

## Upper House Crown Lands Inquiry: Jervis Bay Regional Alliance recommendations of principles for inclusion into a new Crown Lands Act

The Jervis Bay Regional Alliance (JBRA) was asked on notice at the Crown Lands Inquiry by the Honourable Mick Veitch to provide a sound set of principles for a new Crown Lands Act. Having consulted with members, and more widely, we would like a new Act to consider the following points. Note, the JBRA does not support the widespread disposal of Crown Land as this is not in the best interests of future citizens of NSW.

### Questions

**The Hon. Mick VEITCH:** You may want to take this question on notice. You are aware that a new Act will be introduced into the Parliament, and the Minister indicated it may be late October. What would be a sound set of principles for the new Act?

**Dr SWEENEY:** I will come back to you on notice with a more thorough set of principles, if you would like. That would be quite a fun task. I would certainly take up what Mr Hillman said and the fact that as a society we have a duty to think more than simply one generation into the future and Crown land, as a key public resource, is becoming ever more scarce. One of the key principles, I would say, is that Crown land with particular recreation, ecological or amenity value certainly should not be sold off unless there is an extreme case for that and that decision-making on Crown land for the community needs to be very transparent. I think that is a real improvement that could be made as well as the flow of information in terms of the things I mentioned as to the locations and values of Crown land.

### General considerations

1. A new Crown Lands Act should carry over many of the objects from the current Crown Lands Act and the Western Lands Act;
2. Include environmental objectives such as “Maintain, protect and enhance the natural environment of Crown Lands including their biological diversity, ecological integrity, physical and natural resources and scenic values as objectives of management, consistent with the Local Government Act Natural Area Objectives for Plans of Management for Crown Lands”;
3. Aboriginal rights in relation to spiritual, cultural, material and economic use of Crown lands must be recognised and preserved;
4. The principles of Ecologically Sustainable Development must be the primary management consideration, that is:
  - a. The precautionary principle—namely that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation;
  - b. Intergenerational equity—namely that the present generation should ensure the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations;
  - c. conservation of biological diversity and ecological integrity;
  - d. Improved valuation and pricing of environmental resources.
5. The best interests of the citizens of NSW must be a primary consideration in any decisions regarding use, lease licensing etc.
6. Public use and enjoyment of Crown Lands should be encouraged consistent with principles of ESD and protection of Aboriginal spiritual and cultural heritage. Transparent, up to date and usable information on the location, management principles and uses of Crown land should be available to the public;
7. The community should be consulted and engaged in planning and management of Crown Lands.
8. Transparent, up to date and useable maps, plans of management and other information including the physical, ecological and as appropriate cultural values and uses of Crown Lands, should be available to the public.

### Considerations specific to Aboriginal land claims

1. Ensure that where Aboriginal land claims under the NSW Aboriginal Land Rights Act are successful, title to such land is transferred without delay;
2. Ensure that opportunities for future Aboriginal Land Claims are not over-ridden by privatization of Crown Lands by sale or lease;
3. Decisions to accept or refuse Aboriginal Land claims, should accord due weight to the primary goal of the NSW Aboriginal Land Rights Act, that is to benefit Aboriginal people;
4. Ensure that it is up to Aboriginal Land Councils and traditional owners to decide whether or not they wish to prioritise processing of their existing land claims, as a means of addressing the existing backlog of unprocessed claims;
5. In transferring title over successful land claims, funding must be provided to assist Aboriginal Land Councils to rehabilitate and manage their lands and to provide training both in standard land management methods, as well as culturally appropriate practices so that as appropriate, spiritual, cultural and environmental values of these lands are maintained;
6. Provide funding for Aboriginal Traditional Ranger training and employment programs as provided by the Australian Government on Aboriginal Protected Lands.