at 3 per cent of the market value; that is, one million acres with a potential value of $1 billion being sold off at 3 per cent. I understand the arguments for that, but it is absolutely important that we recognise that Bob Carr said this in 1993 about the proposed fire sale of Crown lands:

There may not be a decision in this Parliament that will reverberate down through the years like this one … If that land is sold and much of it cleared, then there is no comeback. The public hasn't got have a chance of asserting its interests. If there is environmental degradation … as a result of that land passing into private ownership; there is no way a future government, no matter how good its environmental policy, can rectify that wrong.

I wish we had today the leader that Bob Carr was in 1993, sticking to his principles and maintaining the rage against the privatisation of Crown land. Instead, the bill went through the lower House with no debate in the blink of an eye on a wink by the Treasurer. He is doing as bad as any Coalition government has done. The current Coalition is at least maintaining a degree of consistency. My argument is about the hypocrisy of the Carr Labor Government announcement in the mini-budget of 6 April that it would seek to encourage the conversion of freehold status of approximately 11,000 Crown leases, one of the biggest privatisation exercises in the past 50 years. Yet nothing has been said apart from what I have said today.

If I had not raised this matter, this major and significant change in the landscape of New South Wales would have gone by unnoticed, with a paltry profit for the Treasury. The sale of that one million hectares, about 2,500 Crown leases, requires the approval of the Minister for the conversion to proceed. Almost all the lands have outstanding conservation value and should be protected at all costs. Many are the last remnants of vegetation on which the very survival of plants and animals in the region will depend. Converting them to freehold will see the Government lose control and the conservation value lost for ever. I have no argument with the Hon. Rick Colless, who said that these areas may only be

farm land. However, much of this land has been the subject of debate over the past 10 years, and will continue to be debated. It is those areas about which I have grave concerns.

The Government is now proceeding with its plan through the Crown Lands Legislation Amendment (Budget) Bill, which was introduced last Tuesday as a cognate bill to the Appropriation Bill, The Greens want the Government to finish the job ably commenced by Labor in 1989 and continued in 1993. The Greens want to see passed the bill that Labor introduced in 1993, because that will ensure that the same restrictions are placed on Labor that Labor wanted to impose on the Coalition. I commend the Crown Lands (Prevention of Sale) Bill to the House.
