

**Submission
No 253**

INQUIRY INTO CROWN LAND IN NEW SOUTH WALES

Organisation: Scouts Australia NSW

Date received: 5 August 2016



Scouts Australia NSW
Submission to the Inquiry into Crown Land

5 August 2016

Inquiry Into Crown Land

Submission by Scouts Australia New South Wales

Introduction

Scouts Australia

Scouts Australia is a not-for profit organisation which heavily involves families in all activities to provide its 66,000 youth members (aged 6-25 years) with educational, fun and challenging opportunities to grow and develop.

Scouts is a part of nearly every Australian community. Our members come from a wide variety of cultural and religious backgrounds, across the socio-economic spectrum and include individuals with intellectual or physical disabilities.

The aim of Scouting is to encourage the physical, intellectual, emotional, social, and spiritual development of young people, so they may play a constructive role in society as responsible citizens and as members of their local and international communities. This is achieved through a series of strong and active non-formal education programs that inspire young people to do their best and to always be prepared.

Scouts Australia New South Wales

Scouts Australia NSW (Scouts) is incorporated by the Scout Association of Australia (New South Wales) Incorporation Act 1928 and currently consists of 14,500 youth and 4,000 adult members in New South Wales from diverse cultural, community and religious backgrounds.

Scouts is the occupant of some 190 Crown sites, held under various types of tenure direct from Crown, and including 150 sites where Scouts occupies Crown Land Reserves as Reserve Trust Manager.

Scouts also occupies Crown Land as lessee or licensee of other authorities who are in turn direct Reserve Trust Managers of that Crown Land.

It is the understanding of Scouts that the organisation comprises, by number of sites, one of the largest occupants of Crown Land in New South Wales.

Terms of Reference and Scouts' Response

Scouts is pleased to provide this submission to the Terms of Reference of the General Purpose Standing Committee No 6 inquiry into and report on Crown Land in New South Wales:

1. That, notwithstanding the allocation of portfolios to the General Purpose Standing Committees, General Purpose Standing Committee No. 6 inquire into and report on Crown land in New South Wales, and in particular:

(a) The extent of Crown Land and the benefits of active use and management of that land to New South Wales

Scouts Active Use and Management of Crown Lands:

Scouts is an extensive holder of tenure over Crown Land. Occupation and use takes many forms including normal Scouting activity associated with a Scout hall, camping on vacant sites, major administrative and conference centres, and large scale Activity Centres capable of accommodating significant numbers of Youth Members, Leaders and Parents.

Where the terms of tenure permit, all Scout sites are made available to community groups, and community use of the sites is specifically encouraged.

The largest site, Cataract Scout Park – 160 hectares was granted as a Crown Land Reserve to Scouts to accommodate 30,000 Scouts for the World Jamboree in 1984. It hosted the 24th Australian Jamboree in January 2016. More than 12,000 Scouts, Leaders and Parents camped and participated in a range of outdoor activities for 10 days in the largest national event on the Scout calendar. By the conclusion of this single event, more than 1 million volunteer hours were clocked contributing to an estimated \$20,000 million in volunteer labour.

Cataract Scout Park when not being used by Scout Groups for events is used by schools and church groups for camps and other volunteer groups for training.

Scout Halls and the land around them as well as land associated with Scout Activity Centres are integral to the delivery of a diverse youth program in the Australian Outdoors. Many Scout Groups use the lands around the hall to bring the program to life by creating hiking trails, pitching tents, discovering nature and completing wide games.

The benefits of active use and management of Crown Land to NSW through Scouting are four-fold:

1. the provision of regular access for the young people of NSW to have healthy outdoor adventure activities like camping, abseiling, canoeing and week-to-week physical group free play activity
2. the contribution by youth members to the communities in which they live through engagement in citizenship ceremonies, Land Care projects, Clean Up Australia Day, and ANZAC parades and visits to local community facilities
3. the management of Crown Land through programs of maintenance and development by a volunteer movement of families
4. the significant contribution by Scouts to the social capital of the NSW communities in which Scouts operate. In any one week, more than 4000 volunteer Leaders and as many families will contribute at least 12,000 volunteer hours equivalent to \$240,000 making a direct, positive impact on the lives of young people.

In an environment where volunteer groups like Scouts operate, and whose sole purpose is to provide community service and contribute to the social capital, it is imperative that their occupation of Crown land is assured and that the significant contribution to social capital is recognised when considering the management of Crown Land for the benefit of the communities of NSW.

(b) The adequacy of community input to and consultation regarding the commercial use and disposal of Crown Land

Concerns over Possible Use and Disposal:

Scouts is concerned with the potential implications of current activity relating to the administration of Crown Land. The proposals contained within the White Paper of 2014, if implemented, would potentially expose Scouts and other community groups to high levels of disruption and cost.

Costs and Implications:

In particular, Scouts is concerned about the following:

- that the interests of volunteer and community groups have not been adequately considered
- financial implications based on indicative rental proposals
- consequences on large or multi-site volunteer and community groups similar to Scouts should the administration of Crown Lands pass to local councils

Financial Pressure

Local Councils are under greater financial pressure and as a result are increasingly adopting a more commercially focussed approach to lease rents. This includes fees to be paid by licensees and tenants of council managed properties. For Scouts, the impact is significant and will affect the ability to deliver a rich, diverse program to local members of the community.

Should the management of Crown Land shift to Council this will increase the financial uncertainty for Scouts and could negatively affect their ability to continue with the delivery of their programs in local communities.

Increased Administration for Volunteer Community Groups

The need for Scouts to discuss, communicate and negotiate with a large number of local councils rather than one Crown Land entity will have a direct impact on organisational capacity.

Long Term Uncertainty

An unintended consequence of passing rights over Crown Land to Council may be the eventual disposal or lease to third parties of the Crown Land by Council. The effect and long term cost to the community through the loss of land would adversely affect Scouts and the contributions made to the social capital of the local community.

(c) The most appropriate and effective measures for protecting Crown Land so that it is preserved and enhanced for future generations

Retention of Current System

Scouts believes that the substance of the existing system must be retained. Whatever administrative amendments are made, volunteer and community groups should be permitted to retain Crown Land tenure. If administration should pass to councils, there should be no additional cost or administrative burden passed to Scouts.

One Single Tenure for Community Groups:

Scouts recommends consideration of options that preserve and enhance the benefit of “community group access to land for future generations,” including simplifying the current arrangements by establishing a single tenure over all such land.

Scouts’ Crown properties, for example, could be converted to a single tenure under one document, the equivalent of a Crown Reserve Trust. This would eliminate the different tenures currently existing, would provide high level protection for future generations.

Benefits of Single Tenure – Landlord and Tenant:

The benefits of a single tenure would result in the following:

- simplification of administration of Crown Land for both the NSW Government and Scouts
- provision of a single channel to ensure ease of communication
- strengthen and secure the social capital of the communities in NSW
- enable the investment in improvements (where permitted) by Scouts NSW to be made with confidence

These benefits would be significant to organisations such as Scouts, and to Crown Lands.

Regulatory Administration:

Should ongoing Crown Reserve Trusts come under the administration of Council, Scouts suggests that the Crown Lands Act is applied to preserve the intent of Crown Land to the people of NSW.

Should the Local Government Act apply, then Scouts recommends for consideration that its ongoing direct contribution to the social capital of the NSW communities be included as a mandatory element of the evaluation (and with a discount applied to rents so that Scouts can continue to deliver its program to the youth of NSW.)

In addition, access to funding and grants programs for the regular maintenance of facilities and a longer term of lease would also ease the burden for the organisation.

Broaden the Community Use of Crown Land:

Scouts further suggests that to enhance the likelihood of Crown Land being preserved for future generations, occupants such as Scouts should be specifically encouraged to maximise community use of Crown Land through broadening the defined purpose or permitted use.

Any such provision would also ease the restrictions on the ability to earn an income from Crown Land to enable Scouts and other community groups to better maintain and otherwise meet the costs associated with occupying property.

Generation of Income:

To further support this suggestion it is noted that Scouts has generally constructed the improvements on its Crown properties. These improvements create both the income earning capacity and general community utility and appeal of a property. It is therefore appropriate that Scouts or a community group should have the ability to generate reasonable income from the property, in addition to conducting operational activities.

(d)The extent of Aboriginal Land Claims over Crown Land and opportunities to increase Aboriginal involvement in the management of Crown Land

Scouts has little direct involvement with or in land title claims, and is not able to offer constructive comment in the matter.

Actions for Consideration

The following actions are suggested for consideration within the terms of the Inquiry:

- i) Occupation in broad accordance with current tenure of Crown Land by Scouts and similar community and volunteer groups be guaranteed
- ii) The significant contribution of social capital and the value of that contribution to the communities of NSW be recognised and considered in any proposals for the administration of Crown Land
- iii) Costs and administrative burden on Scouts and community groups should not eventuate as a consequence of any change to the administration of Crown lands
- iv) Any proposal for the commercial use and disposal of Crown Land be specifically subject to the ongoing use of and need for Crown Land by Scouts and like community groups
- v) In the event of gaining administration rights over Crown Land, councils should be specifically prevented from ever selling or entering into long term leasehold over that land or from imposing rentals that place undue pressure on volunteer or community groups
- vi) Any changes to the administration of Crown Land should reflect the current Crown Lands Act
- vii) A single tenure arrangement or document should be established to cover all Scouts' occupation of Crown land
- viii) Broad but reasonable community use of Crown Land should be encouraged rather than restricted
- ix) The generation of reasonable income from Crown Land occupation by Scouts and community groups should be encouraged rather than restricted

For more than 100 years Scouts Australia NSW has developed young people into business and community leaders through an active program in the Australian outdoors. Provision of and access to Crown Lands has helped to make this possible. Ensuring access to Crown Lands to community groups and volunteer organisations like Scouts will help maintain the journey for young people in NSW for another century.