

Questions relating to the portfolio of Lands

14 OCTOBER 2008, 4.15 pm – 5.00 pm

Questions from Ms Hale

Travelling Stock Reserves

1. If Department of Lands takes over the control of parts or all of the TSR network in NSW:
 - a. How will the land management be funded (e.g. looking for and controlling environmental and noxious weeds and pest animals; checking for and responding to illegal activities such as unauthorised grazing or wood harvesting)?
 - b. What DoL staffing will be allocated to the management?
 - c. What additional administration will be needed by DoL to manage the various uses of the TSR network?
 - d. Will public access to all TSRs for recreational purposes such as bird-watching, fishing and picnicking be maintained?
 - e. If RLPBs and other managers are responsible for parts of the network how will DoL management be integrated to achieve consistency and maintain all values across the whole TSR network?

Answer:

Like any agency with a responsibility to manage public lands, Lands is happy to assume this responsibility. It will be achieved within the existing regional land management program to include the ongoing management of these reserves as they are returned. Lands has a contingent of Land management officers who are based in many of the decentralised offices around the state, all of which have been recruited on the basis of their operational skills in land management. The functions will include both the ongoing management as well as compliance and illegal use. We are also interested in developing joint management partnerships with the new Boards where there remains a need to retain partial use of these reserves by them. This will involve cost sharing both in terms of staff and operations.

- a. *As per above, we will assess the degree of staff allocation when we are clearer as to how many reserves will be returned, and their spatial location. But Lands involvement will be through the land management program, and the staff within.*
- b. *Building the TSRs into Lands Regional Crown Reserve structure will allow for a regional or landscape perspective to their management. This will provide efficiencies both in “hands-on” management and the administration of the various uses. As normal, administration will occur from the local office of Lands. The increase in revenue to Lands from the use of TSRs where appropriate, will offset any increases in administration and overall management, where and if required..*
- c. *Yes, this is a most important aspect which, indeed, we would like very much to further develop. But the various use suitabilities, from commercial, through recreational and social, to environmental service provision, will be consistently considered as TSRs are assessed.*
- d. *The Boards as well as Lands have similar responsibilities to ensure the management of TSRs is done consistently with sound environmental objectives in mind, and also to make them available for community use and access, where considered appropriate. However, management directly under Lands (Crown Lands Act 1989) will actually enable additional rigor for many of these multi purpose uses to occur, plus provide consistency with the management of other public lands that either adjoin or located*

in close proximity. I expect effective communication and collaboration to occur where different managers are involved.

2. If the Department of Lands takes over the control of parts of the TSR network in NSW:
 - a. How will the Department ensure that the nature conservation values of the ground cover and shrub layers are maintained, not gradually lost through pest animal or weed invasion, pasture improvement or inappropriate grazing regimes such as regular grazing in good seasons as well as droughts?
 - b. In any areas where grazing, harvesting (e.g. of timber or firewood), new uses or more intensive recreation are permitted, how will the Department ensure that all common and rare plant and animal species that live in or depend on the area have adequate opportunities for their populations to maintain or recover to near-natural density and abundance following these disturbances or periods of stress such as droughts?
 - c. Will the Department ensure that the potential value of the whole TSR network as corridors, stepping stones and refuges for species attempting to adapt to and survive climate change is maximised, and if so, how and with what resources?

Answer:

- a. *Sound plans of management will maintain or indeed, enhance these environmental values. Where grazing is involved, best advice regarding grazing management regimes will be sought and incorporated into management plans to avoid the damage to the natural ecosystem that set stocking is known to cause. Species invasion will be managed as part of the same plans.*
- b. *Development and implementation of sound plans of management will ensure these values are maintained, and where possible, enhanced.*
- c. *Linkages and connectivity of this reserves system is a very important consideration for all the reasons you mention, and will be managed through sound management plans with all these values in mind. I am confident that the current Hunter pilot will provide a framework which considers these.*

3. Given the pressure on Rural Lands Protection Boards to manage TSRs as a business in the adoption of the IMC report recommendations:
 - a. How will the RLPBs ensure that the nature conservation values of the ground cover and shrub layers be maintained, not gradually lost through pest animal or weed invasion, pasture improvement or inappropriate grazing regimes such as regular grazing in good seasons as well as droughts?
 - b. In any areas where grazing, harvesting (e.g. of timber or firewood), new uses or more intensive recreation are permitted, how will the RLPBs ensure that all common and rare plant and animal species that live in or depend on the area have adequate opportunities for their populations to maintain or recover to near-natural density and abundance following these disturbances or periods of stress such as droughts?
 - c. Will RLPBs ensure that the potential value of the whole TSR network as corridors, stepping stones and refuges for species attempting to adapt to and survive climate change is maximised, and if so, how and with what resources?

Answer:

The answers a, b and c to Question 2 above also apply to this question. However the question relates to the operations of the RLPBs and is therefore more appropriately a matter for the Minister for Primary Industries.

Delay in responding to Aboriginal Land Claims

4. Given the recent unanimous decision of the High Court in the Wagga Wagga land claim will the Government, and more particularly the Minister, take up the suggestion from NSWALC Chairperson Bev Manton that the NSW Government pause and reflect on the fundamental principles of the Aboriginal Land Rights Act, and the right of Aboriginal people to lodge legitimate claims for the return of land under the compensatory mechanism set out in the legislation?

Answer:

Neither the Government nor the Minister have ever disputed the fundamental right of land Councils to lodge claims under the Aboriginal Land Rights Act. The principles behind the act are well understood.

5. Does the Minister agree with Ms Manton's observation that the High Court decision clearly reaffirms the fundamental right of Aboriginal people to pursue such claims?

Answer:

This right was never an issue in either the High Court proceedings or any of the NSW State Court decisions which preceded the final High Court decision.

6. If so, can we expect the High Court decision to signal a change in the Government's attitude given Ms Manton's regret that Aboriginal people are being increasingly forced into timely and costly litigation to defend those rights?

Answer:

The Government will continue to focus on the particular status of land as at the date of claim. As is clear from the High Court decision this focus is a necessary and indispensable part of the claims consideration process. Likewise, the Government will continue to apply the relevant tests imposed under the Aboriginal Land Rights Act to those claims by taking into account the guidance offered in the majority High Court decision on the terms "lawful use" and "lawful occupation".

It must be remembered that the Minister won this case in the Land and Environment Court. The decision to take the matter on appeal to the Court of Appeal was taken by the Land Council. This was the first Aboriginal Land Rights Act appeal to be heard by the High Court involving the Minister as a party. Given that the Aboriginal Land Rights Act has existed for over 25 years and in excess of \$2 billion worth of land has been granted to claimant land councils it is simply not tenable to infer however faintly that the Government has used the legal process as a means of frustrating legitimate claims. This appeal was conducted in a straightforward and professional fashion with minimal delay and attendant expense. The Minister welcomes the decision of the High Court for providing some needed clarity in applicable legal tests.

St Ives Showground

7. Are there any plans to sell off or lease the St Ives Showground?

Answer

A plan of management is currently being prepared which may recommend leases for recreational or showground uses. There is no proposal to sell any of the Showground.

Old Campaign Ground at Wallaga Beach

8. The Old Camping Ground (dedication 580068 for Public Recreation) is an Aboriginal heritage site which is due for hand-back at a future date yet to be decided. The site is situated on Wallaga Beach, a beach that runs from the mouth of Wallaga Lake up to Mystery Bay. The only access to this beach is via road reserves (or paper roads) that run through private property and also run through wetlands. I understand that the Lands Department has offered for sale the road reserve that runs down to the Old Camping Ground and have approved the sale and forwarded to the applicant P.L. & H.J. Blessington an application to purchase it. Will the Minister make this purchase conditional upon formal permanent access to the Old Camping Ground being put in place?

Answer

I can confirm that as a result of an initiative by the Department of Lands to close unnecessary Crown public roads, an application was received from the owners of freehold Lot 2 DP 826655 at Akolele (near Tilba Tilba on the Far South Coast) for the closure and purchase of an unconstructed Crown road through and adjoining their lot.

Public access to this part of the coastline including the Crown land dedicated for Public Recreation, referred to as the "old camping ground" will not be affected as there is currently no formed track along the road to be closed. This is not the only access in this location, as there are two other formed Council public road access points – one to the north (Sherringham Lane) and one to the south (Serendip Lane).

I am advised that officers of the Department of Lands recently inspected the Crown road and established that it was not practical to pass along the entire length of the Crown road by foot, vehicle or other means to gain access to the foreshore. It was found that access to the foreshore could only possibly be gained by trespassing on the adjoining private land and using a bridge on this land to cross one of the creeks, or by creating environmental damage to gain access along the unformed road.

The application to close the road has been approved on the basis that

- a) it is fenced within the adjoining land,*
- b) is not constructed,*
- c) does not provide foreshore access,*
- d) there are no proposals to provide formal public access,*
- e) alternative Council public road access is available*
- f) the environmental attributes of the existing State Environmental Planning Policy 14 Wetlands area (which straddles the Crown Road) will be retained*

It is not necessary to make the sale conditional upon formal access to the old camping ground because it already has legal access via the Council public road system.

In relation to the comment that the land for public recreation has Aboriginal heritage and is due for hand back at a date yet to be determined or decided, I can advise that the land is the subject of a Claim under the Aboriginal Land Rights Act 1983.

This legislation provides a mechanism for determination as to whether land is granted to a Local Aboriginal Land Council. In this instance it will be necessary to investigate, in accordance with the legislation, whether the land is being lawfully used and occupied, or is needed or likely to be needed for an essential public purpose.

Fleet Cars

9. What is the percentage of hybrids in the car fleet associated with the Lands portfolio?

Answer

4.7% of the passenger fleet are hybrids.

10. Is there a mechanism within the agency to reward staff who choose not to exercise an entitlement to a fleet vehicle as a part of their package, but use public transport instead?

Answer

No.

11. What car does the Director-General drive?

Answer

The Director General currently drives a V6 Holden Commodore Calais.

Questions from Mr Gay

12. In the “Strategic Direction” of the Budget Papers (Budget Paper Vol 2 at 15.3) it states that there has been a “divestment of some land to its users, while other land will be sold.”

- a. How much land has been divested to its users in 2007/08 and what, if any, was the amount received for such divestment?
- b. At 15.4 of Budget Paper 3 Vol 2, it states 200 lots of the Crown Estate was sold in 2007/08. What was the cash value received by the Government for the sale of those lots?
- c. It is also noted at the same reference that since 2005/06 to 2007/08 654 lots have been sold. What was the cash value for all lots sold?
- d. Obviously you will have to take this on notice, but please provide a list, which will identify each 654 lots.

e. Where were the funds from any divestment or sales deposited. What does the Government intend to do with such funds?

Answer

12(a) During 2007/08, in excess of 1,800 lots or portions of lots were divested from Government ownership. The divestments provided revenue of over \$23.9 million.

12(b) During 2007/08 the sale of the lots referred to in the table provided \$17.5 million in revenue.

12(c) The cash value of all lots, referred to in the table, provided in excess of \$57 million in revenue.

12(d) A listing of all lots, referred to in the table, is contained in the following tables.

Details of sales for the 2005/06 financial year

Lots 1367-1369 DP 42955, Lot 126 DP 43056, Lots 673-674 DP 44198, Lot 261 DP 46958, Lot 58 DP 48018, Lot 1216 DP 48327, Lot 403 DP 48678, Lots D, E, Q DP 97301, Lot 3 DP 237547, Lot 835 DP 240858, Lot 1 Section 66 DP 246339, Lot 297 DP 720267, Lot 8 DP 722902, Lot 103 DP 727512, Lot 602 DP 728967, Lot 326 DP 729145, Lots 143, 161 DP 750043, Lots 40, 42, 65 DP 750115, Lot 150 DP 750401, Lot 118 DP 750663, Lots 54-55, 63-64, 89, 95, 159-160 DP 750908, Lots 78-79, 81, 83-84 DP 751660, Lot 210 DP 752017, Lot 178 DP 752032, Lot 223 DP 752048, Lots 943, 989, 1000, 1025-1026 DP 752053, Lot 268 DP 752178, Lot 155 DP 752595, Lots 77, 120-122 DP 752945, Lots 802-803, 809, 811 DP 753135, Lot 118 DP 753158, Lot 387 DP 753204, Lot 290 DP 753724, Lot 250 DP 754870, Lot 31 DP 755509, Lot 85 DP 755748, Lot 201 DP 756035, Lot 38 DP 757058, Lots 1890, 3242, 3439 DP 757298, Lot 14 Section 28 DP 758018, Lots 1-2, 4 Section 12 DP 758239, Lots 2, 6-7 Section 3 DP 758457, Lot 4A Section 13 DP 758636, Lot 20 Section 41 DP 759036, Lots 17-18 Section 31 DP 759123, Lots 16, 18-19 Section 35 DP 759123, Lot 6 Section 36 DP 759123, Lot 2731 DP 764842, Lots 4, 7 DP 820457, Lot 181 DP 822136, Lot 1 DP 842479, Lots 33-34 DP 874058, Lot 7003 DP 1020399, Lots 1, 4 DP 1022814, Lot 2 DP 1034511, Lots 1-2 DP 1038683, Lots 1-2 DP 1040176, Lots 1-2 DP 1044595, Lot 1 DP 1044914, Lot 10 DP 1045792, Lot 2 DP 1046256, Lot 15 DP 1053668, Lot 2792 DP 1056143, Lots 9, 14 DP 1056324, Lots 1-2 DP 1057448, Lot 7 DP 1057588, Lot 1 DP 1062669, Lot 6 DP 1062672, Lot 3 DP 1064338, Lot 1 DP 1067833, Lots 1-3 DP 1067922, Lot 2 DP 1068157, Lot 1 DP 1070765, Lot 2 DP 1072284, Lot 13 DP 1072668, Lot 1 DP 1073566, Lot 10 DP 1075394, Lot 1 DP 1078284, Lot 1 DP 1081206, Lots 1, 3 DP 1081917, Lot 5 DP 1082213, Lot 10 DP 1083260, Lot 1 DP 1083522, Lot 91 DP 1083780, Lot 274 DP 1084357, Lot 1 DP 1084938, Lot 2 DP 1085025, Lot 200 DP 1085161, Lot 11 DP 1086201, Lot 1 DP 1086234, Lot 1 DP 1086325, Lot 2 DP 1086834, Lots 1-6 DP 1087774, Lot 14 DP 1088460, Lot 1 DP 1092079, Lot 1 DP 1093188

Details of sales for the 2006/07 financial year

Lots 2-7 Section 5 DP 2780, Lot 601 DP 39962, Lot 3 DP 43620, Lot 23 DP 44222, Lot 58 DP 48119, Lots 2-3 DP 48619, Lot 701 DP 93547, Lots K, N, P DP 97301, Lots 1-2 Section 170 DP 244166, Lots 6, 8 DP 245606, Lot 10 Section 20 DP 246559, Lot 125 DP 705070, Lot 300 DP 722009, Lot 221 DP 723832, Lot 113 DP 724593, Lot 327 DP 729145, Lots 60, 102, 106, 145 DP 750291, Lot 176 DP 750834, Lot 10 DP 750875, Lots 49-52 DP 750904, Lots 232-233 DP 750942, Lot 334 DP 751650, Lots 76-77, 80, 82 DP

751660, Lots 75, 88 DP 751718, Lot 696 DP 751745, Lot 127 DP 752039, Lot 90 DP 752041, Lot 33 DP 752437, Lot 1336 DP 753135, Lot 106 DP 753598, Lot 249 DP 754870, Lot 434 DP 755215, Lot 570 DP 755790, Lot 1106 DP 755808, Lot 124 DP 755847, Lot 714 DP 755892, Lot 174 DP 756755, Lot 3476 DP 757298, Lot 17 Section 9 DP 758018, Lot 3 Section 1 DP 758179, Lots 13-14, 26 Section 77 DP 758258, Lots 19-20, 22-23 Section 4 DP 758446, Lots 3, 6 Section 6 DP 758446, Lot 8 Section 10 DP 758446, Lots 8, 12-13, 21-24 Section 21 DP 758446, Lots 8, 10, 19-21 Section 22 DP 758446, Lots 16-18, 20-22 Section 23 DP 758446, Lot 518 DP 820059, Lots 189-192, 196, 198-199 DP 820894, Lot 369 DP 823124, Lot 1 DP 829590, Lot 101 DP 863973, Lots 21-22 DP 870022, Lot 3 DP 881462, Lots 1-2 DP 1011880, Lot 1 DP 1021332, Lot 100 DP 1024769, Lots 4-5 DP 1024882, Lot 1 DP 1031778, Lot 1 DP 1034982, Lot 1 DP 1037845, Lot 1 DP 1040811, Lot 103 DP 1040981, Lots 1-2 DP 1047125, Lot 10 DP 1047870, Lot 1 DP 1051001, Lot 1 DP 1053836, Lot 3 DP 1054799, Lot 1 DP 1055510, Lot 3 DP 1055725, Lot 1 DP 1065350, Lot 605 DP 1066291, Lot 1 DP 1067663, Lot 1 DP 1068566, Lot 1271 DP 1068860, Lot 2 DP 1072504, Lot 2 DP 1079930, Lot 10 DP 1087590, Lot 21 DP 1087693, Lot 1 DP 1087861, Lot 7 DP 1089217, Lot 70 DP 1089611, Lot 1 DP 1089724, Lot 1 DP 1089727, Lot 1 DP 1091212, Lot 1 DP 1091694, Lot 1 DP 1094035, Lot 100 DP 1094401, Lot 1 DP 1094449, Lots 1-2 DP 1094527, Lot 1 DP 1095271, Lots 1-4 DP 1095720, Lot 1 DP 1096161, Lots 1-2 DP 1097929, Lots 2-3 DP 1097932, Lots 7, 9 DP 1097966, Lot 2 DP 1098744, Lots 1-2 DP 1098904, Lot 1 DP 1100497, Lot 1 DP 1102004, Lot 11 DP 1105250, Lot 14 DP 1105304, Lot 1 DP 1106257, Lot 1 DP 1107784, Lot 1 DP 1107970, Lots 1, 7 DP 1112346

Details of sales for the 2007/08 financial year

Lot 2 DP 39546, Lot 2 DP 40807, Lots 4620, 5979 DP 45008, Lot 190 DP 48708, Lot W DP 97301, Lot 1 DP 186016, Lot 403 DP 238290, Lot 8 DP 238463, Lots 71-72 DP 257592, Lot 1 DP 266915, Lot 72 DP 705087, Lot 1 DP 721934, Lots 1-5 DP 722959, Lot 47 DP 723437, Lot 131 DP 728787, Lot 167 DP 750246, Lot 117 DP 750291, Lots 67-68 DP 750522, Lot 321 DP 751137, Lot 55 DP 751631, Lots 108-111, 118 DP 751658, Lot 147 DP 752014, Lots 79, 403 DP 752017, Lots 2597, 2616, 2646-2647, 2651 DP 752038, Lot 649 DP 752053, Lots 162, 164 DP 752121, Lot 50 DP 752476, Lot 152 DP 753182, Lot 143 DP 754851, Lot 161 DP 754866, Lot 85 DP 754900, Lots 25-26 DP 755149, Lot 142 DP 755211, Lot 67 DP 755214, Lot 392 DP 755247, Lots 571-572 DP 755740, Lot 80 DP 756946, Lots 2588, 2590 DP 757298, Lot 10 DP 757304, Lot 17 Section 37 DP 758018, Lot 3 Section 10 DP 758317, Lot 6 Section 3 DP 758446, Lots 5-6 Section 11 DP 758446, Lots 3, 15-16 Section 17 DP 758446, Lots 5-7, 25-26 Section 21 DP 758446, Lots 26-27 Section 22 DP 758446, Lots 1-9 Section 2 DP 758494, Lots 1-4, 11 Section 1 DP 758695, Lots 1-4 Section 6 DP 758695, Lots 3-4, 11-13 Section 43 DP 758805, Lot 2 Section 200 DP 758913, Lot 52 DP 774373, Lot 518 DP 820127, Lot 1 DP 820391, Lot 340 DP 821540, Lot 1 DP 822078, Lot 725 DP 837505, Lots 1-3 DP 853558, Lot 6 DP 857055, Lots 3-4 DP 860523, Lots 3-5 DP 863344, Lot 35 DP 1018919, Lot 15 DP 1024862, Lot 100 DP 1030955, Lot 279 DP 1040186, Lot 1 DP 1045086, Lot 19 DP 1047309, Lots 7-12 DP 1054367, Lots 7022-7023 DP 1054934, Lot 1 DP 1058077, Lot 1 DP 1063643, Lot 1 DP 1066290, Lots 1-2 DP 1068573, Lot 2 DP 1072288, Lot 3008 DP 1079333, Lot 1 DP 1079639, Lots 1-2 DP 1079733, Lot 1 DP 1085587, Lot 456 DP 1087879, Lot 2 DP 1088319, Lots 21, 23 DP 1089772, Lot 2 DP 1089775, Lot 4 DP 1089990, Lots 1, 3-4 DP 1090034, Lot 10 DP 1091538, Lot 100 DP 1093424, Lot 1 DP 1093783, Lot 2 DP 1094305, Lot 16 DP 1096145, Lot 1 DP 1097342, Lot 1 DP 1097395, Lots 2-3 DP 1097427, Lot 7 DP 1101112, Lot 1 DP 1101923, Lot 1 DP 1103495, Lots 2-3 DP 1103612, Lot 1 DP 1104402, Lots 1-2 DP 1104548, Lot 1 DP 1104678, Lot 1 DP 1105163, Lot 4 DP 1105771, Lot 3 DP 1106562, Lot 10 DP 1106756, Lot 1 DP 1106775, Lot 10 DP 1106887, Lots 1-2 DP 1106917, Lot 102 DP 1107123, Lot 1 DP 1107301, Lot 5 DP 1108111, Lot 1 DP 1108894, Lot 1 DP 1110597, Lot 1 DP 1112159, Lots 2-5, 8 DP 1112346, Lot 1 DP 1112677, Lot 184 DP 1112718, Lot 1 DP 1112738, Lot 547 DP

1112739, Lot 1 DP 1113153, Lots 14-15 DP 1113479, Lots 1-2 DP 1113969, Lot 10 DP 1114398, Lot 1 DP 1114400, Lot 1 DP 1114450, Lot 1 DP 1115620, Lot 1 DP 1115956, Lot 1 DP 1115988, Lot 1 DP 1116186, Lot 1 DP 1116989, Lot 1701 DP 1122053, Lot 2 DP 1123418

12(e) The funds received from the sales were paid to the Consolidated Fund. The revenue receipts are used to fund the operations of Government, primarily the Government's Asset Acquisition Program.

13.

- a. How many agreements have the Department of Land entered into with Councils to identify Crown Land what might be able to be disposed of or divested?
- b. Please name the Councils and how much they have paid to the Department to enter into such agreements.
- c. How much had the Department contributed to such agreements?

Answer

In regard to the Crown Land Sales Program - The answer to (a), (b) & (c) is NIL.

14. Have you acted on the recommendation of the NSW Auditor-General (Nov 2007) that the department reduce the time taken to process Aboriginal land claims, considering that 8,922 (or 57%) remained unresolved as 30 June 2007?

Answer

According to the records of the Department of Lands, 8606 claims remained unresolved as at 30 June 2007. It is important to note that of that number, 8134 claims were lodged in the financial years 2005/06 and 2006/07.

The investigation of Aboriginal Land Claims can, by necessity, be a lengthy process. I am required to make a determination that must be evidence based and of a high enough standard to withstand the rigours of court examination, or to justify the alienation of a very valuable community asset – i.e. the Crown estate. Negotiations with relevant stakeholders such as electricity, water and other essential service infrastructure providers, as well as local government authorities at times occupy lengthy periods. As land that is granted cannot be appropriated by any authority for any essential public purpose, unlike other freehold land, unless by the passing of an act of parliament, it is essential that investigations are thorough.

Notwithstanding, land to the value of approximately \$2.2 billion has been granted under the Aboriginal Land Rights Act 1983. To date over 16,600 claims have been lodged and 7881 have been investigated and determined.

The Department has introduced initiatives to assist in the streamlining of the process of dealing with claims. In this regard it is currently identifying those lands that have been granted, but not yet transferred to a land council because they are awaiting survey. It is

intended that compiled plans will be prepared where possible using existing survey information and that this initiative will reduce the time taken to transfer granted lands.

A more streamlined status checking procedure has also been introduced and Office Practice Guidelines have recently been prepared and provided to assist staff involved in the investigation of claims. Also, three dedicated teams have been formed to review the oldest claims on hand and the Department's data on Aboriginal land claims is being updated and recorded on the Department's Crown Land Information Data Base.

All these initiatives have already impacted positively on the Aboriginal land claim investigation process and will continue to maximise the available resources directed to the investigation of Aboriginal land claims. In this regard 1233 claims have been investigated and determined since the 2005/06 financial year to date. Over approximately the same period of time preceding that financial year about 468 claims were investigated and completed – so with similar resources, over 760 more claims have been dealt with by improving management processes.

15. Can you provide the following information?
- a. How many Land claims have been lodged as at June 2008?
 - b. How many of these claims have been finalised?
 - c. Of the outstanding claims, how many have remained unresolved for more than 10 years?

Answer

- a. As at 30 June 2008, 16083 claims had been lodged.*
- b. As at 30 June 2008, 7616 claims had been finalised.*
- c. As at 30 June 2008, 341 unresolved claims were over 10 years old.*

16. Could the Minister outline what is occurring in the Aboriginal Land Claim that exists on land between the townships of Tuncurry and Hallidays Point?

Answer

On 20 June 2006 I refused Claim 7481, mainly on the grounds that when the claim was lodged the claimed land was part owned by Mid Coast Water, was part needed for the essential public purposes associated with Mid Coast Water's Waste Water Treatment Plant operations, and part of the claimed land was needed as residential land in association with its urban development.

The NSW Aboriginal Land Council appealed my decision, however discontinued its appeal in relation to those parts that were refused on the grounds that they were owned by Mid Coast Water and that part that was refused on the grounds that it was needed as residential land.

On 20 May 2008 the Land and Environment Court found in favour of my decision in relation to most of that land that was refused on the grounds that it was needed for essential public purposes associated with Mid Coast Water's Waste Water Treatment Plan operations. The Court found that some smaller parcels of land the subject of the appeal was claimable Crown land and directed that those parcels be transferred to

Karuah Local Aboriginal Land Council. Survey action to enable transfer of those lands will now be undertaken.

17. Again under the heading Strategic Directions (Budget Paper 3 Vol 2 at 15.3) it states that certain value added services are to be provided by the Soil Conservation Service. What are some examples of such value added services and will they end up costing landholders more for the use of the Soil Conservation Service?

Answer

The Soil Conservation Service (SCS) recovers the cost of its services, on a user pay basis, from its customers rather than receiving an annual Budget allocation. Some examples of value added (technical) services available to landholders include environmental consulting, project management and conservation earthworks. Each landholder who uses the SCS is expected to pay for the service they contract. Costs that are factored into the price advised in the quote to landholders generally include salaries, materials and often plant hire related costs.

The Soil Conservation Service regularly quotes for jobs required by landholders. It is the landholders' responsibility to assess value for money in considering whether or not to engage the SCS to undertake the work they require. The relativity of that price to any other quotes received from other parties is an issue for the landholder to resolve as the SCS operates in a free market environment.

18. Why has there been an increase over \$11 million in gross revenue collected from leases and licences? This is nearly a 15% increase on last year's figures. Has the Department set out on a money raising exercise to increase the amount by so much (Budget paper 3 Vol 3 at 15.4).

a. Also please explain this increase in light of the fact that the number of leases, licences and permits administered have stayed static at 73,000 (Budget Paper 3 Vol 2 at 15.7).

Answer

The Department collects these revenues on behalf of the Crown Leaseholds Entity, which is the responsibility of the Treasurer, refer to pages 22-39 to 22- 40 of the Budget Estimates, Budget Papers No 3 Volume 2. At page 22-39 you will see that the value of the Crown estate property assets held is in excess of \$6 billion.

The Government has previously given consideration to the economic return from these assets, with gross revenue figure quoted of \$74.9 m in 2008-09 representing a return of only 1.23% of the value of the Crown estate. It has been accepted that users of Crown estate assets should pay an economic rent for their use of these assets and that rent should represent the relative market value. The Government has endeavoured to increase rents to be closer to market rates in recent years, thus the increase you mention. Where for a number of reasons that economic rent would impose an undue burden on land users the Minister has the authority to waive part of that rent, thus reducing the gross rent payable.

Revenues from individual leases and licences have increased as land users have been charged increased rents. Part of this increase comes from the inflationary indexation and part from the adjustment to market rates over a number of years.

19. I again refer to the number of lease, licence and permit accounts administered as shown at 15.7 of Budget Paper 3 Vol 2. This figure has more than doubled since 2006/07. Please explain this phenomenon.

Answer

The published details for 2005/06 and 2006/07 reflect a historical perspective and a different method of calculating the number of leases and licenses in those years as against the method now used in later financial years. In practice the number of leases and licenses has remained relatively stable over the period 2005-06 to 2008-09.

20. The minor ports maintenance budget figure (Budget Paper 3 Vol 2 at 15.7) has remained constant at \$2.06 million for the last four years. Why is this so?

Answer

NSW Treasury has fixed the funding level for this program at the same amount for a number of years. This has occurred as the Government has other expenditure priorities of a higher priority where additional resources have been directed.

21. It is stated in the Budget Papers (Budget Paper No 3 Vol 2 at 15.3) that “the transfer of the Western Lands Commission to the Department of Lands in late 2006/07 provides a number of ongoing synergies in effective Crown Land management and administration”. Please explain those synergies.

Answer

Up until 2006/07 the then Departments of Natural Resources and Lands were required to manage western lands leases and Crown Land in terms of the provisions of the Crown Lands Act 1989 and the Western Lands Act. There was a cross over of responsibility and staff were reporting to two government departments as there were not clear lines of reporting nor responsibility.

The transfer of Western Lands Division administration to the Department of Lands has reduced the duplication of effort and clarifies lines of responsibility and reporting.

Other staff within the department at Lands sites (generally valuers) can now better interact with Crown Lands staff, with the aim of providing a “one stop shop” rather than a dysfunctional service to customers. Sharing premises also reduces facility accommodation costs as well as the cost to fit out and equip offices.

22. At Budget Paper 3 Vol 2 at 15.8 there is a figure showing total expenses excluding losses of \$71.796 million as a revised amount for the 2007/08 budget period. The budgeted amount was \$58.630 million.

- a. What caused the increase from this budgeted figure to the revised figure of about \$12 million.
- b. What are the 'excluded losses' mentioned at this entry?

Answer

The increase of about \$12 million includes the expected cost of the Crown land valuation project for NSW Treasury (\$5m), waiver of Wild Destruction Board rates (\$1.4m), additional unbudgeted costs incurred to undertake Soil Conservation Service jobs for customers, other projects funded from supplementations to the Lands Consolidated Fund Budget or from retained revenues.

"Excluded losses" relate to doubtful debts and losses on realisation of assets (when sold or transferred).

23. What caused the blow out in the expenses for the Wild Dog Destruction Board from a budgeted figure for 2007/08 of \$200,000 to \$1.570 million (Budget Paper 3 Vol 2 at 15.8).

Answer

The increase here relates to the decision taken by the Government to waive the annual Wild Dog Destruction Board rates that would have been paid by landholders in the Western division. This decision took into account their financial circumstances and in particular the impact of the ongoing drought within New South Wales. As the Wild Dog Destruction Board is self funding from these rates, revenue from that source was no longer available in 2007/08. Substitute revenue of \$1.37m was paid from the Budget by way of a grant to the Board.

24.

- a. Who sits on the Rural Communities Consultative Council?
- b. How often do they meet?
- c. How cost effective is the Council considering they are averaging just one and a half requests per working day? (Budget Paper Vol 2 at 15.9)

Answer

a. An independent Chair and representatives from the following constituent groups operating in rural NSW:

Nature Conservation Council

NSW Country Women's Association

Peak youth groups of NSW

Aboriginal communities of NSW

NSW Regional Development Advisory Council

Area Health Advisory Councils

Council of Social Services of NSW

NSW Farmers

*NSW Ecumenical Council
Unions NSW
Local Government Association of NSW and LGSA
Ethnic Communities Council of NSW & CRC Community Relations Commission
Federation of Parents and Citizens Associations of NSW
Economic Development Australia (NSW)*

b. Bimonthly in formal meeting form and at numerous intervals throughout the year in community consultation and rural policy formation.

c. Extremely cost effective particularly in light of the fact that the RCCC work load alluded to in the question is totally erroneous.

25. In Budget Paper 3 Vol 2 at 15.10 'Expenses Excluding Losses' there was a blow out in most of the line items between the budget figure and the revised figure, amounting to about \$14.68 million. Why did the blow out occur, particularly in the "Employee related" expenses, the "other operating expenses", the "depreciation expenses" and the "other expenses" categories?

Answer

The Budget details reflect decisions taken at the time the Budget was prepared in April/May 2007. The Budget details also included \$4 million in efficiency savings required by Government.

The "revised" figures are the result of operational changes, resourcing and accounting changes over the following 12 months. In that period NSW Treasury agreed to fund \$5 million of work within Lands in the valuation of the Crown estate, and accounting classifications changed the method of presenting financial information.

"Employee related expenses" increased due to contractors and other labour costs incurred to value the Crown estate.

Other operating expenses" reflect the impact on Budget funding arising from the government efficiency savings as well as costs incurred by the Soil Conservation Service in undertaking works for its clients increased significantly and in line with increase to client services provided. The "revised" expenditures include a delay in achieving the Government efficiency savings.

"Depreciation expenses" increased as a result of the revaluation of the Tweed River Sand Bypassing project infrastructure from \$15.335 m to \$28.987 m, with the change in value of this asset spread over the operating life of this infrastructure.

Other expenses" increased due to the change in accounting and budget presentation of the Tweed River Sand Bypassing project, which moved from within the "Grants and subsidies" category to the "Other expenses" category during the financial year.

26. At the same page under “Retained Revenue” what accounted for the increase of nearly \$8 million in the “Sale of goods and services” and the increase of \$1.5 million in grants and contributions.

Answer

The increase in revenue primarily includes that expected from NSW Treasury for the Crown Estate valuation work (\$5 million) and additional SCS sales during the year (\$3 million).

Increased grants and contributions relates mainly to funding received from both the Commonwealth Government and the Rural Fire Service for bushfire mitigation works. No funding had been determined at the time of estimates preparation.

27. In Budget Paper 3 Vol 2 at 15.11 under “non current assets” it shows a 2007/08 budget figure for ‘infrastructure systems’ of \$15.335 million, but a revised figure of \$28.987 million. Could you please explain such a difference between the budgeted figure and the revised figure and just what does this sub heading refer to?

Answer

This sub heading refers to the Tweed River Sand Bypassing infrastructure asset, with the change in value related to the revaluation of that asset. Please also refer to question 25 above.

28. At the same reference there is a revised figure for ‘other’ of \$3.1 million where there had been no budgeted amount shown. What makes up the non current asset of \$3.1 million under ‘other’.

Answer

The category “Other” includes funding owing by Treasury for employee long service leave entitlements. This results from a changed accounting treatment as the Budget for this receivable is shown against “Other financial assets”.

29. Continuing to deal with the rather vague notation of ‘other’, at 15.13 of Budget Paper 3 Vol 2 under ‘Cash flow from Operating Activities Payments’ there is a budgeted figure of \$27.457 million for ‘other’ and a revised figure of \$37.231 million. Why is this figure classed as ‘other’ and what under this heading is classed as ‘other’?

Answer

NSW Treasury determines the Budget presentation and layout in consultation with accounting requirements documented in Australian Accounting Standards. Thus the “Other” classification is determined on this basis. In practice “Other” payments in the cash flow statement covers all the expenditures of an operating nature other than those

which are employee related. It includes payments for building occupancy, utilities, repairs & maintenance, travel etc.

30. Again it seems that Department has had a bumper year in the 'Sale of Goods and Services' with almost a \$10 million increase shown at Budget Paper 3 Vol 2 at 15.13 under receipts. How did this occur?

Answer

The increase in revenue primarily includes that expected from NSW Treasury for the Crown Estate valuation work (\$5 million) and additional SCS sales during the year (\$3 million). The remainder relates to other cost recoveries not originally budgeted.

31. What accounted for the \$30.2 million blow out in employee related expenses for the Land and Property Information Service last year? (Budget Paper 3 Vol 2 at 15.15).

Answer

Employee related expenses incorporates the effect of applying accounting standards to the liability for superannuation expense. Employee expenses are strongly influenced by the underlying investments in the superannuation fund for LPI, and these are subject to variations in the financial markets. At the end of the 2007-08 year the application of the accounting standards necessitated an additional superannuation expense of \$30.165million due to the unanticipated downturn in superannuation fund performance.

32. It is true to say that at Budget Paper 3 Vol 2 at 15.15, the requirement to pay the Government dividends and tax equivalents from the Land and Property Information Service pushed the LPI into a \$28.242 deficit. Will this result in increased charges for users of the LPI to recoup this cost and offset future dividends and tax equivalents.

Answer

For the purposes of payment of the Government dividends and tax equivalents Treasury excludes fluctuations related to the year-on-year accounting expense for the superannuation funds which tend to be volatile and distort real operating results. In any one year the impact on the financial results may vary markedly and have the effect of distorting the year to year payments to Government; LPI only set prices in accordance with its actual operating costs and an average annual amount for superannuation based on expert actuarial advice. The published deficit for this year will not impact on LPI pricing in the future unless the amount needed to fund superannuation liabilities has to be increased in the long term.

33. Again in relation to LPI there is another nebulous 'other' under 'Cash Flows from Operating Activities' – 'Payments' of \$60.858 million for 2007/08 and \$58.236

million 2008/09. What is that all about and how do you justify this nebulous use of the word 'other'.

- a. Does this fit into the open and transparent philosophies of the current Premier? In fact just a bit further down under 'Cash Flow from Inventory Activities' there is another 'other' which shows a loss of \$14.46 million last year and a budgeted loss of \$15.993 million this financial year. Perhaps you can explain this item. (Budget Paper 3 Vol 2 at 15.17).

Answer

Other payments in the cash flow statement covers all the expenditures of operating LPI other than those which are employee related. It includes payments for occupancy, utilities, repairs & maintenance, travel etc. The largest item is a payment of \$16.7million to valuation contractors for the purpose of maintaining state-wide property valuations. In respect to point (a) we believe that this should be "Cash Flow from Investing Activities"; the amount of \$14.46 million represents the acquisition of Information Technology assets (hardware & software) capitalised in the balance sheet as Intangible Assets. LPI is a significant user of IT and has successfully improved operational efficiency through the use of technology, which has positioned LPI in the forefront of world-wide land data management.

34. Also at Budget Paper 3 Vol 2 at 15.17 what constitutes the massive turnaround under 'Cash Flow Reconciliation – 'change in operating assets and liabilities' from a projected loss in 2007/08 to a revised figure of plus \$21.442 million?

Answer

The revised figure represents a combination of an increase of operating assets (principally IT software) and a reduction of employee related liabilities. The decrease in employee related liabilities flows from the retirement of a significant number of employees (LPI has a staff demographic significantly skewed towards mature age employees) and management initiatives to encourage employees to take their entitlements to recreation & long service leave.

35. How many indigenous staff are employed by your Department?
 - a. What percentage does this represent of your overall departmental staffing?
 - b. Have you met your benchmarks for the employment of indigenous staff levels for your Department?

Answer

The Department of Lands' Workforce Profile Return for 2007-2008 (i.e. figures as at 30 June 2008), shows 20 staff who identify as Aboriginal or Torres Strait Islanders, out of 1581 total staff. This represents 1.3% of the staff. The benchmark is 2%.

Questions from Mrs Pavey

**Tweed Coast Regional Crown Revenue Draft Management and Crown Land –
Tweed**

36. What are the projected income and expenditure of each site currently under consideration by the Minister in the Tweed Coast Regional Crown Reserve Draft Management Plan for each of the years:
- 2005-06
 - 2006-07
 - 2007-08

Answer

A projected income and expenditure for all sites under consideration in the draft Tweed Coast Regional Crown reserve Plan of Management has not been prepared to date. Their identification in the draft plan is the first stage in the planning and assessment for the sites. Further detailed planning including projections on income and expenditure for the sites will be undertaken in future stages.

37. Given that the Management Plan is a draft:
- Is it correct to say that no decisions have been made as to the future of any of the sites relevant to the Tweed Coast Regional Crown Revenue Draft Management Plan? If not, please provide details of any decisions or determinations made to date.
 - Have any projects proposed for any of the sites relevant to the above Draft Management Plan been put out to tender? If so, please list these projects.
 - Are there any projects on Crown Lands in the Tweed Electorate, not affected by the Crown Reserve Draft Management Plan which have been put out to tender? If so, please provide a list of those tenders.

Answer

- A number of sites were already well progressed in their planning prior to the preparation of the draft plan of management. The plan has recognised and acknowledged these development proposals. The existing development proposals include the sites Jack Evans Boat Harbour- Tweed Heads, Boyds Bay - Tweed Heads, Southern Boat Harbour – Tweed Heads, and Sandalwood Avenue – Cabarita.*
- The Boyds Bay Marina Project has been put out to tender through a two stage Expression of Interest (EOI) and a Request for Detailed Proposal (RDP) process. This tender has closed and is currently being assessed.*
- No*

38. For 2007-08, what is the dollar value of funds generated from Crown Lands in the Tweed Electorate that has been retained within the Tweed Electorate?
- How are such funds managed and administered and by whom?

Answer

Funds from tenures on Crown Land are routinely directed to NSW Treasury to fund hospitals, Police and other State Government services and infrastructure throughout NSW. Therefore the amount of funds generated by Crown Lands retained in the Tweed

Electorate would be impossible to distinguish. Potentially funds beyond that collected from the Crown would be expended in the Tweed Electorate by the State Government.

Funds from tenures issued directly from a Reserve Trust (where Tweed Shire Council has been appointed Corporate Manager) are available for that Trust to undertake the care, control and management of the Crown lands under the Trust's control. The exact dollar amounts generated by the Trust for the purpose of care, control and management would be an issue for Tweed Council as Trust Manager of various reserves to provide.

Tony Kelly MLC
Minister for Lands