

c2016-111A
CDP--Christian Democratic Party (Fred Nile Group)

LEGISLATIVE COUNCIL

Crown Land Management Bill 2016

First print

Proposed amendments

No. 1 **Retention of commons**

Page 3, clause 1.4 (1), line 29. Omit all words on that line.

No. 2 **Local land criteria**

Page 40, clause 4.6 (1) (d), lines 15 and 16. Omit all words on those lines. Insert instead:

- (d) the Minister is satisfied, after taking into account the criteria prescribed or identified by regulations made for the purposes of subsection (2), that the land is suitable for local use.

No. 3 **Local land criteria**

Page 40, clause 4.6 (2), lines 17 and 18. Omit all words on those lines. Insert instead:

- (2) The regulations may make provisions for or with respect to the criteria to be applied in determining whether transferable Crown land is suitable for local use.

No. 4 **Public consultation for community engagement strategies**

Page 46, clause 5.5. Insert after line 21:

- (4) Before approving or amending a community engagement strategy, the Minister must:
 - (a) publicly exhibit a copy of the proposed strategy or amendment for a period of at least 28 days along with any other explanatory material that the Minister considers appropriate or necessary, and
 - (b) allow submissions to be made about the proposed strategy or amendment during the exhibition period.

No. 5 **Community engagement for plans of management**

Page 46, clause 5.6 (1). Insert after line 32:

- (d) the period for notifications (if any) about proposed dealings or other action affecting Crown land use to which the strategy applies,

No. 6 **Retention of commons**

Page 190, Schedule 7, lines 34–36. Omit all words on those lines.

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- No. 7 **Retention of commons**
Page 192, Schedule 7, line 43. Omit all words on that line.
- No. 8 **Retention of commons**
Pages 198 and 199, Schedule 7, line 5 on page 198 to line 2 on page 199. Omit all words on those lines.
- No. 9 **Retention of commons**
Page 200, Schedule 7, lines 1–36. Omit all words on those lines.
- No. 10 **Validation of secondary interests**
Page 204, Schedule 7. Insert after line 12:
- 32 Continuation of validation of certain secondary interests**
- (1) Without limiting section 30 of the *Interpretation Act 1987*, each of the following remains unaffected by the repeal of the *Crown Lands Act 1989*:
- (a) any validation by clause 59 of Schedule 8 (the **former validation clause**) to the *Crown Lands Act 1989* of an existing secondary interest (as defined by that clause),
- (b) any conclusive presumption in respect of those interests provided by the former validation clause,
- (c) the application of section 104A (Saving of native title rights and interests etc) of the *Native Title (New South Wales) Act 1994* to the validation of any interest by operation of section 34AA of the *Crown Lands Act 1989* and the former validation clause.
- (2) The power of the Minister under section 2.19 to validate a secondary interest as referred to in that section extends to an existing secondary interest (as defined by the former validation clause).
- (3) A reference in section 2.19 to the use of Crown land in accordance with the secondary interest before its validation under that section extends to use and occupation before the commencement of that section.
- (4) This clause extends to the operation of section 2.19 in its application to Crown land managers because of section 3.17.
- (5) However, this clause continues not to affect:
- (a) any decision of a court made before the commencement of section 34AA of the *Crown Lands Act 1989*, or
- (b) any land claim (within the meaning of the *Aboriginal Land Rights Act 1983*) made before 9 November 2012 (the date of the decision in *Minister Administering the Crown Lands Act v New South Wales Aboriginal Land Council (Goomallee Claim)* [2012] NSWCA 358).
- No. 11 **Retention of commons**
Page 205, Schedule 7, line 25. Omit “Council, and”. Insert instead “Council.”
- No. 12 **Retention of commons**
Page 205, Schedule 7, lines 26 and 27. Omit all words on those lines.
- No. 13 **Retention of commons**
Page 208, Schedule 8, line 3. Omit all words on that line.
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