

GENERAL PURPOSE STANDING COMMITTEE NO. 6

Tuesday, 2 August 2016

INQUIRY INTO CROWN LAND

The Committee met at Dubbo at 10:30 am

MEMBERS

The Hon. P. Green (Chair)

The Hon. L. Amato

The Hon. C. Cusack

The Hon. S. Farlow

Mr D. Shoebridge

The Hon. M. Veitch

The CHAIR: I welcome you to the third of seven hearings of the General Purpose Standing Committee No. 6 inquiry into Crown land. The inquiry was established to examine the adequacy of community input and consultation regarding the commercial use and disposal of Crown land. We will look at the benefits of active use and management of Crown land as well as the most appropriate and effective measures for protecting it. The inquiry will also consider the extent of Aboriginal land claims over Crown land opportunities to increase Aboriginal involvement in its management.

I acknowledge the Wiradjuri people, who are the traditional custodians of this land. On behalf of all of us, I pay my respects to the elders past and present and extend that respect to any Aboriginal people with us today. Today we will hear from the Orana Regional Organisation of Councils, the Central NSW Councils and the Dubbo and Wellington Local Aboriginal Land Councils. Later we will hear from the Combined Action to Retain Routes for Travelling Stock Group, the Central West Environment Council and the Environmentally Concerned Citizens of Orange.

Before we commence I will make some brief comments about procedures for today's hearing. In accordance with the broadcasting guidelines, while members of the media may film or record committee members and witnesses, people in the public gallery should not be the primary focus of any filming or photography. We remind media representatives that they must take responsibility for what they publish about the Committee's proceedings. It is important to remember that the parliamentary privilege does not apply to witnesses and what they say outside of their evidence at the hearings. I urge witnesses to be careful about any comment they make to the media or to others after they complete their evidence as such comments would not be protected by parliamentary privilege if another person decided to take action for defamation. The guidelines are available from the committee secretariat.

There may be questions that a witness could only answer if they had time or the documents with them. In these circumstances witnesses are advised that they can take such questions on notice and provide an answer within 21 days. I remind everyone here today that committee hearings are not intended to provide a forum for people to make adverse reflections about others under the protection of parliamentary privilege. I therefore request that witnesses focus on the issues raised by the inquiry's terms of reference and avoid naming individuals unnecessarily. Any messages to witnesses will be ushered through the committee secretariat. I ask all present to put their mobile phones on silent or turn them off during today's proceedings.

ASHLEY WIELINGA, General Manager, Warren Shire Council, affirmed and examined

BILL McANALLY, Mayor, Narromine Shire Council, affirmed and examined

Mr WEILINGA: Today I am co-representing OROC, which is the Orana Regional Organisation of Councils.

Mr McANALLY: I am Chair of OROC and today I am here representing OROC.

The CHAIR: We have an apology from committee member the Hon. Peter Primrose, who will not attend today's hearing. Mr McAnally, do you have an opening statement?

Mr McANALLY: I thank the Committee for giving us the opportunity today to represent our area. Our OROC area probably covers about 23 or 24 percent of the State of New South Wales. We have an extreme amount of Crown land and western land leases, and it all gets a little bit everywhere out there. There are many social, environmental and economic benefits of Crown land in this region, and councils have had a significant and long-term function in managing the this land at a local level for many years. OROC certainly acknowledges this inquiry to determine how to best transform Crown land management into the future.

Traditionally, Crown land has been a valuable community asset providing opportunity to establish infrastructure and open space to the benefit the locality. It is our opinion that this is no longer the case, or at best has been extensively diminished. Crown land currently appears to be managed to maximise revenue to the State Government with not much regard for the needs of the local area. Crown land perhaps should benefit the locality and/or people of the locality, and/or benefit future people of the locality. Under the current arrangements acquisition of Crown land can take years. Requests for acquisitions are scrutinised by the Crown Lands Department, adding considerable additional cost and complexity to the process. Residual land can remain unmanaged and unused.

The difficulties acquiring Crown land often prevent commercial or any other use. In order to preserve Crown land for future use is to transfer to local government. In most instances Crown land is unmanaged and often of little use to anyone. If it is transferred to local government the land will be used appropriately. There are many council assets that reside on Crown land and development that is often obstructed. It is acknowledged that the Aboriginal land claims are extensive, and any reform process must consider expediting the process of several thousand unresolved claims. In future a sound method to negotiate outcomes rather than ending up in the court system will be a far better process. The current process is not respectful or helpful to the Aboriginal community. Thank you for the opportunity to provide an opening statement.

Mr WEILINGA: I would like to add to Councillor McAnally's opening statement that it is a bit fragmented when you go through these. If there are questions asked—and there are some very real things that happen with the management of Crown land that I think you your Committee would like to hear.

The CHAIR: We will go through our questions and at the end will be mindful that you could make a summation if we have missed anything. It is good that you have picked up on the Aboriginal land claims, because one of the clear parts of this inquiry is that Aboriginal Land Councils are very upset that it has taken so long to process 21,000 parcels of land. What would be a helpful way forward to quicken that process?

Mr WEILINGA: I think a stocktake on the actual Crown land and the determination to say, "Is it claimable land or not, or is set community land rather than claimable land?" Community land involves the whole of the community. The Local Government Act sets out that the council has operational land or community land. If council acquires land nowadays, it is put on their title whether it is operational or community land.

Mr DAVID SHOEBRIDGE: But one council has ownership of it if it ceases to be claimable land. We are not talking about council land—community land or operational land. It is not claimable land because it no longer resides in the Crown.

Mr WEILINGA: That is correct.

Mr DAVID SHOEBRIDGE: I suppose the Chair is asking you about those 29,000-odd outstanding land claims, the great bulk of which are Crown land. What do you think should be done in relation to that?

Mr WEILINGA: That is what I am saying: you have to do a stocktake on the land. The Aboriginal community undoubtedly has an affinity with some of that land. Communities like Warren would support them getting that land.

The Hon. SCOTT FARLOW: I would like to clarify this. Are you saying that rather than looking at claims, we should look at all of the Crown land holdings in New South Wales in the first instance—

Mr WIELINGA: Yes.

The Hon. SCOTT FARLOW: —and determine whether that should be claimable land?

Mr WIELINGA: Correct.

The Hon. SCOTT FARLOW: So we should forget about the claims. We should simply look at all of the Crown land in New South Wales in the first instance?

Mr WIELINGA: Then once you categorise that land and what it is—

The Hon. CATHERINE CUSACK: Rank it.

Mr WIELINGA: Yes. I will provide a real example. We are renewing a bore in one of our villages at Collie. It is on Crown land, which is a travelling stock route [TSR]. We are now moving that bore on to a land reserve. We were doing a new asset and we wanted to ensure that the money spent there is in council's name and that we have control over it. Unfortunately, we could not do anything on the TSR because it is subject to a land claim. We have moved the bore on to a council road reserve, which we can deal with.

Mr DAVID SHOEBRIDGE: Were there additional costs associated with doing that?

Mr WIELINGA: There were additional costs because it was more than 20 metres from the bore and it was deemed to be a new bore or a replacement bore. It was 60 metres, not 20 metres, so it was deemed to be a new bore, so we had to jump through the hoops.

Mr DAVID SHOEBRIDGE: What were the additional costs?

Mr WIELINGA: The additional cost was probably \$20,000 to \$30,000 to sort out the legal aspects of the land claim. However, it is not subject only to the land claims. The three main classes for local government on Crown land are roads, utilities and recreation. Of course, the travelling stock routes are not under the care and control of local government. The biggest problem we have is that if we need to do any developments on that land we need co-approval from the State Government. That holds up everything. For arguments' sake, our waste depot at Warren was a reserve for a rubbish tip. We had a company that wanted to do some work there on end-of-life tyres. But to do the development application and everything else we kept having to go back to the State Government and go through that process. We sped up the process by purchasing the land. That was a \$100,000 outlay by council to purchase the land to allow something to be done with recycling.

The Hon. SCOTT FARLOW: So you would agree with local land under the white paper being transferred to council?

Mr WIELINGA: Once again, it will depend on the type of land. Most of the roads were put on a map by the surveyor general back in the 1890s. They were put on a paper map and the road was then built. Back in those days it was all about horses and horse access. The roads were built on the most suitable land, so a lot of the land is not on road reserves. If it was not a paper road, to give access to a landholder the council had to dedicate that road. It became a dedicated public road, not a Crown road, which means it is a council road. It is now a dog's breakfast if council wants to change that.

The Hon. LOU AMATO: Would it be beneficial to your community if the council identified all the Crown land?

Mr WIELINGA: Councils would have to because we operate under integrated planning and reporting, and we have our asset management plans. If that land is not identified in those council records, they are probably trustees to a parcel of Crown land that they are not even aware of.

Mr DAVID SHOEBRIDGE: As you know, all councils have their integrated reporting obligations, which means they get their head around their assets and ongoing infrastructure needs. They have five and 10 year plans. How does the State Government compare in that regard? Does it have any kind of asset management infrastructure plan or long-term plans for Crown land in your local communities, or is it just a free for all?

Mr WIELINGA: If any they do, I believe it is an internal document and we are not privy to it.

Mr DAVID SHOEBRIDGE: Mr McAnally, do you have something to say?

Mr McANALLY: I do not think we know anything about it. That is a bit of a problem. Just down the road at Narromine, where I come from, we are expanding our wetlands. We channel a lot of our rainfall runoff there. We have a public area out there where people go. We wanted to extend that into a Crown reserve right

next door to it, but it was subject to a native title claim. It took us three-and-a-half years and cost us a great deal of money to be able to get that change. That is an issue where it was a benefit to the community, but we still had to go through the process of doing all that.

Mr DAVID SHOEBRIDGE: What was slowing you down? Did you have to talk to Crown Lands and the Aboriginal Land Council?

Mr McANALLY: We certainly had to talk to the land council. We were in discussion with our local land council and Crown Lands about it. Then we had to go through the court system anyway to put it in place. There has to be an easier way to do that.

Mr DAVID SHOEBRIDGE: Did you eventually get agreement from the land council?

Mr McANALLY: Yes, we certainly did.

Mr DAVID SHOEBRIDGE: Why did you have to go to court?

Mr McANALLY: We had a process of going to court. Then we got it out of the court system and sat everybody down at the table again.

Mr DAVID SHOEBRIDGE: You had to commence proceedings.

Mr McANALLY: We commenced proceedings and then got everybody back around the table to start again.

Mr DAVID SHOEBRIDGE: Can you provide a little more detail about that process on notice? Can you flesh out exactly what happened? That sounds to me like a completely flawed, expensive and litigious procedure that we would not want to see repeated.

Mr McANALLY: I will take that question on notice.

The Hon. MICK VEITCH: You talked about a stocktake of the Crown land. The Government's response to the white paper on Crown land talks about a stocktake of land across the State. People have said that it is difficult to get access to information about what is Crown land and where it is located, even Crown laneways and roadways. Is that a common issue in this part of the State?

Mr WIELINGA: It is to a certain degree. We get information from Land and Property Information, and it is pretty reliable and accurate. It shows you where the roadways are. The big issue is the physical location of the road compared to the road reserve. There may be a road reserve, but the physical location is slightly different. The cost of resurveying does not justify doing it. You find that a lot of roads are closed. I do not necessarily think identification is an issue in our area.

I did not answer the previous question fully. The question asked whether council would accept a lot of the land back for which they have care and control. We would not want the whole lot simply because a lot of land was made public reserves by Government many, many, many years ago it no longer suits that purpose. That should be reverted back to the Crown and then transferred to the adjoining owner if it is rural grazing land. That is normally for the surveyor general and it relates to villages that were never established. There are reserves for cemeteries, rubbish tips, and parks that have been never been activated. There is a lot of land. It is not a flick pass from the State Government to local government. Some pieces of land might have old car bodies on them and they are flicked back to the council. That is a concern as well.

The Hon. MICK VEITCH: Does that relate to town commons? Do you have any town commons?

Mr WIELINGA: We do not have town commons in Warren as such, but that was an issue. Many of them have been cleaned up over the past 10 or 20 years. There has been a major concentration both by Government and council in relation to the environment, especially with regard to some Aboriginal land. Various environment grant funds have been accessed to clean up that land.

Mr DAVID SHOEBRIDGE: What about Narromine?

Mr McANALLY: It is the same with regard to commons. We have one small common outside Narromine that we look after. But I think most of them have been fixed. They do become a problem, and that is probably why they were fixed up. The challenge for any council if they are given all this land back is to be able to deal it. One thing that has happened with Fit for the Future is that because of integrated management and all that we did stocktakes of all our Crown land. That is probably beneficial to everybody and probably helped out the State Government. In Narromine and Trangie we have two racecourses and showgrounds on Crown land. The council and community groups have invested a great deal of money in these facilities and maintained them without any help from the Government, except for some funding every now and then when we get on our hands

and knees and beg for it. Certainly those facilities are central to our community and we need those communities that spent a hell of a lot of money on these assets over the years.

Mr DAVID SHOEBRIDGE: Do you get a sense that there is anxiety in the community in investing in local government because it does not have the same security of tenure because it can be, effectively, dispossessed with 14 days' notice for a gazettal notice? Is that something that plays on your mind when you are thinking about investing in Crown reserves that you are managing, or not?

Mr WIELINGA: Not necessarily because we have got to provide the service to the community. But there are community groups—and a very real example is if you take our Showground Racecourse at Warren, the pony club were not able to get some funding, but we have a licence, we have to enter into a licence with them and they have a licence with the Department of Lands so that they can have that exclusive use over that little area, and that is a long-winded thing. Whereas if it was in council's care and control, they could enter into an agreement as part of that service provision.

Mr DAVID SHOEBRIDGE: And the income from the licence for the pony club, does that come to council to be reinvested in the reserve or does it go to the State Government?

Mr WIELINGA: Because it is a State reserve it is just a licence that gives them approval. There is no rental fee involved in that—if it is, it is probably \$1 per year if called, because it would go to the council. Normally the agreements that we have with users within our community are based on that \$1 per year if and when called.

The Hon. LOU AMATO: So if that did go over to council obviously you could adjust your rates accordingly and that would help to maintain those parks and those areas?

Mr WIELINGA: Most certainly that potentially could happen as part of your integrated planning, your revenue statements and that, and with your fees and charges if you wanted to charge a fee on it, but it would defeat the purpose of having it there in the first place. These are community groups; if there was a commercial undertaking then it would be a different kettle of fish. But I think the important thing is that in communities like ours we do not have major golf courses on public land, we do not have a caravan park sitting on the beach that is worth a squillion. We have genuine community services, like our parks and gardens, which we maintain.

Road reserves are a different issue. We have got utilities where we have garbage tips or we might have water pumping stations or sewerage treatment plants. If we get back to the land claim issue, they become claimable Crown land because they are deemed vacant Crown land. I think what has to be done in agreements with the land councils or the claimants as well is that if you strike a definition of what is claimable Crown land, if you look at the definition at the moment, anything that is public reserve or permissive occupancy, anything that basically does not have freehold title is pretty well claimable Crown land.

Mr DAVID SHOEBRIDGE: And that is prioritised for residential use and recreational use and the like?

Mr WIELINGA: That is right. I am certain that the claimants do not want to throw everything in there yet as well. If you talk to your local community—because it gets out there in the local community that there has been a land claim over your central park, our local Aboriginal community do not want anything to do with that claim over that, but it has got to be in the whole ambit and all it does is create bloody—

The Hon. LOU AMATO: Tensions.

Mr WIELINGA: —animosity within our community that is not wanted. That is why I am saying the definition of what is claimable land, the land that is deemed community land, it has got to be pulled in. To me, from looking back, it means it is just a legal action that is being taken and it is creating that animosity within our communities that is not wanted.

Mr DAVID SHOEBRIDGE: Have you sat down with the land councils in your local areas and said, "Let's sit down and work out which areas you want to prioritise, which claims you want to prioritise, and then we can take a joint position to the State Government and say 'Let's get this sorted out'"? Have you had those kinds of conversations with your local land councils? Do you have that kind of relationship with your local land councils?

Mr WIELINGA: In Warren I believe we have a very good relationship with our local land council; we sit down there with them all the time. We do not have a written MOU or anything but we have each other's phone numbers.

Mr DAVID SHOEBRIDGE: Have you sat down and done that on prioritising claims?

Mr WIELINGA: In the 1990s there was a land claim made over an area and it was also claimed on an adjoining parcel of land that was a permissive occupancy. I think you will find a permissive occupancy is claimable land. We sat down with the local land council and said, "Council will support your claim fully if you withdraw the PO from the adjoining land holder". They were more than happy to do that. We supported their claim 100 per cent and their claim went through. Then it was only about four years ago we sat down with them again and we applied in the applications with them for funding to clean up Aboriginal lands. We cleaned all that land, cleaned the riverbank; we took car bodies and everything away and turned that land in. So I believe without a shadow of a doubt we have communication lines, that we can sit with our local land council and go through the land that is within the Warren shire and they would look at it as a community member and say no that is or that is not.

Mr DAVID SHOEBRIDGE: I understand there is a willingness there but you have not done that in a sort of council-wide formal way?

Mr WIELINGA: We have not been invited to by council, we have not been invited to by government.

Mr DAVID SHOEBRIDGE: What about you Mr McAnally?

Mr McANALLY: Certainly the same happens now. I think we have got a good relationship with our local land council, but I think any of the land claims that we have had to deal with there is a higher office in the land council that is deemed to have a say in a lot of these claims. So you are not only dealing with your local land council, you are dealing with the Land Council of New South Wales or the body there for.

Mr DAVID SHOEBRIDGE: Have you tried to sort of bring them together and say rather than wait for the State Government to do something—it is not going to happen, some magical stocktake of all Crown land—have you sat down with your local lands council, inviting the NSW Aboriginal Land Council, trying to get some sort of local priorities that you can then try and force on the State Government? That seems like a way forward.

Mr McANALLY: The issue we were talking about last time with our wetlands, because we did have a challenge in the leadership of our local land council and we sat down with them and worked through with their new land council. It depends probably sometimes who is running the local land council. At times it becomes a little bit political, but you have got to deal with that and the position we are in.

Mr DAVID SHOEBRIDGE: The same with the local councils.

Mr McANALLY: Exactly.

Mr DAVID SHOEBRIDGE: I am not trying to blame local government; this really should be a State Government responsibility. Given they seem to not be resourcing it and they do not have an interest in it and there are 29,000 outstanding land claims, do you think there is a role for local government to try and play that sort of catalyst role in your local patch?

Mr McANALLY: I totally agree with you there. Local council are usually always on the front foot because not only do you deal with all this stuff, you deal with the day-to-day stuff. But sometimes if you go in and start doing what your State Government is supposed to be doing, they will walk away from it and they will let you have it and they will say, "Best of luck with all that. Sort that out at your own expense". We seem to find that out here in western New South Wales a hell of a lot. If a service drops out of your town, the local councillor is the bloke who says we have got to pick it up and run with it because there is a community expectation there that you will do that. When you say, "This was funded by State Government", they say, "Well, you blokes fund it". Yet you have to take the ball up.

The CHAIR: And that is the difference.

Mr McANALLY: Once you start doing that, the State Government will say, "Okay, they are alright".

Mr DAVID SHOEBRIDGE: They have already done that with Crown land, have they not? I mean, there are two people and a goat running the office.

Mr McANALLY: That is right. What we do not want to happen here is for the State Government to come along and drop it in local government's lap and say, "There you go, sort that one out". You have taken 50 years and 25,000 bureaucrats to wreck it, now you are trying to get us to fix it and we cannot do that; we need it to be done properly, we need to know where we stand with this. Like I said, if we are caught up all the time with these native title claims of Crown land, operational land, community land, there is too much there—there is too much for us blokes anyway.

The Hon. MICK VEITCH: Have you worked out how much it would cost if you were to be put in charge of all the Crown land within your council areas? Have you worked out what it would cost council? Or has it been funded?

Mr WIELINGA: Not really, for the simple reason that we would not want to be in control of all the Crown land. There are different types of land. You have got the travelling stock routes and whatnot, which are looked after by what originally was the PP Board, and they serve a very good role in local government. They originally sat there for travelling stock—we still have travelling stock, but now they are used for drought purposes. They play a major role environmentally and they are a major revenue source for local land services now.

The Hon. SCOTT FARLOW: Let us make it clear: there is no proposal for all Crown land to be transferred to local government. Hypothetically, there is, of course, the option of local land being taken by councils. As a council, in dealing with the Crown reserves and others that you manage on behalf of the State government, what sort of encumbrances have you found with respect to the Local Government Act and the Crown Lands Act? Do you think the transfer of some of that land, being local land and managing it just under the Local Government Act requirements would be a benefit in your community?

Mr WEILINGA: Without a doubt. Under our planning mechanisms any of the Crown land that we are now responsible for is normally well maintained. If you drive into any community you will see that. There are a number of council's trustees and they are not even touched. I think it gets back to the situation that there are some that I would say, without fear of contradiction, should be transferred to council. There are some that probably should revert. I will not say that they should revert to Crown land, because it does not finish there. If it goes back to Crown land, if it is not used for the Crown it should then be transferred to the adjoining owner. The problem is with the revenue side.

What a lot of people miss with respect to the Aboriginal land claims is that they have a blanket claim over all vacant Crown land. Talk to our local people. If you put a map in front of me with the land that has been claimed in the Warren Shire—I sat down with George Riley from Warren Macquarie Local Aboriginal Council and his people—you will discover that they would never claim half the land on that because they cannot run it and it is of no benefit to them. Just because it is shown as vacant Crown land there has been a claim for that. What I am saying is that, as part of that stocktake, you should do that as well. If you want something that is of genuine use to the Aboriginal people they need to want the land, not just because it is available to be claimed. So there are two sides to the coin, and that is one side that has been missed completely.

The Hon. CATHERINE CUSACK: Thank you very much for your comments about governance arrangements. I would like to go sequentially through a couple of things that you raised. The first is the comment you made about the difference between Crown land on the coast and Crown land inland. Do you think there is scope for separate arrangements for the management of inland Crown land? I make that comment as someone who once spent a lot of time in national parks and was very frustrated that coastal rainforest rules were being applied to inland, goat-infested plains. Without wanting to lead you too much, it seems to me that the rules and regulations were passed as if everything is homogenous, and it is not.

Mr WEILINGA: Absolutely. I can give you some real examples. We have a council caravan park that was on Crown land. We also have a private caravan park in our town. We are not in the game of competing against businesses in our own town. We could not get a private person into that caravan park because they would have to enter into a 25-year lease or if they wanted to go over 25 years they would have to enter into a lease with government. People did not want to put their money into that because it is with the government and they would not be guaranteed a return on the capital. So we have closed that caravan park. We would like to do something with that land to benefit our community but, unfortunately, we cannot. As for the difference between the coast and out here, I can say, without a fear of contradiction, that there is a massive difference and there should be different ways of going about it.

The Hon. CATHERINE CUSACK: Is there scope for a dual regulatory scheme that recognises that the challenges inland are different to the challenges on the coast?

Mr WEILINGA: We get extremely frustrated when we visit the city and they talk about environmental issues with the city council when they probably have about three weeds popping up in the concrete of their footpaths. We have 10,000 square kilometres. We have people who make a livelihood out of the land. If they do not look after their land they do not generate revenue. We all get tarred with the same brush. We do not want to sell a caravan park. If there is one that is sitting on the seaside or whatnot good luck to them.

There has been a park in our town for 150 years and it has been maintained by the council for nearly all of that time but then we get told that it is not our land—or not the community's land, I should say. I hope that, as

a result of this inquiry you fix those types of things. You can call it low-hanging fruit if you want to, but pick it and get it out of the way—get the problem sorted. The provisions of the Local Government Act say that there is operational land or community land. In our instance, we have resolved that any public reserve is community land. If the community wants to change the purpose—I am looking at item (c) in the terms of reference—isn't that a community decision? It should not be a council decision; it should be a community decision. There is adequate provision in the Act if you respect the Act and follow that process and advertise to change the purpose.

The Hon. CATHERINE CUSACK: I would like to follow through again. The next issue of governance is in relation to Aboriginal land rights and your comment that all Crown land is subject to a blanket claim. Would you say that that is because the process is a legalistic process, not a cooperative process that puts all the parties into a situation where they are almost obliged to maximise their position?

Mr WEILINGA: I think it is a result of getting no result early so there has then been a blanket claim. In some areas there are some very real issues over land claims that have been going around for many years but in some areas there has been a blanket claim made that has probably not necessarily land that would be claimed if the local people had their say.

The Hon. CATHERINE CUSACK: Your proposal is that we look at disentangling the claim so that the ones that everyone agrees on, and would be simple to process and dispose of, can be liberated from the problems bedevilling other land claims so that we can make some big progress on the low-hanging fruit—if I can call it that?

Mr WEILINGA: I believe that that would make a massive difference because it would take a lot of the animosity out of the system as well.

Mr DAVID SHOEBRIDGE: That is why I was asking earlier about sitting down with the land councils—

The Hon. CATHERINE CUSACK: Sorry, David, I am following on from that. It seems to me that the evidence that we are hearing is that the framework is not really adequately allowing for that. I wonder if you have any thoughts about a framework in which that could proceed. I do realise that there is a resource issue, but what would be the governance framework for looking at a bundle of land rights claims, perhaps in the local government area and going through those?

Mr WEILINGA: I think NSW Crown Lands should sit down with a map of all the land that has been claimed. Then what David has been talking about can take place. It is not up to local government to take the lead in rolling that out. NSW Crown Lands are the ones who should be running it. NSW Crown Lands should lay out the map of all the land in the Warren Shire Council that has been claimed. They should put somebody's bum in a motorcar and send them out to Warren to sit down with the land council and the council, together, and give us an opportunity to comment on it locally. They should then take the result of that meeting back and talk to those at a higher level.

Mr DAVID SHOEBRIDGE: Where is the nearest departmental officer?

Mr WEILINGA: It depends on which number you hit at the time, I think.

The Hon. CATHERINE CUSACK: In fairness, I do not think this is about laziness or whatever; this is about having some positive ideas about a way forward.

Mr DAVID SHOEBRIDGE: I was not suggesting laziness; I was—

Mr WEILINGA: It is a resourcing issue; there is no doubt about that.

The Hon. CATHERINE CUSACK: Yes, thank you.

The CHAIR: It is a resourcing issue, and we are looking at that. Can I just ask another question about Crown roads: what would you do if you were able to deal with the issues of Crown roads in your area? How would you resolve it?

Mr WEILINGA: The hierarchy of roads is an issue. It is difficult for people to understand. It is a monster that has been created—not only by Government but by local government and by landholders as well. The Surveyor-General came through and tried to have every parish portion, back in those days, not landlocked—so that there was access. It was an ideal system that was done in the 1890s or whatever. Since then, times have changed, technology has changed and roads have been built differently. Now you do not build a road through a gully just because the road reserve is there; you put it on high land so that it does not flood out et cetera. There have not been the resources. A lot of them have been done but out in our area they have not been done. I am talking about extensive areas and extensive road networks.

So there are Crown roads on paper and some of them are not in existence. A lot of the landholders have road permits over them. What complicated the problem is that back in the seventies and eighties if there was a subdivision and someone wanted access a lot of councils had a road and access policy committee which the landholder could apply to. A survey would be made and a road created. To create that road the council had to dedicate that road. As managers, we are finding that we have a council road network but we also have a heap of dedicated roads that are not part of the council's road network. But the landholder looks at and says, "That is a dedicated road. That is council's responsibility. They therefore have to create a road and maintain a road there."

But that is not necessarily how the Act goes. So, how do you fix it?

The CHAIR: Not necessarily just fix it but rationalise in terms of the amount of those parcels available. Do you think there is a place to rationalise those where the owners have permits and there is never going to ever be a road?

Mr WIELINGA: They should be once again transferred to the adjoining land. That was a program that was put in place. I think it became a bigger monster. The intent was there to fix the problem. I think it had a lot of merit, but unfortunately I think the Treasurer wanted his cop out of it and I think that has created a lot of angst and a lot of problems in there as well.

Mr DAVID SHOEBRIDGE: Yesterday on the South Coast we had a witness and he went on the website about adjoining neighbours on an orphaned piece of road reserve, which ended in private property. He went on the website and it said that it would take seven months to get it sorted, so he got his adjoining owner's consent and put the application in. Then when he looked at it more closely, the communication came back that said it should be 18 months. Then when he spoke to the department, someone in the department said that it is actually probably more like five to eight years before they get to it. He said it makes it a nonsense if someone is going to take five to eight years just to get a road registered. What is your experience, or local experience, of time frames? Does it accord with that?

Mr WIELINGA: Yes, if you get one through pretty quickly, you will do it in three.

Mr McANALLY: Yes.

Mr DAVID SHOEBRIDGE: Is that right?

Mr WIELINGA: Yes.

Mr McANALLY: If it is done on the one bit or parcel of land, I think in our area we have had a few of them. It has probably taken three years.

Mr DAVID SHOEBRIDGE: And a complicated one?

Mr McANALLY: The Treasurer had his hand out a lot when they started this process. The realisation is that valuations of the land is a little bit unrealistic. Landholders have been looking after the land for the last 100 years and controlling the noxious weeds and everything like that, and they never sent a bill to the State Government to pick up that tab. At the end of the day, we are not talking about vast tracts of land here. If there are two adjoining landowners, that is when it tends to turn it into five years.

Mr DAVID SHOEBRIDGE: Does that delay discourage people from going down the path? Does that sort them out? Do they throw their hands up, or what?

Mr WIELINGA: No, the whole monster has changed probably in the last 12 months whereas now, if the department of lands and council are looking at closure—not the private landholder—or if council is looking at closing a road, council has to do all the paperwork and get their own legal people. That may speed the process up.

Mr McANALLY: That speeds it up.

Mr DAVID SHOEBRIDGE: But if you do it?

Mr WIELINGA: All of a sudden, if it is dumped in our lap, we do not have the skills set in our organisation. We have to go and get the legal people so it probably costs us more.

Mr DAVID SHOEBRIDGE: This is exactly what you said earlier—

Mr WIELINGA: Yes.

Mr DAVID SHOEBRIDGE: —about devolving responsibilities and expenses down onto local government that should be a State Government expenditure. You guys are having to pick up the expense. Right?

Mr WIELINGA: Yes. They have the experts and they have had the experts for the last couple of hundred years on dealing with land matters. Now all of a sudden they have picked the local roads issue and put it in council's lap and they say, "Oh, it's easy now. You just go on the website and get a form and send us \$397.43¢ to make the application." Then you have to get the old legals and everything done whereas before you would make the application to them, talk to adjoining landholders, they would sign off on it, and, bang, it would go through.

Mr DAVID SHOEBRIDGE: Is this only for roads on council land?

Mr WIELINGA: Roads that council want to close, if it is a dedicated road. If it is a Crown road, it is looked after by the department of lands. But if we want to create a new road, we have to go through and do all that notification ourselves as well.

The CHAIR: We are coming to the end of the session for you guys. Is there anything that you particularly want to see in the recommendations that would help your areas?

Mr WIELINGA: Yes. I believe that genuine community land, whether it is utilities, roads or for recreation, should be transferred to council—and not at a massive cost—because we have accepted the responsibility of maintaining that land for the last 150 years in Warren's case, and we will be accepting that into the future. If you respect the Acts and the law of the land with the operation of community land, if your community wishes to make a decision to change the purpose of that land, they should be entitled to do so.

Mr DAVID SHOEBRIDGE: You say not at onerous cost, but if you have been managing this and you are the manager—

Mr WIELINGA: It should be gratis.

Mr DAVID SHOEBRIDGE: It should be at zero cost.

Mr WIELINGA: Exactly.

The CHAIR: A peppercorn rate, like all Crown land for public use.

Mr McANALLY: Yes.

Mr DAVID SHOEBRIDGE: You just do not need that.

Mr WIELINGA: I know. But what you will find is that under our title system nowadays, it is lot-and-property-description [PD] folio identified. If this Committee makes a recommendation to Government that it transfers this land to council, are we going to be lumbered with the cost of surveying, registering of title and the whole kit and caboodle?

The Hon. MICK VEITCH: Which is initially what I was saying.

Mr WIELINGA: That is what will happen.

The CHAIR: That is right—fair enough.

Mr WIELINGA: You will get a lot of councils walking away and saying, "We don't want that land."

Mr DAVID SHOEBRIDGE: "The land is free but you've dropped \$30,000 on legals for us to make it happen."

Mr WIELINGA: Exactly.

Mr DAVID SHOEBRIDGE: That is not a win for you, is it?

Mr WIELINGA: For land that is going to remain community land, you are not going to get a return and do not expect a return on your outlay, but at the moment there is some important community infrastructure sitting on Crown land that has been put there by the people, maintained by the people, but is not on the people's land.

Mr DAVID SHOEBRIDGE: This problem is not a pure dichotomy—it goes to you or it does not go to you. If the State Government says to you, "Do you want it or not?", and you say, "No. Because of the costs of transferring and surveying, we're not interested in it", they may then well say, "Well, if you're not interested in it, we're going to find somebody else who may be.", and you could potentially find your important local land being lost through that process. Does that worry you at all—that that might be what happens?

Mr McANALLY: It certainly does. I reiterate what Ashley just said. In our area, we just talked about—it is not a divide—but we talked about Crown land on the coastal areas contrasted with where we are out here. Our councils out here have smaller populations and massive areas and their community land of interest is

mostly Crown land, such as your racecourses, your parks and your caravan parks, if they have them. Certainly if the Government came back and said, "We'll do a deal with this land but you blokes have got to do the surveying and the legal costs.", and all that, we are going back to buying that land again. The community has already put their money and their good faith and all that into it.

Every time we talk to people now that put new structures on our racecourses, I say, "You know, whatever you build on here, you don't actually own. If the State Government came out tomorrow and said, "We're going to sell that", all councils would be under pressure and their budgets would be under pressure to be able to buy that land back. You know, \$30,000 or \$40,000 in legal costs might not seem a real lot of money in Sydney city councils—I think we are seeing that now with the amalgamations and that they can spend \$1 million and not worry about it—but \$30,000 or \$40,000 out of our council budgets is an extreme amount of money.

The Hon. LOU AMATO: Yes, it is.

Mr McANALLY: If they are going to go in and do that to every one of our Crown reserves—

Mr DAVID SHOEBRIDGE: Twelve times.

Mr McANALLY: —whatever we have got on, it adds up to a hell of a lot of money, and that means two or three roads that are not going to be fixed up.

The CHAIR: The unwritten stuff is coming through as well, which is probably the biodiversity conservation fund, so you will actually have to look after that land that has been given to you.

Mr McANALLY: Yes.

The CHAIR: One could be a bit of a cynic and think that that is why they are handing it over shortly—because of the legislation that is following up and the burden of care of that land, which will be huge. I have to finish our session there because I have other guests waiting.

Mr DAVID SHOEBRIDGE: Just one quick question. Rather than forcing through a lot-by-lot registration process, which I think will be deeply troubling for you here in western New South Wales, if there was some statutory transfer so that Crown land identified by agreement could be transferred by statute rather than by individual registration, that might be a much more attractive path for you.

Mr WIELINGA: Potentially could be and you could also use the caveat on a title. I mean, councils do it with subdivisions.

Mr McANALLY: A single model.

Mr WIELINGA: Yes.

The CHAIR: Thank for you that, gentlemen. We could very easily sit here for a lot longer but we have other witnesses who wish to contribute to discussion on the same issues. I thank you for our time and for travelling to attend the inquiry. I note that some questions were taken on notice and some members of the Committee might put further questions on notice, and you have 21 days within which to provide a response. Sam Griffith and the secretariat will help you with that, if you need any assistance. We will do our best to make some changes that, hopefully, will make it a little easier for rural regional councils.

Mr WIELINGA: Thank you. We appreciate having had the opportunity.

Mr McANALLY: Thank you, Chair. I will leave some letters with you from the Bourke Shire Council, which has written a submission and which is part of the Orana Regional Organisation of Councils [OROC]. I will table those.

The CHAIR: Thank you very much.

Documents tabled.

Mr McANALLY: Thank you for your time.

(The witnesses withdrew.)

JENNY BENNETT, Executive Officer, Central NSW Councils, affirmed and examined

MICHELLE CATLIN, Manager, Administration and Governance, Orange City Council, affirmed and examined

The CHAIR: I welcome witnesses from Central New South Wales Councils [CENTROC] and Orange City Council. Do you have an opening statement?

Ms BENNETT: Yes. Thank you for inviting us to give evidence. We are from a region with a broad number of different types of councils and landscapes, but generally the feedback from across our region, whether they be councils that manage commons or all sorts of other Crown lands entities, is that there is room for improvement. They are certainly looking for probably not a one-size-fits-all approach; they are probably looking for some kind of framework, but a considered and negotiated approach, to delivering better outcomes for our communities around the use of Crown land.

Ms CATLIN: From Orange's point of view, we have a relatively small local government area and most of the population is within an urban area, so we do not actually have much unused Crown land. Most of the Crown land in Orange is actually under the trusteeship of Orange City Council and a lot of our premier parks and sports fields are on Crown land. We welcome the opportunity to provide some information today.

The Hon. MICK VEITCH: How many pockets of Crown land do you have? You may take this question on notice and come back to us with the answer. Please include whether they have plans of management.

Ms CATLIN: Yes, certainly we can do that.

The Hon. MICK VEITCH: Do you have any idea how much it costs the council to manage the pockets you already have?

Ms CATLIN: I looked at four main parcels of Crown land that we manage. Two are premier parks and two are used as sports fields. In those four alone in the council's current budget we are spending almost \$1 million maintaining those.

The Hon. MICK VEITCH: When your council developed the plans of management for those, was that part of the council's Local Government Act obligations to develop community management plans and asset management plans? Were they part of the whole process?

Ms CATLIN: Yes. I think there is an opportunity to perhaps include those more broadly in the strategic planning, so tying plans of management with the council's other strategic planning documents. We have certainly done that with the main reserves and park areas that we have, but there is an opportunity to look at that more broadly.

The Hon. MICK VEITCH: In the Government's response to the white paper and submissions there is talk about plans of management for some parcels of Crown land and whether plans of management are the most appropriate mechanism for other parcels. What is your view about that? Do you think there should be some sort of management plan for all Crown land or is it the Government's responsibility?

Ms CATLIN: I think it is very hard. Because there are such variations in how the Crown land is used and how relevant each parcel is to the community, it is probably a better approach to look at each parcel on its merits and how that fits in with what the community is using that land for and what the community sees for the future. In some of the plans of management I think there is an opportunity to take a more strategic view. I will admit that in the Orange area there are some plans of management that were done some time ago and the purpose of them is not being realised, so there is an opportunity for improvement for those areas as well.

The Hon. MICK VEITCH: Have the plans of management been signed off by the Minister for Lands and Water?

Ms CATLIN: I would have to take that on notice. I am not sure.

Mr DAVID SHOEBRIDGE: When you talk about plans of management, do you distinguish between plans of management under the Local Government Act and plans of management for Crown lands? Are you distinguishing between plans of management that have been done for Crown land as against plans of management that have been done for community land? Are you distinguishing between the two, or do you pretty much treat them the same?

Ms CATLIN: We pretty much treat them the same, to be honest.

The CHAIR: Where do you get the funds to look after those?

Ms CATLIN: They just come from the council's general revenue. For some of the sports fields there might be some fees associated with those, but mostly it is just from general revenue.

The CHAIR: For instance, for sporting grounds I note that some councils are starting to talk about charging kids to play on the grounds. Are you guys doing that?

Ms CATLIN: No.

The CHAIR: Are you looking at that because of cost shifting?

Ms CATLIN: Not at this stage. Our council takes a very proactive view and sees the amenity and the use of those areas is really important to the community, so the concept of allocating a fee per child is not something that our council is looking at.

The CHAIR: Do you subsidise that management cost in some other way?

Ms CATLIN: Yes, as we have done for many years.

Mr DAVID SHOEBRIDGE: Your view is that it is the job of council to provide sporting fields for your community; that is why you have a council?

Ms CATLIN: Yes, that is right.

The Hon. SCOTT FARLOW: We received some evidence yesterday from councils regarding what they saw as the net cost of managing Crown reserves in their areas. Do you have any figures for Orange?

Ms CATLIN: No, but I could certainly provide that.

The Hon. SCOTT FARLOW: Please take that on notice.

Mr DAVID SHOEBRIDGE: I think Wollongong said it was a \$7 million net cost to council to administer their Crown reserves.

The Hon. SCOTT FARLOW: And \$2 million for Shoalhaven.

Ms BENNETT: We could potentially get some figures from across the region along those lines and that will show you the differences between Orange—arguably a wealthier council within our region with a small parcel of Crown land. You will see in some of our areas that that will be similar to Wollongong as they have vast areas and vast tracts of challenges for management.

Mr DAVID SHOEBRIDGE: I think there is a perception in parts of western New South Wales that coastal councils have some sort of cash cows with Crown land to hand. But the evidence we have had from coastal councils was that even though that land may be more valuable in terms of income producing, the net effect to councils managing coastal Crown land is still very negative. It will be fascinating to see your figures, because I assume you do not have those large cash cows, if you like, on Crown land in your areas.

Ms BENNETT: No.

Mr DAVID SHOEBRIDGE: And so it is all just a net drain.

Ms BENNETT: Yes.

The Hon. SCOTT FARLOW: Ms Catlin, from which you have been saying I take it that you do not necessarily view the Crown reserve as any different from council land holdings in terms of delivering services for your community.

Ms CATLIN: Yes, in practice that is correct.

Mr DAVID SHOEBRIDGE: Are you aware that as a matter of law the plan of management for Crown land is not effective until it is signed by the Minister? In that way it is different from plans of management under the Local Government Act. Do you have that kind of management distinction in council?

Ms CATLIN: Because I am not sure if our plans of management—

Mr DAVID SHOEBRIDGE: I am happy for you to take it on notice.

Ms CATLIN: Yes, I will take that on notice.

The CHAIR: Quite often they are called a draft plan of management until they are ticked off. You might be familiar with that terminology.

Ms CATLIN: Yes, I am familiar with "draft".

Ms BENNETT: I think there is a variable level of effort around plans of management from the Crown's perspective. For those that could be potentially difficult and challenging a greater level of scrutiny is applied, but for those that are part of councils' working life, you may not get the level of scrutiny. I am happy to take that question on notice on behalf of all of our members as well.

Mr DAVID SHOEBRIDGE: The sewerage treatment plant is probably not a priority plan of management.

Ms BENNETT: Yes.

Mr DAVID SHOEBRIDGE: But the heavily used park in the centre of town probably is.

Ms BENNETT: Or the racecourse, dare I suggest. There are some out there that will get a higher level of scrutiny whereas others will not. We can look at that and provide feedback.

Mr DAVID SHOEBRIDGE: Do you think there should be some sort of formal process in place that forces councils to delineate between land rather than to say that the plan of management must be for all Crown land that is being managed? Should there be some sort of guidance in the legislation providing that parcels of land that are heavily used by the community need to be prioritised with plans of management, but the balance of Crown land should have a different management regime?

The Hon. MICK VEITCH: It could be a utility like a bore or a—

Mr DAVID SHOEBRIDGE: Yes.

Ms BENNETT: You have to ask what is a value proposition. What is the value proposition of a plan of management? That is probably the first question I would ask. From council's perspective, we have so many other strategic obligations, integrated planning and reporting and so on. That is where we invest our value on community feedback on the use of land and just about everything that we do. Yes, it is a statutory obligation, but it is a bit like the unwanted vegetables on the side of the plate. We absolutely will meet all our statutory obligations, but I would suggest that they are not really adding very much value to our communities or our councils.

Mr DAVID SHOEBRIDGE: Is that a "yes" in answer to my proposition?

Ms BENNETT: It is a "kind of".

The Hon. SCOTT FARLOW: I refer to the proposed reforms and the transfer of local land to local councils if local councils opt in. If you were to have those additional requirements under the Crown Lands Act and had to manage the land in respect of the Local Government Act, would that be enough of a safeguard for your community?

Ms BENNETT: Are you suggesting that the Crown land is transferred to council?

The Hon. SCOTT FARLOW: Yes, as part of the white paper proposal. I am referring to those areas and parcels of land that local government opt to take.

Mr DAVID SHOEBRIDGE: I understand the proposal is to transfer it as community land.

The Hon. SCOTT FARLOW: Yes. I think you raised some objections to that in your submission.

Ms CATLIN: I agree that parcels of land being used for recreational purposes should be transferred as community land. The provisions of the Local Government Act are satisfactory in terms of council obligations for that community land. If it is Crown land that has been used for roads, drainage, and operation purposes, that should come across as operational land if the provisions in the Local Government Act remain.

The Hon. SCOTT FARLOW: If it were transferred across as community land, what are the impediments for you in being able to change the delegation in terms of the council's approach to operational land? What is the process you have to go through to achieve that?

Ms CATLIN: To reclassify?

The Hon. SCOTT FARLOW: Yes.

Ms CATLIN: It is quite a process. From the community's point of view, there is a consultation process. The council needs to be presented with a proposition that provides reasonable grounds for why a parcel of land should be reclassified. But the reclassification process involves advertising the proposal, and consulting with the relevant stakeholders if there are user groups or others involved in that parcel of land. There must be a

public hearing so people can make arguments for doing it or not. Ultimately, it is subject to council and ministerial consent. A robust process must be undertaken to reclassify.

The Hon. MICK VEITCH: Is there an appeals process built into that sequence of events prior to ministerial assignment?

Ms CATLIN: I am not sure about that. We have not had an appeal against a recommendation to reclassify. We have certainly had community input. However, in terms of an appeal, I am not sure. I can take that question on notice.

Mr DAVID SHOEBRIDGE: It is an amendment to the local environmental plan.

Ms CATLIN: Yes.

Mr DAVID SHOEBRIDGE: You then go through the same process. You have a proposal and an initial resolution of council. If it supports the proposal, it then goes to the gateway at the Department of Planning and Environment. If they approve it, it comes back to council for the full consultation process and reporting. Then the community consultation comes back for another resolution of council, and it is ultimately supported and it then goes through to the Minister for sign-off. It is quite a lengthy process.

Ms CATLIN: Yes.

Mr DAVID SHOEBRIDGE: If you had a bunch of community land that you wanted to transfer to operational land, you could bundle it up.

Ms CATLIN: Yes.

Ms BENNETT: But why would you not avoid it if you could? That is especially true if you are talking about a water treatment plant. That is an enormous amount of effort to go through to deal with an operational council asset. I cannot imagine anyone appealing that process.

Mr DAVID SHOEBRIDGE: I do not think there is an appeal per se.

Ms BENNETT: Or even going through that process; that is, having a hearing, a local environmental plan and so on. Why would you go through any of that if it did not add any value? Surely you would have some sort of process saying that those councils assets that have been used by the community for the past 100 years should be transferred across as operational.

Mr DAVID SHOEBRIDGE: Do you think that any new legislation should include a schedule stating that land that is primarily used for the following stated purposes—sewerage treatment, waste disposal, reservoirs and so on—can be transferred as operational at the beginning rather than going through this process? Is that the kind of thing you are asking for?

Ms BENNETT: That would make more sense.

The CHAIR: I refer to Crown roads. Do you have any comments about the burden they might be causing your council?

Ms BENNETT: Across the region our commentary would be similar to that of the previous witnesses. If it can be transferred without much difficulty to private landholders, where appropriate that is good. We would prefer not to have a greater administrative burden on councils. We are dealing with a large piece of history that we are attempting to rationalise. If we can do that as swiftly and as reasonably as possible without councils having to pick up most of the tab, that would be good. I think Lachlan shire has the largest number of roads in New South Wales. You must consider a council's capacity to be able to fund that type of activity.

It is the bigger council areas that face the greater challenges. The Government should be mindful of considering those councils that are least able to manage. The asset should be activated if there is potential for these lands to become part of the agricultural activation for the State. That is a good idea. In general, if there is Crown land that has the potential to be activated on behalf of the community or the economy of the State, some thought should be given to how that can best happen. That is the heart of our approach in relation to Crown land and Crown roads piece—and roads piece in particular.

The CHAIR: Do you have any comments to make about travelling stock routes [TSR]?

Ms BENNETT: Similar comments.

Mr DAVID SHOEBRIDGE: There is a flavour to the submissions on travelling stock routes. They suggest that they are probably being seen by parts of the State Government more as a revenue source rather than a strategic, economic and environmental resource. Do you want to comment on that?

Ms BENNETT: There is also the management issue. It is really important from a biosecurity and weed management perspective that we get into these TSRs and ensure we are using them as effectively as possible, but we must also minimise the impact.

Mr DAVID SHOEBRIDGE: Some submissions suggest that rather than being travelling stock routes they are being mismanaged at different times. Stock is being camped on it for long periods and eating it out. Asset fees are also becoming more expensive and bureaucratic. Where they travel over private land, it is next to impossible to negotiate access to exercise a statutory right.

Ms BENNETT: We have issues along the roadways when they are travelling between the TSRs. It is probably the heart of a number of other problems. You might want to look at TSRs in isolation and as a special case. That is the issue from a Crown land perspective as a whole. There are all sorts of different lands with different uses and different value to the State. A lot of thought needs to be given to how we can best manage it, who is the best owner and what is the best activation of all those lands.

Mr DAVID SHOEBRIDGE: Travelling stock routes are an issue for this Committee, so we have to grapple with it; we cannot palm it off to somebody else. Do you want to take it away and put out a submission on—

Ms BENNETT: I might go back and get some more feedback because a couple of folk have put a little bit of advice to us on TSRs. But if that is a specific focus for you we would definitely take that on notice and go back and get some feedback, particularly from a couple of our councils where I could definitely hear some more from in that area.

The Hon. MICK VEITCH: I think it is also important to know the relationship between the councils and the local land services around the operation of TSRs. If you could get any feedback on that as well as part of your consultation?

Ms BENNETT: Okay, and we will include the local land services as well, bearing in mind that local land services are still fairly new in their lives and so they are still settling into their roles.

Mr DAVID SHOEBRIDGE: But if you can do that?

Ms BENNETT: Certainly. We will go back and get some more detail for you on TSRs.

Mr DAVID SHOEBRIDGE: It is one of the core issues in any rationalisation of changing the Crown Lands Act.

The Hon. MICK VEITCH: If I could take a different tack—town commons. Within CENTROC do any of the councils have town commons?

Ms BENNETT: I am certainly aware Oberon does. I would have to go back and get more detail. I do not think Orange has got a common. I would have to go back and get some more detail. Does Young have a common? I cannot recall.

The Hon. MICK VEITCH: Not that I am aware of.

Ms BENNETT: I am thinking about that river country. Anyway, I will go back and get more detail for you. But certainly Oberon does. The common is a fascinating concept but it is proving to be quite challenging. Having a look at the challenges that Oberon has had over its common—

The CHAIR: Can you maybe explain for the Committee's sake—some of us are young in this and some of us are a bit more experienced—what are town commons?

Ms BENNETT: I will go back and I will get more detail for you.

The CHAIR: A quick definition of "town commons" as opposed to other pieces of land.

Ms BENNETT: The town common is a piece of land, which, again, I do not know all the salutary information behind it, but as operating in Oberon the community has a great sense of ownership and relationship to that piece of land. I think that is probably the most important thing to say about a town common. The plans of management that go over those types of land then need to recognise how to do a lot of work around the common use: Is it going to be a community garden? Is it going to be a skate park? Actually, another common is in Gulgong. I will get some feedback on that one as well.

The Hon. MICK VEITCH: Often a town common was a bush road that enabled the townies to run a milking cow or something—a sort of lifestyle as well, because they could not do it in their backyard.

Mr DAVID SHOEBRIDGE: They can grow a veggie patch, they can let a goat run.

The CHAIR: Just like the community gardens of the twenty-first century.

The Hon. CATHERINE CUSACK: There is a great one at Tingha; everyone has got cattle all over it.

The Hon. LOU AMATO: There is one at Camden as well.

Mr DAVID SHOEBRIDGE: You say they are challenging, but there are benefits as well as challenges to the market. Some towns love them and see the benefit in them, some of them see it as a contested public space and they want to rationalise it.

Ms BENNETT: I think there is the ebb and flow of interest too. Suddenly there is a really interested greens group in town and everyone is down there doing community gardening. It is fantastic and they are bringing the cows and the chickens in and then they all get over it. Managing the ebb and flow of community interest in them I think is quite challenging as well. Again, it is that linkage back into how resourced is the council to manage the common. Another common I am aware of is in mid-western—it is not in town, it is out of town. It is a common area between Gulgong and Mudgee. I will find out the history of that one, but I know there were some challenges around that one as well. So they do not necessarily have to be in town either.

The Hon. MICK VEITCH: The purpose of the question is, as you would know in the white paper, the Government is talking about repealing the Commons Act and bringing it all in under the one Crown lands administration legislation.

Ms BENNETT: I will go back and find some more detail for you specifically from the folk around commons. But they certainly are not the easiest of things to manage, from our council's experience.

Mr DAVID SHOEBRIDGE: Maybe an opinion from Oberon Council, if that is one that comes to mind, if they support the repeal of the Commons Act.

Ms BENNETT: Yes, certainly. We will take that question on notice and get more detail back from them. I know, like my experience, they have been saying that they have had challenges around the common, but I have not got a great deal of detail. I will get some more back for you.

The Hon. SCOTT FARLOW: Ms Catlin, going back to the issue of transferring across land as community land and some of your council's concerns, in his evidence the other day the Minister said to us that all land would be transferred across as community land except—and I will quote the Minister's answer:

The only exception will be for land used for things like works depots and weigh stations, which clearly meet the definition of operational land under the Local Government Act.

Would that assuage your concerns?

Ms CATLIN: Possibly, yes. Can you repeat the two examples you gave?

The Hon. SCOTT FARLOW: He said "things like works depots and weigh stations". I imagine that it is broader than that, but if it were things that clearly met "operational" in definition you would be content with that?

Ms CATLIN: Yes.

The CHAIR: In terms of Aboriginal land claims, do you have any comments about that part of our inquiry?

Ms CATLIN: We did not make too many comments in our submission on that primarily because the number of issues that we have dealt with where, for example, we have needed to acquire some Crown land that is subject to a claim, we have got quite a good relationship with the local Aboriginal land council and we have been able to negotiate with them and the matter has been able to be resolved quite quickly. Also, we have a very good relationship with Crown Lands staff, so when we contact them with an inquiry they are very responsive. So a lot of the concerns about delays, whilst we have experienced some delays they are not to the extent the previous couple of speakers were talking about. In relation to claims, we have not had really significant issues in relation to those. How they are managed going forward is certainly a challenge, and I understand there are many, many that are—

Mr DAVID SHOEBRIDGE: You have got a small footprint and you are primarily a peri-urban council, are you not?

Ms CATLIN: Absolutely.

Mr DAVID SHOEBRIDGE: You would be unusual?

Ms CATLIN: Yes. Our experience is very limited.

The Hon. MICK VEITCH: But, Ms Bennett, your organisation—

Ms BENNETT: That is right. I guess one of the points of having Orange here is to make the case that we are a very mixed bag here in the centre of New South Wales.

Mr DAVID SHOEBRIDGE: I am not dismissing the council's experience—it is important to hear—but it is probably not unique.

Ms BENNETT: Across the region and also to the region to the south who we have been speaking to as well, it is much more variable than that, and I guess one of our issues is if there is an opportunity for tidying up that variability that would be good, and also to take a more geographically based negotiated approach on a sort of region-by-region or Aboriginal land council by land council—try and take an approach that gets us a negotiated outcome. The thought that out there somewhere is this massive map that has got all these Aboriginal land claims all over it is something that is probably not helpful to us; so we would be very interested in sitting down per footprint and having a conversation about how we can best manage those Aboriginal land claims. And if it could be tidied up faster that is certainly something that the board has spoken to us about in the past.

Mr DAVID SHOEBRIDGE: Do you think the State Government should take a role in bringing together Aboriginal land councils and local councils and trying to get a priority list of land claims to deal with as a priority, because at the moment what the department has said is they have started with land claim number one and they are working their way through on a numerical basis, regardless of what the local priorities are. They say that is the only way they can see to fairly do it. Do you agree with that approach or do you think the State Government should be pulling together land councils and local government and saying, "Let's prioritise the ones that are going to have the biggest impact in the community and deal with them first"?

Ms BENNETT: I would definitely say the second approach would be better. Some type of prioritisation is always a better idea than just dealing with things on a historical—

The Hon. SCOTT FARLOW: Have you had a look at the new Aboriginal land agreement process and the pilots? Are there any groups in your area that have an interest in it?

Ms BENNETT: No, I am not sure what the fit is with the Three Rivers Land accord that has been developed through DPC either, but I can take that question on notice and get feedback for you.

Mr DAVID SHOEBRIDGE: Section 36AA is the provision in the Crown Lands Act. Could I put this general proposition to you: The State Government is going to reform the Crown Lands Act sometime this year—a century in the making, a reform of the Crown Lands Act. Forty-two per cent of the State is Crown land. Given the entirety of the State before colonisation was Aboriginal land, do you think that in the reform of the Act there should be a clear and unambiguous priority to say that as much as possible Crown land should be returned to those traditional owners, acknowledging the fact that Aboriginal people owned every square metre of this State before colonisation?

Ms BENNETT: My board does not have a policy in that space but I could seek advice from the board about whether we would be prepared to develop policy in that space. Certainly it is a very challenging question for all of the people in the State of New South Wales. Especially if you look at beloved pieces it can start to get quite fractious. It is quite a challenging question that you pose there.

Mr DAVID SHOEBRIDGE: Ms Caitlin, you probably have a simple answer to it; is that right?

Ms CAITLIN: Yes. I guess I do not have anything more to add.

Mr DAVID SHOEBRIDGE: Do you want to take it on notice?

Ms CAITLIN: Yes, I am happy to.

The CHAIR: If the Aboriginal people can achieve land claims, especially those that may not initially seem to have development or economic opportunities, do you think that a critical pathway like a Aboriginal State SEPP could be helpful? I am talking about one size not fitting all across New South Wales. They may be able to engage in a process of planning that could help their communities be self-reliant and economically driven.

Ms BENNETT: It is such a challenging area to be having a conversation about with a room full of white fellas, quite frankly.

The CHAIR: We have a friend down the back of the room.

Ms BENNETT: Land is beloved by all of us. Certainly the relationship that Aboriginal people have with the land is different to mine but I love the land. So I find it very difficult to make commentary along those lines.

Mr DAVID SHOEBRIDGE: It is difficult for the Parliament, which consists almost entirely of non-Aboriginal New South Wales members of Parliament. It is going to have to make a decision on this. That is why we are seeking advice in your evidence. Just because it is difficult does not mean that—

The Hon. CATHERINE CUSACK: In fairness, David, it is not every witness's—

Ms BENNETT: I will go back and get some feedback from the board. I am here representing Central New South Wales Councils.

The CHAIR: Yes, you can take it on notice.

Ms BENNETT: I think we need to recognise that it is very challenging. Good luck, ladies and gentlemen, with those types of positions.

The CHAIR: Are there any further questions?

The Hon. MICK VEITCH: You can take this question on notice. The principles of the new Act are critical in the way we all move forward in administering and managing the Crown lands estate in New South Wales. Does your board or council have any views about what should be included in the principles of a new Act? I am keen to see what they have to say.

Ms BENNETT: We can take that on notice. Certainly the board is interested in seeing activation of Crown land where possible. I am sure the board is thinking along the same lines as you—if we can manage the handover of Crown land appropriately and to add value with minimal impact, that would be handy.

Mr DAVID SHOEBRIDGE: Protecting community interest groups and protecting environmental values.

Ms BENNETT: Yes. I think we are all on the same page. The devil will be in the detail. Often while everybody agrees at this point, when it comes down to who is paying for what and who is resourcing which bit, suddenly the Treasurer takes a great interest in ensuring that the State is not responsible. That is the heart of our concern.

Mr DAVID SHOEBRIDGE: You say that the devil is in the detail.

Ms BENNETT: Yes.

Mr DAVID SHOEBRIDGE: That will almost certainly prompt Mr Veitch to ask you a question. Is that right?

The Hon. MICK VEITCH: About the regulation?

Mr DAVID SHOEBRIDGE: Yes.

The Hon. MICK VEITCH: The Minister indicated, in evidence on Friday, that there may well be some regulations flowing from the legislation. That makes it difficult giving consideration to the bill because we do not know will be in the regulations.

Ms BENNETT: Correct.

The Hon. MICK VEITCH: Do you think there should be some time to look at the bill in its context rather than looking at the exposure draft of the legislation? Would that be valuable for those who work within this environment?

Ms BENNETT: Potentially. We would be very interested in knowing what is in the regulation before making comment on the legislation that was handed up. That would be good.

Mr DAVID SHOEBRIDGE: There are two steps, aren't there? There are a whole lot of principles. We may well sit around the table and agree on some principles but, as you say, when it comes to land tenure and legislation in relation to land the devil is in the land. Some subtle different wording in the legislation may have a very substantially different impact on the local community. Is that right?

Ms BENNETT: Absolutely. I am seeing some situations at the moment. For example, favourite hobby horse, as the Hon. Paul Green will know, is the joint organisation legislation. That has nothing to do with what we are discussing now. The principles are fantastic but when you actually look at the tracking of the legislation

you see that it is about developing county councils. That kind of detail is really very important for us to get our heads around.

Mr DAVID SHOEBRIDGE: So there should be an exposure draft rather than just tabling the bill in Parliament and debating it within a week or a fortnight or so. That would be one method. The other method would be to put out an exposure draft of legislation and leave it on the table for six weeks or so and get community consultation on the actual words of the legislation. Would that be a preferable path?

Ms BENNETT: It is always a challenge, isn't it? I think our folk would always rather take the time to get it right. That would be the general principle of our board. At the same time, we sometimes watch these things languish.

The Hon. MICK VEITCH: It should not take too long.

Ms BENNETT: It should not take too long. We are very keen to see some action but we certainly think you should take the time to get it right.

The CHAIR: Thank you both for your time. You have taken a few questions on notice so you will have a lot of homework to do. Could you reply to those within 21 days. The Committee secretariat will be happy to assist you. Some of us may put further questions on notice in the light of your evidence.

(The witnesses withdrew)

DARREN TOOMEY, Chief Executive Officer, Dubbo Local Aboriginal Land Council, sworn and examined

STEPHEN RYAN, Member of the Dubbo Aboriginal Land Council and Councillor, Central Region, of the New South Wales Aboriginal Land Council, sworn and examined

The CHAIR: I welcome our witnesses to the hearing. I note that Mr Brown is running a little late and that Mr Stephen Ryan has joined us.

Mr RYAN: I say, "Amen", to my oath.

The CHAIR: Yes, amen. Everyone was waiting for me to say that, I think. Mr Toomey, do you have an opening statement that you would like to introduce with?

Mr TOOMEY: On behalf of the Dubbo Aboriginal Land Council, thank you for the invitation to give evidence today. I would like to give evidence on some of the land claims, or the list of the land claims that currently we have pending, and I am happy to give evidence today.

The CHAIR: The geographical area that those land claims relate to are within your traditional management?

Mr TOOMEY: They are, yes.

Mr RYAN: It is Wiradjuri, but the land councils are different.

The CHAIR: Thank you.

Mr TOOMEY: The Wiradjuri Nation is different and has different land councils. There are different boundaries within the Wiradjuri Nations in relation to land claims, different land councils. You have the Wiradjuri Nation and land councils are made up of their own boundaries.

The CHAIR: Right.

Mr RYAN: I will clarify that. When the legislation was formed, Maurie Keane, bless him, produced a white paper years ago. They never formed land council boundaries on traditional boundaries. I asked Mr Refshauge, who was the Minister at the time a while back, why he never formed them on traditional boundaries. He suggested, "Well, what about the stolen and removed generations that had relocated—and the people forcibly removed from their country? How did they access land rights?" Dubbo is a voluntary settlement place, but the other bigger cities were resettled places where we were taken from our homelands—enticed from our homelands, or stolen—and put into other peoples' country. His stock standard answer to that—and he was not a Minister at the time—was to take care of those people. That is why we have a system that is built on just geographical boundaries, not traditional boundaries—or so they say. That is what Mr Refshauge told me on the day I asked him.

The CHAIR: Could you enlighten us about what are the hindrances to the land claims obtaining a quicker outcome?

Mr TOOMEY: Basically, the time frame in which to get a land claim either approved or—

Mr RYAN: Bureaucracy at its best is the answer—the sole answer. Since '83 we have had 30,000, nearly 40,000, land claims lodged. We have had 7,000 knocked back and 3,000 approved and we have 30-odd pending.

Mr DAVID SHOEBRIDGE: It is 29,000.

Mr RYAN: Thank you for that correction, but it is bureaucracy gone mad.

Mr DAVID SHOEBRIDGE: Mr Toomey, I have had a quick look at that list you have there. My quick analysis is that there are 600 or 700 outstanding claims just for the Dubbo Aboriginal Land Council. Is that right?

Mr TOOMEY: There are some that have been approved. Obviously, my printer did not print them all out but there are some—we still have a few that are still pending.

The Hon. SCOTT FARLOW: Are they all of the land claims that you have put in, or is that just the list—

Mr TOOMEY: That is all the land claims within our Dubbo Aboriginal Land Council [ALC] boundary.

The Hon. SCOTT FARLOW: And that includes some of the ones that have been approved?

Mr TOOMEY: Yes.

Mr DAVID SHOEBRIDGE: How many have been approved?

Mr TOOMEY: Not too many.

Mr RYAN: Twenty max.

Mr DAVID SHOEBRIDGE: So that is 3 per cent or 4 per cent. The ones that have been approved, are they the ones that have been prioritised, or are they the ones that are going to return the greatest economic or cultural benefit to Aboriginal people? How are they determined?

Mr TOOMEY: We are just in the process now with the legislative amendments to the Land Rights Act, which will allow us to get into economic development. We are looking at redeveloping some of our land. We have some problems with land within Dubbo. We work with other government agencies, such as local government. We did some work previously with Troy Grant. We got a request from his office to assist with a land claim with one of the preschools, on which we had a land claim. We actually did a part withdrawal of the land claim to allow them to do the extension of the preschool. We also did some work with the local council at the old fire brigade station out towards the zoo, which is within our boundary. They just wanted to basically build another shed, so we went through the process to assist them.

The CHAIR: To withdraw, did that process take very long?

Mr TOOMEY: Part withdrawal?

The CHAIR: Yes, part withdrawal.

Mr TOOMEY: We would never withdraw an old land claim but, no, it did not take long. We just contacted our colleagues in the Parramatta office. Obviously, it has to be approved by the board, done from there, and then we mention it to our members. Then it was a straightforward process.

Mr DAVID SHOEBRIDGE: Do you get a benefit from that?

Mr RYAN: Goodwill.

Mr TOOMEY: Goodwill, but long term we look at building our relationships with government agencies.

Mr DAVID SHOEBRIDGE: It is just that the claims that have been prioritised—

Mr RYAN: Just on that, we have not prioritised our claims yet.

Mr TOOMEY: No.

Mr RYAN: Back in 1983 when the legislation came through, we just went helter-skelter—

Mr TOOMEY: Putting the claims in.

Mr RYAN: —and put in many claims. We had to physically go into the lands office here, and I was there back in '83, and identify Crown lands that might be claimed. Then we just open-slayer claimed.

The CHAIR: Mr Ryan, just looking at the official record, there are some that have actually been lodged by the New South Wales Aboriginal Land Council and some have been lodged by Dubbo.

The Hon. SCOTT FARLOW: It sounds like the majority are New South Wales.

Mr DAVID SHOEBRIDGE: On your behalf.

The CHAIR: How do you explain those?

Mr RYAN: How do we explain that? Because under the Lands Right Act the New South Wales Aboriginal Land Council has the right to lodge claims on behalf of the land councils. Because our land councils were not equipped with the technology—the maps and that, that the Government has—the State land council took it upon itself to assist because we have a special lands unit in Sydney that picks up more than we pick up.

The CHAIR: Is that over and above the wish of the local people, or can you say to the New South Wales Aboriginal Land Council, "Look, thanks for that but, no, we don't want to claim over that area."

Mr RYAN: The members of the Dubbo Aboriginal Land Council can quite rightly say to the State land council of any State, "No, we don't want to claim that land."

Mr DAVID SHOEBRIDGE: So it is cooperative?

Mr RYAN: It is what?

Mr DAVID SHOEBRIDGE: It is cooperative.

Mr RYAN: Cooperative, yes.

The Hon. SCOTT FARLOW: I take it that, as part of that, your part withdrawals are probably part of that process as well—that some of those may have been claims that the State land council put in that you requested a part withdrawal of. Would that be correct?

Mr TOOMEY: That is correct, yes.

Mr DAVID SHOEBRIDGE: But it sounds to me like the land claims that have been prioritised to be dealt with by the Government are those where there is a conflict and the Government wants you to withdraw, in whole or in part, the land claims. They are getting prioritise as opposed to the land claims that you want approved to be able to get on with acquiring land for your own purposes. Would that be fair, or is it an unfair assessment?

Mr RYAN: To be honest, I do not know how successive governments have dealt with, or failed to deal with, prioritising our claims because there are still land claims sitting there from '83. It was not until three years ago or four years ago, perhaps, before Minister Humphries, who is not a Minister now, sorry, started saying that he would—after he left, the Government said, "We'll do something about prioritising—at least working on the first 100 land claims put in in '83, or around the '83 area."

I do not think that commitment has been fulfilled yet. The Government has not prioritised, and of course they cannot prioritise without talking to us. Something they have failed to do for the last 10 years was talk to us, especially in relation to this Crown land review. We were locked out by Mr Humphries until he was no longer Minister. Now we actually get a seat at the table up to the Cabinet document.

Mr DAVID SHOEBRIDGE: The Government's position and the department's position that they gave us on the first day of the hearing of this inquiry was that they prioritised from the first lodged claim and then they just worked their way through from number one to number 40,000-odd. Is that a way of prioritising it, or should they be talking with you to work out what land claims you want for your people?

Mr RYAN: If they had started that in 1983, it might have been a good system and we might be up to land claim 37,462 today. But they have never done that. We do not mind sitting at the table to try to negotiate and prioritise, withdraw or add claims, but we have never been given the opportunity.

The CHAIR: Are there any claims that would give economic benefit to help people now?

The Hon. LOU AMATO: Particularly if it was prioritised.

Mr RYAN: Probably all of the land that we have claimed can give someone economic benefits, like the agricultural industry has proven. They got every bit of the land imaginable over the mountains and they turned it into something of economic value.

The Hon. SCOTT FARLOW: Yesterday we heard from the local Aboriginal land council in the Shoalhaven about billy goat country effectively. The land that they had received under their claims was not really of any use to them in terms of economic potential for their community. Does the land that you have claimed and the land that you have received have economic benefit?

Mr RYAN: In some way or another we can turn it into economics, but there is also the cultural aspect that we have to take into consideration.

Mr DAVID SHOEBRIDGE: And the environmental.

Mr RYAN: The social and the environmental, but if we lump all of them together you get an economic benefit in one way or another.

Mr DAVID SHOEBRIDGE: One of the Government's proposals for this Crown land review is to transfer a large amount of land from being Crown land to local government with the ownership transferred to local government and to be called local land to be dealt with under the Local Government Act. The process of transferring it from Crown land to local government would mean that land was no longer claimable land for the purposes of land rights legislation. Do you have concerns about that proposal? Do you think you are in a position to adequately deal with the amount of work that might present for you?

Mr RYAN: I heard you mention the Aboriginal land agreements [ALA]. We are willing to sit down and go through those pilot programs and that sort of stuff. The idea of land rights was compensation. We have not received a fair compensation yet, so for a government to turn around and give with one hand—and we know what happened back to Julius Caesar and company—and take with the other, as they have been doing with this, does not seem kosher to me. I do not really know what "kosher" means because I am not of that faith, but the preamble to the Act was due to the disregard of our ownership of the land, the Government back in 1983 offered this as some sort of compensation. To do that without us agreeing to it is taking away what was given to us in the first place.

Mr DAVID SHOEBRIDGE: Do you think that there should be no capacity to transfer Crown land to local councils without your consent?

Mr RYAN: Without our consent, absolutely not.

Mr DAVID SHOEBRIDGE: Would you need to be independently resourced so that you can have a meaningful way of getting your consent or not?

Mr RYAN: That is right, and during the negotiations, which we were only allowed into last year on the pilot projects, there were local councils and State Government but no mention of the land rights system until Mr Humphries, who for one reason or another was no longer a Minister. Then we were allowed to sit down with the land people that mattered and start nutting out the four pilots. We were included into the four pilots. With that comes resources so that we are on a level playing field with the local shires—mind you, they have two years jump on us or longer—and the State Government.

The Hon. CATHERINE CUSACK: I preface my question by asking my colleagues not to interrupt because I think the information we are getting is so interesting that there is a temptation. I would like you to take your time and think about your answer. What is your aspiration for land rights? I have seen what the legislation says, but from your perspective, what do you feel about land rights? Mr Toomey, I seek your comments as well.

Mr RYAN: Land, of course, we were brought up with land being our mother, water our blood, blah blah blah. Our culture evolved around land. But we realised—or I realised as I am not speaking on behalf of Mr Toomey—that in order to evolve and for our children or our bhurji, as Wiradjuri call them, and future generations to have a better life than our old people did and we are currently having, we need to make this meagre compensation package work for them—that is, culturally, socially, spiritually and economically. We are not going to stop development. We do not want all the land, we just want enough whereby our children are not living in third-world conditions like some of them still are out there on the ex-reserves.

Mr TOOMEY: I would have to agree with Mr Ryan. My personal opinion is that we have these land claims in. If we are lucky to get them, and I am hoping that we do get some more land, that puts the land council in a good position for economic development. We are currently in negotiations with Alcan Resources and chasing around for resources to get projects going. We have a couple of land claims out there and we are in negotiation with them. Depending on the result of that, we are looking at getting some sort of contract with Alcan, so using some of our land claims to get ourselves in the game, so to speak. As you mentioned we got the old fire station through a land claim. We have worked with non-government agencies; Orana Arts have been in there for a couple of years.

Mr RYAN: How much do we charge?

Mr TOOMEY: Zero.

Mr RYAN: Zero to use the building that we claimed.

Mr TOOMEY: We are working with NGOs and government agencies in good faith. Basically we just want the opportunity to help our members and our community out. For another example we have Bourke Hill, prime real estate here in Dubbo near the old drive-in.

Mr RYAN: On top of the ex-dreaded west Dubbo community.

Mr TOOMEY: The Dubbo LALC has plans to redevelop that. Obviously, we respect all our cultural sites. That is a prime opportunity for us to develop housing. We are working towards that at the moment. We have a five-year plan. Local government recently changed the development application from recreational to residential. It looks good for us at the moment.

The Hon. CATHERINE CUSACK: If someone—for example, the preschool over which you have the claim—wanted to put in a development application and needed to consult with you, what process does your community undertake to reach a conclusion and provide a response?

Mr TOOMEY: I will use the example of the previous application. It came from Troy Grant's office. They put a request to us. We sat down with the board and looked at the claim, which was just an extension. It is not an Aboriginal preschool. They wanted to build an extra section at the back and there were some issues with some of the neighbours. However, we looked at the benefits of working with government. It was only a small parcel of land. The benefit was obviously working with Government and also offering more positions for kids.

The Hon. CATHERINE CUSACK: Is your board authorised to make those decisions on behalf of the community?

Mr TOOMEY: We can part withdraw land claims at a board level. If it goes to a land dealing like that, it must go to a members' meeting. Obviously our members are all informed under the legislation.

The Hon. CATHERINE CUSACK: That is the process I am interested in. Someone would write to the chairman of the board first?

Mr TOOMEY: Yes.

The Hon. CATHERINE CUSACK: Then the board might consider it. At what point do you notify your members? Does that happen when you are considering a decision or are you simply authorised to make a decision?

Mr TOOMEY: We are authorised at that level to make a part withdrawal. We get those notifications from the New South Wales Aboriginal Land Council [NSWALC] Parramatta office all the time. Under their advice we can withdraw; they might say that it is in our best interests to withdraw a land claim. We take that under consideration; they are the experts. They do that on our behalf. We make the decision about part withdrawal of land claims.

The Hon. CATHERINE CUSACK: Do you have to consult your own community? Is that difficult sometimes, particularly if local knowledge is being lost?

Mr TOOMEY: We have had our own issues within our land council. All land councils have them. The way the board is set up, it makes those decisions; we have delegation to make those decision. Then we inform our members.

Mr DAVID SHOEBRIDGE: So the decision is made, and you then communicate that to your membership. It is not the subject of a resolution of the membership at a general meeting?

Mr TOOMEY: No.

The CHAIR: Have people been happy with that process?

Mr TOOMEY: Yes. We never withdraw a land claim until it has been considered.

Mr DAVID SHOEBRIDGE: In the cases you have cited, you have had a look at the broader community benefit and done what you think is the right thing by the community by allowing a fire station or a preschool to operate. You want to be a good part of the local community and you see the benefits that flow from those modest developments.

Mr TOOMEY: That is correct. Last financial year our land council had \$9 million worth of assets, but we were cash poor. We want to be able to make friends at all different levels of government and we want to redevelop our land.

Mr DAVID SHOEBRIDGE: It is a goodwill exercise as well.

Mr TOOMEY: That is what we hope. We hope they do not forget when it comes around.

The Hon. CATHERINE CUSACK: Have you ever been asked to withdraw a land claim?

Mr TOOMEY: Personally?

The Hon. CATHERINE CUSACK: The board.

Mr TOOMEY: Only if it is requested. Obviously it is done in writing. Since I have been involved in the land council in Dubbo—I have been here for almost five years—we have had two.

The Hon. CATHERINE CUSACK: And they were both rejected?

Mr TOOMEY: Only in part.

Mr DAVID SHOEBRIDGE: They were part withdrawals and on both occasions the board resolved to agree to withdraw part of the claim to allow the activity to happen. Is that correct?

Mr TOOMEY: Yes.

The Hon. CATHERINE CUSACK: But the claim itself remains in place?

Mr TOOMEY: My recommendation to my board and members is that we should never withdraw land claims.

The Hon. CATHERINE CUSACK: Why?

Mr TOOMEY: Because they have been lodged by our previous elders and members of the community. I would never do that.

The Hon. CATHERINE CUSACK: I hear what you are saying, but can you explain it?

Mr TOOMEY: I do have the delegation or the power to do that. But, as I said, my elders lodged the claims before I did. It is not my job to withdraw their land claims.

The Hon. CATHERINE CUSACK: Would that be the view of the board as well?

Mr TOOMEY: Definitely.

The Hon. CATHERINE CUSACK: We have talked about capacity to discuss what are the most important claims. What claims are you perhaps less concerned about? In regard to what claims are you somehow reaching a holistic agreement that delivers your priorities and provides more clarity around some of the community priorities?

Mr TOOMEY: That is an option. But it will take time to consult with my members, the community, previous members and elders. That will take a long time.

The Hon. CATHERINE CUSACK: That approach could potentially involve withdrawing land claims. It could be identified as a low priority as part of a negotiated settlement. I am asking this because I cannot see how a negotiated settlement could proceed if there were no capacity to withdraw land claims.

Mr TOOMEY: In saying that, it has to be put on the table for us to agree. As the chief executive officer, I would. However, I would consult with my board and the regional councillor—

The Hon. CATHERINE CUSACK: I understand.

Mr TOOMEY: —and all other land councils in this region. If they all agree, we would definitely move forward.

Mr DAVID SHOEBRIDGE: You have a right to make a claim. No-one should be forcing you to withdraw one class of claim in order to have your statutory right to have your priority claims assessed. That would be putting unfair pressure on you. It could be that the only way they would deal with your priority claim would be if you withdraw other claims. That is not what the Act is about.

Mr TOOMEY: It is all about probity and being transparent. We would not be pressured. I definitely not be pressured.

Mr RYAN: The New South Wales Aboriginal Land Council has had consultations around the State about the proposal to horse trade on land claims—State land versus local land and so on. We all know it is our land anyway. Our network across the State is looking forward to the four pilots. Let us hope they do not crash and burn like most pilots have across the mountains. Our state-wide network has said that we will see how it goes. Give us the resources. We said from the start that we do not need all of the land. We are willing to prioritise if need be and to horse trade. If New South Wales goes broke, we go even broker. We are part of this economy whether some people in government or in mainstream of Dubbo do not agree.

Mr DAVID SHOEBRIDGE: This is a once-in-a-century process of reforming the Crown Lands Act and the associated legislation. Every square metre of this State was unambiguously Aboriginal land until colonisation and the Crown land estate now accounts for some 42 per cent of the State. Given the fact of Aboriginal prior ownership, do you believe that any reform of the way in which Crown land is dealt with should involve returning as much as possible of that Crown land to Aboriginal people?

Mr RYAN: Absolutely we would be asking the Government to come good on its 1983 compensation payout. However, as I said, we are not greedy and we are willing to negotiate. Someone mentioned goat farms. We call them rock farms out here. We have a block of land that is now cut off. It is on a riverbank next to a cockie's house. There is no road; the paper road is not even there now because it has been sold to the cockie. We do not have a helicopter to get to it, so that is not going to be much use to us in the future. We could do some horse-trading there.

We realise that we cannot stand in the way of development. We have got hardly anywhere in 30-odd years in terms of advancing our economic, social and cultural requirements. We are just glad to be included in the negotiation process. However, we must be given adequate resources so that we all have the same amount of knowledge on a level playing field. We have not had that in the past because all our football fields seem to run uphill and we are the running ones doing the running uphill.

Mr DAVID SHOEBRIDGE: Mr Toomey, what do you think about that as a primary object of any new Crown Lands Act, to prioritise wherever possible a return to Aboriginal land?

Mr TOOMEY: That is something that Dubbo Local Aboriginal Land Council would be definitely supporting, yes.

Mr RYAN: Can I ask one question? I am not a brainy person—I went to an Aboriginal mission school. I am just wondering why this inquiry is on at this late stage, if it is called an inquiry or a hearing. We can think of all the political motives behind it if you like—

The CHAIR: Sorry, "late stage" meaning?

Mr RYAN: You have been reviewing the Crown Lands Act since—

The Hon. CATHERINE CUSACK: The reason is that it is a government proposal which the Government is wanting to put to the Parliament and we are from the Parliament. So now that the Government is putting the ideas forward, that is the point at which we, as members of the Parliament, are having this review, because the Parliament is not the Government—the Parliament is a completely separate thing.

Mr RYAN: I understand that. I just wonder why at this late stage—I am glad that it is happening and I certainly hope, I heard the question earlier that there is a paper put out for consultation prior to that Cabinet minute, because that is where we get locked out once that Cabinet minute goes ahead.

Mr DAVID SHOEBRIDGE: You have been through this process before, Mr Ryan?

Mr RYAN: Over the last few years—how long has this review been going? We were locked out but we would like to see the paper open for discussion before it gets to Cabinet level because no way in the world are we going to play ball if it impinges on the rights you gave us back in 1983 to our detriment.

The Hon. CATHERINE CUSACK: Sorry, Mr Ryan, this is really important: when you say "the paper open for discussion" do you mean the draft legislation?

Mr RYAN: There is a white paper, if you want another word for it.

The Hon. CATHERINE CUSACK: You want the draft legislation open to discussion before Cabinet makes a decision?

Mr RYAN: Yes. What was the question you asked the two ladies earlier?

Mr DAVID SHOEBRIDGE: The exposure draft.

Mr RYAN: The exposure draft. A bit of exposure our way from your Government wouldn't go astray at all. That way you wouldn't have us so paranoid and us at loggerheads with youse all the time.

The CHAIR: As noted, we are not the Government; we are a parliamentary committee which has used our influence to bring this to your community—

Mr RYAN: And, look, I really appreciate the fact that youse have.

The CHAIR: —to hear your comments before we get to the Parliament where that legislation is introduced. I want your views in my head while I am assessing that legislation, as do all members.

Mr RYAN: We did protest against Mr Humphries' beach bill because he had it all wrong; we weren't claiming no surf club.

Mr DAVID SHOEBRIDGE: Mr Ryan, one of the other answers about why we are doing it now is because this was politically as soon as we could get a majority in Parliament to agree to do it now.

Mr RYAN: I really appreciate the fact that we are—

The CHAIR: We are here, that is the main thing. We are listening, we are here and we have taken your evidence.

Mr RYAN: And I notice Hansard is there.

The CHAIR: If there were questions you have taken on notice you have 21 days in which to reply, but the secretariat will help you with that and make contact. If there are further questions from the Committee we will also assist you with that. I thank you once again for your evidence—it is extremely important.

Mr RYAN: I would like to see all of you ensuring this process happens.

(The witnesses withdrew)

(Luncheon adjournment)

RAY PENFOLD, Member, Combined Action to Retain Routes for Travelling Stock Group, affirmed and examined

HAMISH THOMPSON, President, Combined Action to Retain Routes for Travelling Stock Group, affirmed and examined

RUTH PENFOLD, Member, Combined Action to Retain Routes for Travelling Stock Group, affirmed and examined

PHILIP DARTNELL, Consultant, Combined Action to Retain Routes for Travelling Stock Group, affirmed and examined, affirmed and examined

The CHAIR: Does anyone have an opening statement?

Mr THOMPSON: The Combined Action to Retain Routes for Travelling Stock Group [CARRTS] formed because we have a grave concern for the travelling stock routes [TSRs] and what lies ahead for them. So we were interested to see what is going on.

Ms PENFOLD: Thank you for inviting representatives of CARRTS to attend today. Our consultant Philip Dartnell would like to lead you further into our submission to the Crown land inquiry. As Hamish has mentioned, we hold grave fears for farmers', drovers' and graziers' abilities to use the travelling stock routes throughout New South Wales. We definitely support the continued use of these stock routes.

Mr DARTNELL: I thank the Committee for having us here. As Hamish advised at the beginning, I am acting as consultant to CARRTS. My background is not rural. In fact, I am from Sydney; I have driven here this morning. But I have taken an interest in this from the beginning. I became aware of the problems that drovers and graziers were experiencing at around this time, or May, last year. I have been involved with the group mostly in a voluntary capacity but I have also been recompensed for some of the time I have spent preparing submissions for the group and guiding them on the best ways to engage with the Government.

In essence, we have determined that there is a bureaucracy in the management of travelling stock routes that is terribly inefficient in some respects but also lacking in knowledge as to the long history that TSRs have had in this country—170 years. We now have a terrible situation where these reserves that have been carefully managed by drovers and graziers over all this time—and by knowledgeable rangers who have assisted drovers and graziers—are now subject to a bureaucracy where the rangers that are employed have nowhere near the knowledge that rangers once had. They are making decisions or negating requests which is causing terrible concerns and difficulties on a daily basis for drovers and graziers.

Our submission to the Committee is to highlight that there are serious problems with the way Local Land Services are administering the management of the TSRs. There are other serious problems in terms of legislation that is so incredibly complicated, convoluted and intricate in its detail that it is almost impossible for drovers and graziers to have any idea of the ramification of this legislation. So as a group we are trying to bring the awareness to Government that all is not well for the drovers and graziers, and to represent them so that they get a better say in how this incredibly important resource is administered, and how it functions.

The Hon. MICK VEITCH: Firstly I will declare an interest. I sheared sheep with Mr Penfold many years ago. I think he may have shorn more than I did.

The CHAIR: I think it is a crime to mislead Parliament.

The Hon. MICK VEITCH: I now have somebody who can substantiate that I did pull the wool sheep for a living.

The Hon. CATHERINE CUSACK: The thing is that once we know something you are not allowed to talk about it.

The Hon. MICK VEITCH: Thank you for your submission and for your time today. You raised the issue about TSRs and who is best equipped to be the manager within the bureaucracy. Are Local Land Services [LLS] the right place for TSRs to be managed or is there some other place they should be managed?

Mr PENFOLD: I would like to see a body formed that can control the rangers, pull all the rangers together as one, rather than having one body with one ranger and another body here with another ranger and so on. That is the way it is working at the moment. We should pull them all together as one and have a board made up of users of the TSRs that understand the TSRs and understand their needs. From there we can go forward and we can also discipline our drovers. But we need to get it right at the top. We are always going to have the problem with the odd rogue drover but, like anything, there is a minority that causes bad publicity. That

minority causes a bit of trouble. But we can get it right at the top with a board of fellows like us who understand how to manage the stock and how best to manage the vegetation on the stock routes. We have a wonderful asset; we just have to manage it.

Mr DARTNELL: We have had quite a bit of interaction with the Local Land Services people. We made a submission to them—I have given a copy to you all today—in December in response to their draft management framework for the travelling stock reserves. Since we made that submission we have had quite a few positive meetings with some of the senior people within the organisation. What we are perceiving is that there are good intentions at the senior level but there is nowhere near enough funding for them to execute their responsibilities effectively.

So that organisation is under pressure—as all of government is—to have a user-pays model in place that ensures that the routes are cost neutral and there is not cost to the public or to the government. We think that is an eminently flawed model. The travelling stock reserves are so comprehensive, across so many users. It is not just the drovers and graziers; there are so many other users and there is such historical significance in the cultural, heritage and Indigenous values, that it cannot be paid for by a simple user-pays scheme.

I come back to Mr Veitch's question. Is it sitting in the right place with LLS? Following on from what Ray was saying, if the LLS was funded properly and they had the right governance and if there was an appropriate mechanism that allowed the key users—the drovers and graziers and probably the major users of the TSRs—that allowed the drovers and graziers to have a proper input at a board level on how things are run and how the rangers behave and what they do, we would be so much further down the track of its being functional. The way it is at the moment is exactly as Ray said: the rangers are not properly trained and they operate by different rules depending on which LLS region they are in. It is very difficult for drovers and graziers to have a seamless ability to move stock through a route.

Mr DAVID SHOEBRIDGE: You say in your December submission with respect to users paying that drovers and graziers are at their wits' end in attempting to have reasonable dealings with various LLSs and be able to request and receive permits within workable timeframes without being subject to a burdensome bureaucratic process implemented by various LLS officers and rangers.

Mr PENFOLD: Yes.

Mr DAVID SHOEBRIDGE: You just want to move your stock around. Is that still the case and can you give me an example?

Mr PENFOLD: The other day I had to shift some cattle out of floodwater. They were not my cattle but I had local knowledge of the Bland Creek at home. It floods out; it spreads out. If you go downstream it spills out more and more. These cattle were going down. There is a big stock route that runs along the Bland Creek. It is called the horror stretch because it floods. I said to the boys, "Get the cattle back out of there and come back up into this other board." I said to the boys, "If you ask permission of the ranger from the Young board, he will not allow you to do it but if you do not bring the cattle back into the Young board you will lose the cattle." I said, "Do not ring him; bring them back out. Look after your cattle." Sure enough, the ranger came out and went crook for being in that area of that board but I said to the boys, "At least you still have your cattle; your cattle are still alive."

Mr DAVID SHOEBRIDGE: Do they potentially face some sort of penalty or fine?

Mr PENFOLD: They have not, as yet.

The Hon. LOU AMATO: Is there any penalty? Can any penalty be imposed?

Mr PENFOLD: If you are there without a permit they can impound the cattle.

The Hon. LOU AMATO: What is the penalty?

Mr PENFOLD: It would cost you a fee to get them back out if they are impounded. But under the circumstances—

The Hon. LOU AMATO: Common sense should prevail under those circumstances.

Mr DAVID SHOEBRIDGE: Ms Penfold, it looks as if you have a story.

Ms PENFOLD: I would like to add to that story. The ranger is based in Young, which is approximately 80 kilometres from where that happened on Bland Creek. There has been significant rainfall in the area and not once did that ranger come out and check where the cattle were and whether they were in a difficult situation. Is it not the ranger's responsibility, in his job, to make sure that the mobs are being looked after and not being stuck in flood waters?

Mr PENFOLD: The ranger from Forbes, as well.

Ms PENFOLD: The ranger from Forbes as well. It is right on an invisible boundary.

The CHAIR: Order! Just to help us all, I will explain a point of order. I am quite happy for you to talk in general terms about rents, et cetera, but just be mindful of adverse mention. Anything said here under parliamentary privilege can be said, but we would rather steer away from names.

Mr PENFOLD: Yes, fair enough.

Mr DAVID SHOEBRIDGE: But that having been said, I think that explaining what is actually happening on the ground is really useful for us; it is one thing to hear the academic concerns.

The CHAIR: I have no problem with that.

Mr DAVID SHOEBRIDGE: No, I understand.

The CHAIR: I just want make sure that our witnesses are aware.

Mr PENFOLD: For sure, Paul, yes.

Mr DARTNELL: As per the guidelines.

Mr DAVID SHOEBRIDGE: When you are going across boundaries, in practice what does that mean? Is there twice the bureaucracy? How does it work?

Mr PENFOLD: Where I live is actually on the border of Quandialla and West Wyalong. You are on the border of two boards now—the Riverina and the Central West. It was four different boards but now it is two boards. It is always the case that you have to negotiate a different set of rules with every ranger. The vegetation will not change and the stock routes do not change, but one ranger will want you to do six kilometres and the next ranger will want you to do 10 kilometres.

Mr DAVID SHOEBRIDGE: Is this per day?

Mr PENFOLD: Yes, per day. One ranger might let you do two kilometres. There are sorts of silly little things you have to negotiate with the rangers at the moment.

The CHAIR: Weather permitting, that would be quite different, would it not? If you had a seriously hot day, the last thing you would want to do is lead your stock a long distance.

Mr PENFOLD: Yes.

The CHAIR: You have to be mindful of the environment around it and the weather conditions. On another day, you could move them probably further.

Mr PENFOLD: I have been using stock routes since I was a kid. If you go back 20 years ago, the old rangers all had great knowledge of what we were about. They knew exactly what we could do with our stock. You know, one bloke might have some crook cattle or something like that, or another bloke might have a fresh mob: He knew what to expect of each mob. There is none of that anymore, I suppose you would say. I do not want to incriminate the people because the people who are actually the rangers today are possibly good people. They just do not know their job.

The CHAIR: They are clinical.

Ms PENFOLD: Yes.

Mr PENFOLD: That is right, yes.

The CHAIR: Rather than historical.

Mr DAVID SHOEBRIDGE: Mr Thompson, you wanted to add something?

Mr THOMPSON: And that is it. It is not up to one certain mob. There is not only one mob at a time. Everyone has to keep moving and they do not understand that. The rangers, or the people who are in charge of it now, if they get 10,000 or 8,000 head of cattle in one board, they have to manage that whole lot and keep them all moving. One person cannot sit there.

Mr PENFOLD: That is a very important point.

Mr THOMPSON: Yes.

Mr PENFOLD: That looks after the vegetation.

Mr DAVID SHOEBRIDGE: Are stock sort of stopping?

Mr PENFOLD: Well, yes.

Mr DAVID SHOEBRIDGE: And clogging up the whole system and impacting on that locality?

Mr PENFOLD: They were talking about giving long-term leases to a lot of the reserves that set stock in. Straightaway that is not looking after—that is not strip grazing, so to speak. That is how come the vegetation on the stock routes is as good as it is because they are not set stock. They have not been grazed in one spot for too long. You need to keep moving.

The Hon. MICK VEITCH: You talk about the commercialisation and cost neutrality. What do you have to pay at the moment for access? It changes from Local Land Services [LLS] to LLS, does it not?

Mr DARTNELL: It does, yes.

The Hon. MICK VEITCH: Could you give us an idea?

Mr THOMPSON: A slow travel is about 40¢ for cattle.

Mr PENFOLD: A day, per head.

The Hon. MICK VEITCH: Per head, per day.

Mr PENFOLD: Yes.

Mr THOMPSON: I am not too sure about just a walking permit. You have to do about eight and 10 kilometres a day if you are on one of them. I am not too sure about that.

Mr DAVID SHOEBRIDGE: A slow permit is what? What is a slow permit?

Mr THOMPSON: If you move a day—

Mr PENFOLD: Graze a day.

Mr THOMPSON: —yes, they do vary from different boards, but if you walk 10 kilometres a day, you might sit for one or two and then keep moving. That all comes back to how many mobs of cattle are actually in that board as to how much you have to keep moving.

The Hon. CATHERINE CUSACK: I do not have Mick's experience, and I wonder if you might explain exactly what the process is that applies. Do you have to have multiple permits to move through the route? Can I just also ask this: Is it the animal that is licensed, or the drover that is licensed? Can you give us a bit more information on that?

Mr THOMPSON: We are not actually licensed. We have got the permit and covers; we have to be insured. We have to have our public liability.

The Hon. CATHERINE CUSACK: Is that for the drover or for the animal?

Mr THOMPSON: Well, that covers the whole lot—the drover and anything that happens to those cattle.

The Hon. CATHERINE CUSACK: Yes.

Mr THOMPSON: If they get—

Mr DAVID SHOEBRIDGE: The drover gets a licence for X number of cattle, subject to certain conditions.

Mr THOMPSON: Basically.

Mr PENFOLD: Basically, yes.

The Hon. CATHERINE CUSACK: Is it possible to get one for the entire route, or do you need to get—

Mr THOMPSON: You used to be able to.

Mr PENFOLD: No. You have to get multiple. You used to be able to but nowadays you only go to board boundary, and then you have to get the next ranger to give you one for the next boundary.

The Hon. CATHERINE CUSACK: Can you do that on the internet?

Mr THOMPSON: No.

Mr PENFOLD: No.

Mr DARTNELL: You have to go to the LLS office.

The Hon. CATHERINE CUSACK: You cannot go to a web page that asks you to tick all those boxes, collects your money and then issues the permit.

Mr PENFOLD: No, definitely not.

The CHAIR: Mr Dartnell, just explain what you physically have to do.

Mr DARTNELL: Physically, the drover has to go to the LLS office in the locality. A lot of them are open only maybe a couple of days a week, so often it is very difficult to get a permit. Some of the rangers are much more accommodating. You can call them on their mobile phones and they will be more accommodating, but that is becoming less and less. The experience that everyone is reporting is that they just have no end of difficulty getting their permits and no end of difficulty getting in contact with the ranger. That is one of the biggest things—contact.

The Hon. CATHERINE CUSACK: What is in the permit? Is that an annual permit?

Mr DARTNELL: No. It is a one-off for that particular drove. You are moving the cattle through the route—

The Hon. SCOTT FARLOW: You are doing a drove through, let us say, three LLSs.

Mr DARTNELL: Yes.

The Hon. SCOTT FARLOW: How would you manage that? Would you go to—

The Hon. CATHERINE CUSACK: Three LLSs?

The Hon. SCOTT FARLOW: —three LLSs beforehand, before you start the drove, or would you do it en route?

Mr PENFOLD: It is a nightmare at the moment. Matt French is on the board and he has got three mobs of cattle of Geoff Hannaford's. He wanted to get from Young through to Nyngan where they have got property up there. There are three different boards now. The fellow from Dubbo said, "Yes, come up for sure." He said, "We need stock here because we're going to have massive fire danger later on in the year." The fellow at Forbes is exactly the opposite. He said, "No, we don't want you here. It is too boggy. You will bog things up." But more or less what we are doing at the moment is I put sheep back on the road back in February and I said, "Listen, I've got a mob of sheep here on the reserve. I am taking them down the horror stretch. Come out and make them legal. Bring your permit out and give me a permit or I'm going anyhow." That is what you have to do. You sort of have to bluff the ranger by saying you are doing it; either make me legal or don't.

Mr DAVID SHOEBRIDGE: What happened in that instance of wanting to move the cattle up north? Did you have to move the cattle?

Mr PENFOLD: He eventually agreed to let him through because he has negotiated a deal with the ranger in Dubbo, apparently.

The Hon. CATHERINE CUSACK: So people can get trapped.

Mr PENFOLD: Oh, big time.

Ms PENFOLD: Absolutely, yes.

Mr THOMPSON: Yes.

Mr PENFOLD: It is happening all the time. I have just told you about those cattle flooded in down in Bland Creek.

Mr THOMPSON: Yes.

The Hon. LOU AMATO: There has been a lot of rain down that way.

Mr PENFOLD: There is more to it. We would not have formed our committee if things were going sweet, I guarantee you that.

The Hon. CATHERINE CUSACK: When you are doing the assessments, are they doing it on the basis that they are trying to protect the vegetation and the route? Is that what this is about, or it is about collecting revenue, or is it about something else?

Mr PENFOLD: You guys will have to tell me that one.

The Hon. CATHERINE CUSACK: There is not automatic right of access.

Mr DARTNELL: There is a mixture—a never-ending mixture—of views from different rangers about how things work. We have some LLS regions where they have even fenced off some of the routes with this very notion, "Oh, it's to protect the environment." There does not seem to be any historical understanding that periodic grazing and stock moving through these reserves actually does tremendous good for the reserves because the stock eat the noxious weeds. They leave the natives and they clean up as they move through. A lot of the travelling stock routes are absolutely pristine land. They have never been ploughed. They have never had pesticides or anything used on them. They are in incredibly good condition and that is because of the many decades of practice of this. But that has all been turned on its head because there are these misunderstandings. We have places like at Bimbi, for instance. They had a whole section there of the travelling stock reserve where they have just fenced it off and we cannot get through it. The grass behind the fence—I think I brought a couple of photographs of it—is enormous. There are things like that as well.

The Hon. CATHERINE CUSACK: Taking that as an example, who has the policy responsibility and the authority to order that that fence be put in place?

Mr DARTNELL: It seems to be the Local Land Services [LLS], yes.

The Hon. CATHERINE CUSACK: Do they have any requirement to consult people?

Mr PENFOLD: Well, they do not. We had a meeting at Bimbi to try to ask them to pull it down but they have not. The locals are very upset because they are worried about the fire danger. None of the locals were asked whether they thought it was a good idea to put up a fence there.

Mrs PENFOLD: Both my husband and I went to this meeting and there was no public consultation to erect this fence. It is a very small village but now the fire danger is catastrophic.

The Hon. LOU AMATO: You mentioned that cows love noxious weeds. Is that correct?

Mr PENFOLD: Annual grasses will grow but we have a lot of perennial native grasses.

The Hon. LOU AMATO: Can you give us a rundown of what types?

Mr PENFOLD: Your barley grasses, your rye grasses, the black oats—they are all European and they take over if they are not grazed. But if we can graze them then our perennial grasses thrive and even little trees seem to be able to get away. It might be 12 months before a mob of stock get back onto some reserves. In that time there will be trees and shrubs.

The Hon. LOU AMATO: They are being beneficial to the environment.

Mr DARTNELL: We have a whole section about that in our submission to the LLS regarding their draft management framework.. This is a massive misunderstanding because of the lack of continuity of rangers through the LLS. We have had new management people coming in that misunderstand how this works. We are at a point where periodic grazing has been fundamentally beneficial TSRs for many decades but that practice is being abandoned in many regions.

The Hon. LOU AMATO: I was not sure; I know horses cannot eat certain things.

The CHAIR: Are rangers university trained? Do they go on an internship with drovers or graziers?

Mr PENFOLD: No.

Mr DARTNELL: It would be good if they did go on an internship.

The CHAIR: It seems that one thing to be thought about is that they need to have some real-life experience of travelling stock.

Mrs PENFOLD: Absolutely.

The CHAIR: A doctor does not do brain surgery unless he has had some practice.

Mr PENFOLD: We have put in a recommendation on that. A fellow on our board, John Duryea, has 33 years experience as a ranger out at Hay. He quoted to us that there is not a ranger west of Condobolin who would be capable if a drover got hurt or something happened and somebody had to go out and look after a mob of stock to fill in. I said east of Condobolin as well as west of Condobolin.

Mr DAVID SHOEBRIDGE: Which is most of the State.

Mr PENFOLD: The northern part of the State might be travelling a bit better.

The Hon. CATHERINE CUSACK: What happened to the rangers who did know how to do this?

Mr PENFOLD: Apparently when the LLS—

Mr THOMPSON: The structure of the LLS was changed when the CMA (Catchment Management Authority) started to emerge and salary packages for staff working in areas such as biodiversity have been far more attractive. That is where the experience, we have been led to believe, has gone. The other roles, such as rangers, have been taken by less experienced people.

Mr DAVID SHOEBRIDGE: When we are talking about travelling stock routes [TSRs] we are talking about a statewide network that needs to be managed on a statewide basis for both the industry and the environment. Chopping it up into little LLS boards works actively against that.

Mr DARTNELL: You've got it.

Mr DAVID SHOEBRIDGE: Even if it stays in LLS, I assume you are hoping there will be some statewide coordination or single permit, as I read in your submission. Is that what you want?

Mr PENFOLD: I have said for ages that the LLS has too many other problems than to prioritise the TSRs. They do not give the TSRs the proper priority they need to manage them successfully.

Mr DAVID SHOEBRIDGE: Should they go back to the department or do you think there could be a statewide structure within the LLS that could fix it?

Mr THOMPSON: I believe that the LLS, if they get the right people, can do it. Across the 11 regions, if there was statewide planning, they can promote where there is grass through the regions. For instance, Walgett and places around there have been catastrophic for the past few years. They could liaise and save a few herds by walking them around certain routes.

Mr PENFOLD: That is what they used to do.

The Hon. SCOTT FARLOW: Is there any liaison between LLSs?

Mr DARTNELL: No. In our submission to the LLS we made a recommendation to make a statewide TSR management council that develops policy, advises the Minister, the chair of the LLS board and individual LLS board members, acts as an arbitrator and oversees the development and training of TSR rangers and/or relevant staff. That does not exist and it is fundamentally needed.

The CHAIR: Have you had any feedback?

Mr DARTNELL: No, we have had no formal feedback on this document as yet.

Mr DAVID SHOEBRIDGE: You also need a one-stop shop for permits. It is nonsense to suggest you have to go to three different people.

Mr DARTNELL: Yes. Within reason we need to highlight the fact that it seems like a no-brainer. Why would you have 11 regions when it is a statewide thing?

Mr DAVID SHOEBRIDGE: You need local knowledge.

Mr DARTNELL: You can see to a degree that having regions is important, but when they are completely self-contained and are virtually unaccountable it is very difficult for there to be seamless management across all of those areas.

The CHAIR: I note that a small minority do not do the right thing. If you are insured with NRMA you get credibility for good driving and your loyalty to the NRMA. Would it not be fair for a similar system to be derived to help good stewards using TSRs? That would mean that the rangers would know your history if they encounter you on the routes.

The Hon. CATHERINE CUSACK: A gold card.

The CHAIR: Do you know what I mean?

Mr PENFOLD: That would be fantastic.

The CHAIR: There has to be some acknowledgement of the history of those who have used the tracks for the right reason that can be accessed by the rangers, including young rangers who do not know the history.

Mr PENFOLD: Some of the knowledge the old drovers have you would not read in a book.

The Hon. CATHERINE CUSACK: I am sorry to go back, but I would love a full answer to the question about how you get licences at the moment. Please take us through it step by step.

Mr THOMPSON: I am in a local area here. It is relatively easy to get my permit. I make a phone call, go in to see them, and I get a permit written out. We talked about destinations before. Previously—10 or 15 years ago or longer—you had to have a destination that you had to go to. If you had a destination, you could travel there. Now you cannot say that you want to go through the Central West into the North West.

The Hon. LOU AMATO: Does that mean some TSR reserves have changed over time?

Mr THOMPSON: They have.

Mr PENFOLD: The reserves have not changed.

The Hon. CATHERINE CUSACK: It is like a visa system.

Mr DARTNELL: You get to go to the border, and then when you get there you have to go through the process again.

The Hon. CATHERINE CUSACK: I bring my cattle to the border. What am I supposed to do, leave them and go to town to get another permit?

Mr DARTNELL: They eat while you go to get a permit.

The Hon. CATHERINE CUSACK: How long does it take to get that permit? Do I attend the office in person?

Mr DARTNELL: It may be relatively straightforward, or you may get there on a Thursday and the Local Land Services [LLS] office is closed, the ranger cannot be contacted, and you are stuck until Tuesday next week.

Mr DAVID SHOEBRIDGE: What happens if it is 100 kilometres away?

Mr PENFOLD: We just go; it is all we can do. We know our stock well and we know when they are locked up or if they are in a reserve somewhere. You know they are not going to get away.

The Hon. MICK VEITCH: They are secured.

Mr PENFOLD: Yes. There is no way that you will leave your stock and let them take off down the road.

The CHAIR: If you have overstayed your welcome, you will be booked.

Mr PENFOLD: That is exactly it. The ranger might come around on Tuesdays. You are very mindful that you do not go to town that day because you could cop a penalty.

The Hon. CATHERINE CUSACK: What happens if you are in town getting a permit?

The CHAIR: That is where it comes down to common sense and good old country understanding. That is why I say that the rangers should be mentored about how to deal with these routes.

The Hon. CATHERINE CUSACK: That was not the thinking behind the establishment of these stock routes.

Mr PENFOLD: John Jerray, the ranger at Hay, is on our board. The Committee should have a yarn with him.

Mr DAVID SHOEBRIDGE: One of the issues that the Committee is examining is whether travelling stock routes should remain as Crown land, in the ownership of the State, and be dealt with as a State asset rather than being devolved down to other layers such as councils. I presume from your submission that you believe travelling stock routes should remain as a State asset and be treated on a state-wide level.

Mr DARTNELL: Yes.

Ms PENFOLD: Absolutely. Otherwise you will run into the same problems of crossing local council boundaries.

Mr DAVID SHOEBRIDGE: They should be kept as Crown land?

Ms PENFOLD: Yes.

Mr DARTNELL: Then you have the other problem that you have already highlighted. If it moves into council ownership, at some point it can be rezoned and the next thing you know it is sold. That is disastrous. It is best in State control.

Mr DAVID SHOEBRIDGE: I understand.

Mr PENFOLD: Queensland is having more trouble because the councils run the stock routes. They have many more problems than we do.

Mr DAVID SHOEBRIDGE: That is a lesson in what not to do.

Mr PENFOLD: Yes.

The Hon. LOU AMATO: Are there any TSRs no longer being used?

Mr PENFOLD: Yes.

The Hon. LOU AMATO: How do you deal with them?

Mr PENFOLD: That is not easy. There is a TSR map that you can look at to see which ones are not used. They are too little or too narrow.

The CHAIR: What do you suggest should happen to those parcels of land?

Mr PENFOLD: That is a tough one.

Mr DARTNELL: They may not be used by drovers and graziers, but they are still likely to be used by other TSR stakeholders.

Mr DAVID SHOEBRIDGE: And they may have enormous environment value.

Mr DARTNELL: Exactly. The biological diversity is enormous. It is not an easy slice-and-dice thing.

Mr DAVID SHOEBRIDGE: In fact, they are likely to have enormous environmental value.

Mr DARTNELL: That is one of the fundamental points we wanted to make. It is not just about drovers and graziers and how much they pay. This whole conversation is so much bigger because these routes have existed for all this time. They are biologically incredibly important for the ecology.

Mr DAVID SHOEBRIDGE: They are like the arteries and veins.

Mr DARTNELL: They are. Many studies have been done over the years. There is incredible flora and fauna that uses those routes. That is way more important than anything.

Mr DAVID SHOEBRIDGE: That is why it is unfair for graziers and drovers to be saddled with the entire cost of maintaining them. It provides a broader ecosystem.

Mr DARTNELL: Exactly. There are a couple of key people. One person mentioned in our submission is Ian Davidson, who is a wildlife biologist. He has done extensive studies on the routes. He has highlighted how fundamentally important they are. The way they have been managed has been very effective over the decades. That is now changing because of this problem with management.

The Hon. CATHERINE CUSACK: Did someone provide the Committee with a copy of the application form?

Mr DARTNELL: We can provide that.

The Hon. CATHERINE CUSACK: How can the Committee get statistics on the number of penalty notices issued?

Ms PENFOLD: I assume that the LLS would have that type of data.

The Hon. CATHERINE CUSACK: But it is not collated? The Committee can probably get that information from each of the LLS offices.

The CHAIR: We can probably get it from the Minister. His department should have records.

The Hon. CATHERINE CUSACK: We could then compare the figures.

Mr DAVID SHOEBRIDGE: We could lodge 11 GIPA applications.

The Hon. SCOTT FARLOW: How many infringement notices have you received?

Mr PENFOLD: None.

Mr PENFOLD: My father received one in 1994. We dipped a mob of sheep. After you dip sheep you want a week of fine weather or you have to have a sheltered area to keep them in to ensure they do not get pneumonia. We had a really bad day and the ranger came out and went crook and told us that we were in the wrong spot and we had to shift them. We lost 450 wethers out of 5,000.

The Hon. SCOTT FARLOW: So it is not a revenue-raising measure?

Mr DARTNELL: No.

The CHAIR: Who can you appeal to after the ranger gives an instruction?

Mr PENFOLD: No-one.

The CHAIR: So there is no-one with enough historical knowledge to say, "The young guy simply got it wrong"?

Mr DARTNELL: No, they are judge, jury and executioner.

The CHAIR: That is the problem. There are no mentors to fall back on.

Mr PENFOLD: The Henwood family are big cattle graziers. They took a ranger and the LLS to court in the northern part of the State. However, the magistrate said that he did not have the power to override the ranger's decision.

The CHAIR: It is not about overriding the decision. He made an incorrect call that cost the lives of 450 sheep.

Mr PENFOLD: That was back in 1994.

The CHAIR: It is not only that situation; it comes back to a lack of knowledge, training and understanding. The more we move away from this history on the land, particularly with droving and grazing, the more we move away from the people who have knowledge about what it is like to have 500 sheep under duress.

Mr DAVID SHOEBRIDGE: But I do not think a court of appeal will help you keep sheep from getting pneumonia.

Ms PENFOLD: No.

The CHAIR: You need someone to be able to say that this is a wrong call and know why.

Mr DARTNELL: We had an incident involving cattle loss in the last couple of months.

Mr DAVID SHOEBRIDGE: Can you provide information about that on notice?

Mr DARTNELL: Yes.

The CHAIR: The members have been shocked about the extent of the issues you face. Members have put questions on notice and you have 21 days in which to respond. The secretariat will assist you. Members might have some further questions in light of your evidence. Any such questions will be forwarded to you. Thank you for appearing before the Committee today. You have history and heritage here that people in the city do not know. We will do what we can to ensure we protect the advantages of that history.

(The witnesses withdrew)

Ms BEV SMILES, Secretary, Central West Environment Council, affirmed and examined

Dr CILLA KINROSS, President, Central West Environment Council, affirmed and examined

The CHAIR: Welcome to the Crown Land inquiry. Do either of you have an opening statement that you would like to table?

Dr KINROSS: We both do. Before I start, could I acknowledge that the evidence I am about to give is on Wiradjuri land and I pay my respects to the elders past and present. My background is I am an adjunct lecturer at Charles Sturt University. My research has been mainly on wildlife on farms in agricultural areas. I have been studying Crown lands and revegetation areas throughout the Central West region for over 20 years. I would like to make three points. One is that the biodiversity is in serious decline in this region, and that is mainly due to loss of habitat due to clearing for agriculture.

The second point is that in the Central West Environment Council we consider that the retention and sensitive management of Crown land is probably one of the most important factors that can arrest biodiversity decline in this region. The third point I would like to make is that retention and management of Crown lands is a better solution to biodiversity than revegetation, and I say that as someone who wrote a PhD on this and made points on how wonderful revegetation was to the wildlife of this region but with limitations, because there are only certain taxa—birds and bats are, to a certain extent, quite well provided for by revegetation, but other taxa such as mammals and reptiles and so on are poorly served and it would take many hundreds of years, and maybe never, before they will come back to the region through revegetation schemes. Those are the three points I would like to make and I can elaborate on those further if you wish or perhaps you can ask me questions later on that.

Ms SMILES: As raised in our submission, many of our members are actively engaged in day-to-day management of important environmental values on Crown reserves in the Central West. The Peel Reserve Trust is a prime example of the social capital and commitment to Crown land management in our region. I have got a copy here for you of the management plan that this trust has produced. We have got one copy in colour and one in black and white. We have also got abstracts and a full report of a major research project that was done several years ago looking at the habitat loss and issues to do with biodiversity in our region.

We find that the combination of the importance of the values on Crown lands and the community's input into looking after them needs to be understood and recognised and that this social investment really needs to be recognised and clearly assessed. We know that there is widespread support for Crown land to be maintained as a public benefit and to be kept in public ownership and that the current management principles in the Crown Lands Act that recognise social and environmental values must be maintained in any future legislation. These values have to be assessed in a transparent process. We feel that a good starting point would be a publicly available map of the extent of Crown land in New South Wales.

Just an example of the lack of transparency that has been occurring in the current review process, which has been of great concern to us, is that the pilot projects being run with local government to identify local land have been done under confidentiality agreements. So there has been no access to anyone else in the community with how this process has been run. We believe there needs to be environmental and heritage expertise involved in the process and an actual comprehensive assessment of these values because all of the decisions being made in this Crown land review are being undertaken in a data vacuum.

We really think it is critical that the draft legislation aimed at changing the management of Crown land is exhibited for public comment. Just to refresh your memory of what the current principles are in the Crown Lands Act 1989, section 11 states:

Principles of Crown land management

For the purposes of this Act, the principles of Crown land management are:

- (a) that environmental protection principles be observed in relation to the management and administration of Crown land,
- (b) that the natural resources of Crown land (including water, soil, flora, fauna and scenic quality) be conserved wherever possible,
- (c) that public use and enjoyment of appropriate Crown land be encouraged,
- (d) that, where appropriate, multiple use of Crown land be encouraged,
- (e) that, where appropriate, Crown land should be used and managed in such a way that both the land and its resources are sustained in perpetuity, and

- (f) that Crown land be occupied, used, sold, leased, licensed or otherwise dealt with in the best interests of the State consistent with the above principles.

We agree that these principles could be improved by also recognising the cultural heritage values of a Crown land estate. We have an understanding that these principles are being proposed to be removed from any new legislation and we think it is critical that this overarching understanding of the value of our Crown land reserves is maintained in any future legislation.

The Hon. Mick VEITCH: You mentioned an issue around mapping. Can you advance that a bit further with the Committee of the concern you have and how having that mapping would assist?

Ms SMILES: There is no publicly available place for an environment group or any person with any interest in the Crown land, say in their local area, where they can go and see a map of where those areas are. So we do not currently have public access to the extent of Crown land across the State—it does not exist.

Dr KINROSS: Can I add something to that? If we had a map clearly showing all the Crown land in the State we could look at the landscape ecology principles and see where there are corridors and where there are other bigger-picture environmental values; for instance, where the Crown lands are positioned in the landscape. That is something that I perhaps should have mentioned earlier. One of the reasons Crown land and particular travelling stock reserves are so important is because they are very often the only place in a region where the trees actually come down to the creek, because all those areas have been cleared for agriculture and most of the nature reserves, up until very recently at least, were always at the tops of the hills.

So what was at the bottom of the hills was the agriculture and there might have been a little bit of vegetation left at the tops of the hills. So that the vegetation that is retained on our State reserve system is not truly representative of the vegetation communities, and Crown lands—in particular travelling stock reserves, but most Crown lands—help to fill that gap. So that is one of the reasons why they are so important. The mapping and assessment of those values is something that is really critical before there is even any talk of selling off any lands.

The Hon. Mick VEITCH: My next question—again, drawing on the comments of Ms Smiles—is about the consultation that has taken place with the white paper, the Government's response, and the review of this Committee in the knowledge that the Minister will be presenting a bill to the Parliament at the end of October. Can I get your views about whether there should be an exposure draft of the bill or whether the bill should be presented and tabled for a period of time in the Chamber whilst there is a conversation about the words within the legislation?

Ms SMILES: We have been lobbying very hard to have a draft exposure bill on public exhibition for comment. We think that is critical. We have been following this review for the length of time that it has been happening. We had a regional meeting in Bathurst. That would have been four years ago, now. We set up a working group amongst our network of people that have a real interest in the future of Crown land. We have been following the process very carefully and we are very concerned about the lack of transparency. That is why I raised the issue about the pilot projects on local government decision-making and how the assessment is made of what would be classified as local land and what would be classified as State land. Because there has not been a comprehensive assessment of the environmental, social and cultural heritage values across the estate the decisions are being made in a vacuum of real information.

Even worse than that, the pilot project has been carried out under confidentiality agreements. There has been absolutely no communication with anyone other than local government, and we understand that the lands councils are being brought in at a later date. People with environmental and heritage expertise really need to be involved in any of the processes with regard to assessing Crown land values.

Mr DAVID SHOEBRIDGE: Ms Smiles, when you heard about the pilot projects you went to Local Government NSW and said, "Tell us about it." What happened?

Ms SMILES: We have had a meeting with the local government association. They were more than happy to talk with us. We were looking at where the process was going and where the commonality was with our interests and the local government interests. They could inform us that, yes, there was a process underway but could not tell us the details of it because they had already signed the confidentiality agreement. When we found out where the four pilot projects were being run we realised that we had environment groups in those areas. We thought that they would have direct connection with the staff of those councils so that we could find out what the process looked like. In every single council the response was, "No, we have signed confidentiality agreements; we cannot discuss this issue with anybody." So, as far as we are aware, nothing has popped out at the other end of that project. There has been no public information produced through those pilots.

Mr DAVID SHOEBRIDGE: I suppose you would say that where an assessment is being made about local or State significant Crown land, that the council may have a view—I am sure that that is very valid—and that Aboriginal Land Councils have a view which is very valid, but then other key stakeholders such as environment groups, resident groups and heritage groups also have key views. But those groups have been frozen out, to date.

Ms SMILES: That is our understanding. They have not just a view but in-depth knowledge of critical areas. That knowledge should be getting tapped.

Mr DAVID SHOEBRIDGE: Going forward, if the Act gets amended I think there has been discussion about ensuring that Aboriginal Land Councils are at the table and have to give their consent. Do you think the Act should expressly say that other stakeholders need to be part of that discussion about local and State land? If so, in what terms?

Ms SMILES: It is really a matter of the cart being before the horse—whether the assessment is happening to produce the legislation or whether the legislation is going to have a set of details in it that will then influence the decision-making. That is our main concern about possibly not seeing what the draft will look like before it is tabled in Parliament.

Mr DAVID SHOEBRIDGE: First of all you want to see the statutory criteria.

Ms SMILES: Yes.

Mr DAVID SHOEBRIDGE: You would like to see that as an exposure draft. That was your first point.

Ms SMILES: Yes.

Mr DAVID SHOEBRIDGE: Secondly, if it is setting up a process to assess, you think those other stakeholders need to in there to assess it against the statutory criteria. Is that right?

Ms SMILES: That is exactly right. The fact that all this review process is going on without a serious assessment of the environmental, social and cultural heritage values of the State means that we are on the back foot all the time.

Mr DAVID SHOEBRIDGE: So, even if everybody is around the table, because that initial study of the environmental, cultural, heritage and economic values of the Crown land have not been done, you really cannot assess this legislation.

Dr KINROSS: It makes it very difficult.

Mr DAVID SHOEBRIDGE: What should happen?

Dr KINROSS: Some councils have taken it upon themselves, I believe, to undertake some environmental value assessments of their Crown lands, but not very many. It really needs to be a statewide assessment that is done now, prior to any decisions being made or bills being tabled.

The CHAIR: My understanding was that one of the comments put on the record this morning by the councils was about integrated management plans. That forced a lot of councils to take that under observation—Crown Lands and their portfolio.

Ms SMILES: In the Local Government Act?

The CHAIR: Yes, the local government integrated plan of management.

Ms SMILES: Some of our groups have had some experience with particular local governments that are not all that confident that local government is going to put the resources in or the expertise to do that properly.

The CHAIR: That is a fair thing, given the resource shortage that local governments have. They are talking about cost-shifting of \$685 million. A lot of them do not have the resources to do that—never mind delivering essential services.

Ms SMILES: Even with the current process of public exhibit of the change, it is really matter of how that gets done, as well. Often there will be an advertisement in one local paper, and that is it—that is your public exhibition. Then things move on from there. So we do not have a great deal of confidence across the State and across all local government areas that those provisions will protect the important values that we know Crown land has.

Mr DAVID SHOEBRIDGE: Do you think that the State Government should work with local councils—there would be a different process in some councils than others—and to work out a proactive stakeholder engagement process as part of this, at a minimum?

Ms SMILES: Yes.

Dr KINROSS: We have a lands department still, I believe, so perhaps they could have a major role, with environmental input to try and set some criteria for assessment of the values of the land.

Mr DAVID SHOEBRIDGE: Should there be a statutory provision that says if there is any doubt—we operate on the precautionary principle—about the extend of the environmental, social and cultural values it should remain Crown land until we have further information?

Ms SMILES: The issue is with this business of deciding about local land and State land, which is currently going on behind closed doors. Whatever the decision-making is around local land, that is what goes to local government, which is then managed under the provisions of the Local Government Act. So we have concerns about that. If there are parcels of Crown land handed back to councils as local land then the protection mechanisms around the range of values on that Crown land at a local level need to be clearly recognised and identified. I do not think the provisions in the Local Government Act are adequate at the moment.

Mr DAVID SHOEBRIDGE: You would have heard the evidence and the interplay with CARRTS, who gave evidence earlier. Do you basically adopted their position or do you want to make qualifications on their position? I know that travelling stock routes and their biodiversity is a key part of your submission.

Ms SMILES: We have worked very closely with the droving and grazing community on this issue over many years, and have been fully supportive of the idea that the multiple use of travelling stock routes is the reason they are in good condition. As Cilla has already said, the fact that they follow the bottom of the landscape—across really fertile land—is why they are so important. That are on the type of land that has been so heavily cleared. So we have a lot of commonality in our positions. The issue of random fencing of travelling stock routes has been of concern. I could talk for a long time about the problems associated with the formation of the LLS because probably what is happening now is there is some ticking of boxes from the CMA natural resource management perspective about the best biodiversity values in the area sitting in travelling stock routes. The general response to that is fencing the area, which is not necessarily the appropriate way to go for travelling stock routes.

Dr KINROSS: I would like to confirm what I heard one of the gentlemen saying. I had a small travelling stock route opposite our house. It is really small, about two hectares, I think, and we had about 400 cows calving in there one night. They were only there for two nights and they probably did quite a lot of good. If you compare areas that have periodic crash grazing, if you like, with areas that have set stocking, the difference in particularly the native grasses is quite extraordinary. He was quite right in a sense that crash grazing feeds everything. They do eat the natives so it is not true that they do not eat the native grasses. They do eat the native grasses but they eat everything, so when the land recovers the native grasses can outcompete some of the annuals.

Mr DAVID SHOEBRIDGE: So the final position on managing the statewide network under Crown land for both environmental and economic values, which was put by CARRTS, is one of your jobs.

Ms SMILES: We have been having that conversation with the droving community for many years. We were at the table with them when we had rural lands protection boards that turned into livestock health and pest authorities and now we have the local land services. We have been on the same page with the management of travelling stock routes right through all that change. We have seen what they have been talking about in the loss of knowledge across the area with every single restructure and every change to the system. The loss of knowledge has been quite critical.

Mr DAVID SHOEBRIDGE: On page 3 of your submission you detail the environmental values of that part of the Crown estate that is held under grazing leases. Of course one of the potential outcomes of the Crown land review is that those Crown leases for grazing will be transferred to freehold. Please outline any of your concerns if that were the outcome of the process.

Ms SMILES: We do have major concerns with the freeholding of any Crown land that has good environmental values. Not consistent and heavy grazing of any land is a much better approach. We have concerns with the vast area of the State being freeholded and then the proposed changes to the protection of biodiversity in the State. We have huge concerns over where that is heading. The critical threatened species values that have been identified on big areas of Crown land are still there because of the management of Crown

land. The loss of that ability for the public to have input into any standards, assessment or management principles for that land once it is freeholded is of great concern.

Dr KINROSS: I am thinking of particular examples of some reserves around Orange. There is one where the community did a biodiversity survey some 10 years ago. We found species on that Crown land that were not found at Mount Canobolas, which is a State conservation area. That is partly because the management had been quite sensitive. There had been very low intensity grazing and careful fire management. The community had been involved to a certain extent as well. We need to reiterate the point that the retention of Crown land is really important but also the sensitive management, which must go hand in hand. You cannot just lock it up and leave it. You need to make sure that the community is involved with managing that land.

The CHAIR: Thank you for your evidence. If there have been questions on notice you have 21 days to answer them and the secretariat will help you if you need any assistance.

Dr KINROSS: I do not think there were any.

The CHAIR: Some questions may be put on notice as a result of your evidence.

(The witnesses withdrew)

NICK KING, President, Environmentally Concerned Citizens of Orange; affirmed and examined

The CHAIR: Do you have an opening statement?

Mr KING: I do. Thank you for giving me this opportunity to appear as a witness to this inquiry into Crown land. I represent Environmentally Concerned Citizens of Orange, or ECCO, which is a local Orange environment group. During our 10 years of operation we have been involved in several campaigns to save public land from disposal for short-term financial gain and inappropriate development. This has made us very aware of the recreation, environmental, cultural and heritage values and potential of land such as Crown land and how important it is to protect it from development and uses that would threaten such values. If Crown land is to be protected it is necessary for us to have more transparent information about the location and significant characteristics of all parcels of Crown land in New South Wales.

We would like to see more Crown land assessment and public discussion at community level. We would like to see management plans made for local areas of Crown land that would involve local community input, expertise and experience, as well as the experience of qualified professional assessment. We would like to see resources made available to ensure that there is sufficient funding and staffing available for the efficient implementation and oversight of management plans for Crown land. Crown land is a valuable community resource and must remain in public ownership. For this to happen the State must protect and preserve Crown land on behalf of the public through appropriate legislation. Of particular concern—and it makes me very glad to have heard the evidence of people directly concerned about this—is the preservation of TSRs, travelling stock routes, which should be preserved by State law in perpetuity.

Mr DAVID SHOEBRIDGE: In part you have answered this question in your opening statement. Did you hear the evidence from CARRTS and the two previous witnesses?

Mr KING: I did, yes. I am virtually saying the same thing as they are.

Mr DAVID SHOEBRIDGE: Do you think that travelling stock routes should remain as Crown land in State hands?

Mr KING: In perpetuity.

Mr DAVID SHOEBRIDGE: Should it be managed on a statewide basis for agricultural and environmental purposes?

Mr KING: But with the input of appropriate expertise and local community ownership, because I think it is very important that groups such as ours have the opportunity to be involved in such decisions and management. If the local community is not involved, you do not get that same passion and support that we are not getting now because, as a previous people said, there has been a lack of involvement and a lack of opportunity for people such as us to become involved. We find constantly that our role is to fight people and interests who want to sell off areas of Crown land, or public land in general, to develop it inappropriately to the detriment of the cultural and environmental values inherent in lots of areas. We are also very concerned about any sell-off of public land because we are going to need it. We might need public land and Crown land for purposes of which we are not even aware now. It has to be retained and it has to be managed properly.

Mr DAVID SHOEBRIDGE: Do you think that in any Act there should be an acknowledgement of the need for a substantial reserve system to deal with potential future needs or uses that we are not aware of?

Mr KING: That is correct, because we have massive environmental challenges facing us into the future, one of which is climate change. These parcels of Crown land may be needed to be set aside for uses that we do not know of yet. Those uses could be renewable energy spaces, public forests, community gardens—a whole range of stuff. We can use Crown land for these purposes rather than disposing of it, but in each case there needs to be a comprehensive management plan for the parcels of Crown land.

Mr DAVID SHOEBRIDGE: When it comes to travelling stock routes in your local patch, are there any routes that you have a particular interest in?

Mr KING: Not me personally—

Mr DAVID SHOEBRIDGE: Or your group?

Mr KING: But I am aware of the existence of the travelling stock reserves and I am aware of their value.

Mr DAVID SHOEBRIDGE: Did the LLS come up with a process that engaged stakeholders generally in its management strategies for TSRs?

Mr KING: Not to my knowledge, no.

Mr DAVID SHOEBRIDGE: Do you think that would be useful?

Mr KING: It would be very useful, yes.

The Hon. MICK VEITCH: LLS currently manages TRSs. We are talking about a state-wide body. Do you believe that LLS is the body to manage them at the local level?

Mr KING: There should be more than the LLS; there should be representation from other agencies. Local councils should have some input, as should stakeholders generally. As I said in my opening statement, more resources should be put into the development of a management plan for each piece of Crown land, including stock reserves.

Mr DAVID SHOEBRIDGE: Where would those resources come from?

Mr KING: That is a good question.

Mr DAVID SHOEBRIDGE: Should they come from the local councils, Or should that be primarily a State Government responsibility?

Mr KING: It is primarily a State Government responsibility. I do not think councils are in a position to make a financial contribution. Correct me if I am wrong, but I believe it was suggested that much of the management of Crown land could be devolved to local councils. That is a concern, because local councils do not necessarily have the staff or the funding to manage those reserves adequately.

The CHAIR: It is an opt-in or an opt-out scenario apparently.

The Hon. SCOTT FARLOW: No, that is not what the Minister said. It is not "apparently".

The Hon. LOU AMATO: Local councils have already been looking after a great deal of that land.

Mr KING: Yes. Our local council has in its jurisdiction quite a large amount of Crown land, some of which it has attempted to sell, unsuccessfully fortunately.

The Hon. CATHERINE CUSACK: Do you have any knowledge of how stock routes are managed in other States?

Mr KING: No, I am sorry, I do not. Queensland and New South Wales have the most comprehensive networks.

The Hon. CATHERINE CUSACK: In terms of a better management model, from where are you getting your ideas?

Mr KING: From our personal experience as a local organisation. They are based on our personal experience with organisations and councils and people who are managing public land. We often get frustrated because there is no accurate assessment of the inherent quality of the land. There is no real management.

The Hon. CATHERINE CUSACK: Do you mean the environmental qualities?

Mr KING: Yes.

The Hon. CATHERINE CUSACK: You say that funding should come from the State Government. From where should the State Government get that funding?

Mr KING: Good question. I understand that that would be a difficult issue, but it is something we cannot afford not to do.

The Hon. CATHERINE CUSACK: Do you know how much funding would be required?

Mr KING: No, I do not.

Mr DAVID SHOEBRIDGE: Before the State Government engages in a process that could see the wholesale transfer of Crown land, that study and the assessment of the Crown land is the essential starting point.

Mr KING: That is correct. As previously stated, the location and mapping of what Crown land its available is there.

Mr DAVID SHOEBRIDGE: One of the concerns you have raised relates to the active management of weeds and pests on Crown land.

Mr KING: That is correct.

Mr DAVID SHOEBRIDGE: How is that being managed at the moment from your local experience?

Mr KING: I cannot answer that. As far as the Orange area is concerned, it is managed by the local council staff.

Mr DAVID SHOEBRIDGE: In your experience on the ground, is it being adequately managed?

Mr KING: I do not think so. There is always room for improvement because of how thinly the staff are spread. They do not have a lot of time or resources to deal with it in a comprehensive way. It is usually just mown.

Mr DAVID SHOEBRIDGE: On page 3 of your submission you refer to concerns about the potential transfer of grazing leases to freehold. What are your concerns about that transfer?

The Hon. CATHERINE CUSACK: That is in the submission.

Mr DAVID SHOEBRIDGE: Do you want to expand on the submission?

Mr KING: The submission states:

There are proposed changes to management of Crown Land in the Western Division of NSW, which include the conversion of some leasehold to free hold land, and removing requirements that management be consistent with the principles of ecologically sustainable development. Such proposals threaten biodiversity and ecosystems and will affect carbon emissions through possible increased land clearing due to the proposed relaxation of land clearing legislation.

As you know, the Government is proposing to relax land clearing laws in New South Wales in conjunction with relaxation of management and the move to freehold. I understand that will allow land holders to have more of a say in how they manage native vegetation.

Mr DAVID SHOEBRIDGE: But they will be able to use the land for purposes other than grazing once it is transferred to freehold. What are your concerns about that?

Mr KING: I am concerned that that would interfere with the biodiversity of some of these sensitive areas. In freehold it is in the possession of the land holder who can, at his discretion, not necessarily manage it for the benefit of biodiversity.

Mr DAVID SHOEBRIDGE: Is your concern that the use of the property may transfer from grazing to cropping?

Mr KING: Yes.

Mr DAVID SHOEBRIDGE: And in the process of that you see large-scale land clearing?

Mr KING: That is correct.

The CHAIR: I draw your attention to Aboriginal land claims. There might be a land claim over high value Crown land, as you put it. The Aboriginal community might want to develop that land. Which would trump in that situation, the Aboriginals' desire for the land or the higher value environmental issues?

Mr KING: The environmental issues should take precedence.

Mr DAVID SHOEBRIDGE: This is more or less a principle position when it comes to Aboriginal land claims. Given that all of this State was Aboriginal land before it was colonised and the Crown Estate now accounts for some 42 per cent of the State, if new Crown land legislation is introduced, do you believe that its key objectives should be acknowledgment and recognition of prior Aboriginal ownership and prioritising the return of land to Aboriginal ownership because they owned every square metre of it before colonisation?

Mr KING: Of course their wishes and heritage should be taken into consideration.

Mr DAVID SHOEBRIDGE: Should it be prioritised?

Mr KING: From my perspective as a member of an environment group, I think the biodiversity and environmental issues should take precedence.

Mr DAVID SHOEBRIDGE: We could transfer it to Aboriginal ownership and still retain the environmental protections.

The CHAIR: They would be restricted.

Mr KING: Yes.

The Hon. SCOTT FARLOW: You are leading the witness.

Mr DAVID SHOEBRIDGE: Should they be prioritised. I am putting to you that it is not necessarily a competition.

Mr KING: No.

The CHAIR: If we are going to restore something that was removed from Aboriginal people, we should restore its full value; it should not have a restricted value.

The Hon. MICK VEITCH: You referred to plans of management or management plans for Crown land. Have you been involved in their development?

Mr KING: No, I have not. I have never had the opportunity.

The Hon. MICK VEITCH: Have you made submissions?

Mr KING: Yes, we have made quite a few submissions about the use of Crown land.

The CHAIR: If you took any questions on notice, they should be answered within 21 days. The secretariat will assist you. Members might have further questions, which will be forwarded to you and your answers will form part of your evidence. Thank you for appearing before the Committee.

(The witness withdrew)

Mr ROSS HARRIS, Land Utilisation Officer, Moree Plains Shire Council, affirmed and examined

The CHAIR: Welcome to the inquiry, Mr Harris. Do you have an opening statement?

Mr HARRIS: And some.

The CHAIR: We will give you a bit of latitude, in light of the time.

Mr HARRIS: Honourable Chair, Deputy Chair, honourable members, thank you very much for coming out to the bush to visit us and giving us the opportunity to provide input into your inquiry. I am currently employed with Moree Plains Shire Council as what is called a land utilisation officer. I provide advice to the council on their property issues, particularly with regards to Crown land but also leases, licences, acquisitions and other activities with land. My background is that I was employed with the Department of Lands in its various forms for 33 years before taking leave from there. That is why I got my opportunity on council, unlike some of the other speakers previously who said they did not have that opportunity and had to employ legal people to do their work. My council is lucky enough to have me to do those at a much cheaper rate than legal people charge.

For a period I was the manager of the Moree, Armidale and Tamworth offices where I had responsibility for about 20 per cent of the State. So I have a fair affinity with the north-west area and quite extensive experience with Crown land issues. My intention today is to assist the Committee in providing information regarding Crown land issues, particularly from the perspective of local government in the north-west of the State, in particular that policy, process and considerations of regional differences are not urban-centric and that the local lands proposals and other consequences do not create a greater burden on local government without the opportunity for further resourcing.

As a background, Moree Plains Shire Council is a little bit larger than some of the previous speakers' councils—we have got 18,000 square kilometres. We are about 400 kilometres from the coast, have a population of about 16,000 and a very highly productive and lucrative agricultural base, but certainly are subject to challenges in various forms. The extent of the Crown land in the shire is not accurately known because we do not really have—perhaps even Crown Lands do not even have—an accurate database of exactly what Crown lands are in the shire, but we are aware that there are greater than 940 Aboriginal land claims in our shire alone. That suggests that there is not less than 1,000 individual parcels of Crown land just in our shire.

Moving to the terms of reference, the extent of Crown land, as I suggested, we have got over 1,000 parcels of Crown land. What is the Crown land? We have got infrastructure reserves like public recreation, rural fire services, ambulance stations, showgrounds, racecourses, cemeteries; we have got municipal purposes depots, public pounds, quarries, rubbish depots, water supply. These are substantially developed and utilised reserves. There are cemeteries; we have got travelling stock reserves, as we have discussed with other people, which take up a substantial area. We have got a lot of areas that are redundant purposes—things like night soil depots that are not really required anymore, water races for old mining tenures, police horse paddocks, that sort of stuff. These lands still exist. They may have some attributes but realistically they need to be dealt with somewhere along the line.

We have also got reserves for future public requirements, vacant land reserves for access. In fact, of the 80 Crown reserves for which Moree Plains Shire Council is trust manager and has devolved responsibility or some form of occupation or interest, there are 27 different purposes for reserves alone. Of course there is also Crown land that is leased—perpetual and term leases—licensed lands and, of course, Crown roads. There is such a broad range of Crown land, so just to say "We are going to deal with Crown land", it is just not that simplistic. Even the environmental values of Crown land are not that simplistic—some is, some is not and some is pretty urban.

The benefits of active use and management, there are several aspects. First is that I suggest we reduce the estate so there is not so much Crown land to manage and to deal with and take whatever opportunities are available in that regard; so we only retain that which is necessary for future requirements so they can be managed. Secondly, the manners in which ongoing management should be achieved—

The Hon. LOU AMATO: It is written down "How many unresolved Aboriginal land claims?" and you were the only one who knew—I congratulate you on that. You have stated 942.

Mr HARRIS: That is what I have got on the list.

The Hon. LOU AMATO: It is very good. It was the only one with numbers.

Mr HARRIS: It was quite substantial and it is quite important.

The Hon. LOU AMATO: It is a lot.

Mr HARRIS: Absolutely and I do wish to deal with the Aboriginal land claims side of things as well. With regards to moving forward, I think there are opportunities we need to deal with to reduce the estate: firstly, established reserves. Those ones I mentioned, the depots, the established reserves that have currently got infrastructure on them that are particularly managed by councils and actually resourced by councils and supported, I think they should vest in councils. That is a process that can be achieved, as I understand it. Under section 76 of the Crown Lands Act that land can be vested in councils; there is no compensation payable.

A majority of Crown land is defined by a plan held with the Land Titles Office. Whether those plans are suitable for creating a title is an LPI issue, but certainly the Crown roads processes allow the creation of a title with limited title by definition of that plan, and the limit on the title is that it is subject to some form of definition later on if it is ever to be disposed of.

Mr DAVID SHOEBRIDGE: Is that a way around the concerns that were raised by, I think, Narromine and Warren shire councils about the expense of survey in registering it?

Mr HARRIS: Absolutely.

Mr DAVID SHOEBRIDGE: Could that be done with a statutory process?

Mr HARRIS: I believe so.

Mr DAVID SHOEBRIDGE: It would be a very sort of summary registration process, but if it becomes an issue down the track it can be clarified.

Mr HARRIS: A lot of the Crown roads are sold without a plan of definition.

Mr DAVID SHOEBRIDGE: So when the owner seeks to register the title is it their obligation if they want to register it?

Mr HARRIS: As I understand it, yes.

Mr DAVID SHOEBRIDGE: But in the meantime there is some register of the sale with a notation that the boundaries are not required.

Mr HARRIS: That is correct. Where these lands are going to be community lands there is no expectation that they are going to be disposed of to a further level, so it should not be inappropriate under those circumstances. So I believe that is an efficient and effective means to the end. So that is those lands that could be vested in council with a limited title. Low-value parcels, where they are occupied, sell them to the adjoining landowners.

The CHAIR: What did you call it?

Mr HARRIS: Low-value parcels. There are all sorts of parcels all over the place. One of the major issues of our north-west area is the fact that the land value is so low that it is not worth the State or any other organisation spending resources just to deal with the land.

The CHAIR: But we heard from witnesses that the Government wants higher-value return on it.

Mr HARRIS: Marvellous, but these low-value parcels are perpetuated. As I said, I am talking about the night soil depots and reserves for races or other redundant purposes. These night soil depots might be on about five or six acres but it has to sit there forever because—

The Hon. LOU AMATO: There is no monetary value.

Mr HARRIS: Exactly. It would be great if we could clean the slate of them. They would no longer be the State's responsibility and they would no longer be a burden on council. These parcels that are not managed are expensive to council because of the compliance with respect to rubbish, fire hazard and weeds. It ultimately becomes a local government responsibility and it is very expensive if we cannot move forward and dispose of those lands. They are not rateable but they are a burden to the community. If we can dispose of them through some simple means and get them off the books—

The CHAIR: Another point that you mentioned to me this morning in conversation is that Crown land, in its entirety, is not rateable property.

Mr HARRIS: That is right.

The CHAIR: I think that that is a very important point for us in the inquiry to realise. That land is not rateable.

Mr HARRIS: Just as an aside, neither are granted Aboriginal land claims.

The Hon. SCOTT FARLOW: I guess, Mr Harris we have a view that land is an asset. Of course it is. So when we talk about the Crown land estate we are talking about an asset that we want to preserve but your perspective is that perhaps by having it as Crown land it is more of a cost for local government and for State Government.

Mr DAVID SHOEBRIDGE: Parts of it.

The Hon. SCOTT FARLOW: That is probably why we need to have some rationalisation.

Mr HARRIS: Exactly. Probably one of my major points is that there should be horses for courses. If we are dealing with a four-hectare site next to Pyrmont in Sydney and a four hectare site that is a former night soil depot out at Mungindi they will have a value but one would suspect that the one in Pyrmont would be of a higher value.

Mr DAVID SHOEBRIDGE: The Mungindi casino never got off the ground.

Mr HARRIS: There has been a lot of talk about it for a lot of years.

The Hon. SCOTT FARLOW: It is the new Greens policy.

Mr HARRIS: Collectively, with respect to this idea of vesting land in councils, there could be a situation of shock-horror because it is a loss of the asset to the State but if you are vesting Wentworth Park in a Sydney council by comparison to vesting an oval in Moree the collateral loss to the State is negligible.

The Hon. LOU AMATO: There is some Crown land, though, that would be an asset.

Mr HARRIS: There is no doubt about it, but not a lot out my way.

The Hon. LOU AMATO: You have identified that already.

Mr HARRIS: Sorry?

The Hon. LOU AMATO: You have identified what Crown land would be an asset to the council.

Mr HARRIS: Certainly. That brings me to another point. Council is quite happy to accept the responsibility and ownership of those areas of Crown land where we have a vested interest—where we have spent public funds to maintain and insure them. Insurance is an issue. Whenever this land and the assets come over, the responsibility to insure it also comes. That is a burden.

Mr DAVID SHOEBRIDGE: That is primarily public liability insurance.

Mr HARRIS: Council is quite willing to accept that because we are getting control and management of lands that we are already looking after without having to ask the Minister for approval each time we want to do something. However, we draw a line at this local lands issue where, if it is land that is not currently being utilised by the community and is not of any substantial value to the State, it is given to council. Previously, in the review of the Crown Lands Act it was said that these local lands could be given to councils and as an offset to that they could be disposed of to raise revenue to look after the other lands.

It appears that in the current white paper and further discussions since then that the Minister apparently said that that entitlement no longer exists, so they will be given as community lands with no capability to generate income. Up to this point it is a liability that the council may have had a compliance role over—with respect to fire hazards, weeds and feral animals—but now they have become the responsibility of councils. If there is no income or resource available from that land it is a liability.

The Hon. LOU AMATO: Particularly in your council. Because of where it is you are limited in your income revenue.

Mr HARRIS: Absolutely. We have a population of 16,000 people on 18,000 square kilometres but it is rural land so it is rurally rated. We have 2,000 kilometres of road that has to be maintained by the council. That is probably one of the major costs to the shire. Council, particularly under the current arrangements with Fit for the Future, has to be very cognisant of income expenditure and how that is managed. There is not a great deal of community service obligation money that is floating around and available to pick up this extra resource. As I said, the council has to be very careful how it manages its expenditure and does not want to be taking on extra liabilities because that would cost the community.

Mr DAVID SHOEBRIDGE: How, in a practical way, does the resolution of Crown land ownership over a five-hectare parcel that has been set aside for a municipal dump which is never going to be developed, fix

that problem? It ceases to be council's problem if it is sold to a third party but is the land better managed and does dumping not occur if it is taken out of council's hands?

Mr HARRIS: Certainly in a lot of cases that site may not be a council responsibility for starters but the compliance role is. If there is no active management by the owners of the land—being the State and/or council—then issues such as fire hazard, weeds and dumping are problems. The different authorities will fight over whose responsibility that is. If the land is sold to freehold and is incorporated in an adjoining property then the issue becomes the responsibility of the landholder and the land can be actively managed by the adjoining landowner, whereas at the moment it is fenced out of his property and it is not something that he is willing to participate in.

The Hon. SCOTT FARLOW: And, from your perspective, it is rateable.

Mr HARRIS: It is rateable, which gives council, perhaps some cash, too.

Mr DAVID SHOEBRIDGE: If it is low-value land in the first place then it is of no value to the State and it will not return anything substantial when it is rateable, is it?

Mr HARRIS: No. But maintaining it as a separate parcel in the middle of Woop-Woop, for the sake of it or because it is too expensive to do otherwise, is just perpetuating a problem. I see this new arrangement as being an opportunity to wipe the slate of those parcels of land that are not required for future community or State purposes, and move forward in a definite direction in dealing with those lands that are.

Mr DAVID SHOEBRIDGE: You talk about an equity issue—this is a separate point—between Aboriginal land councils who have access to more valuable coastal land and Aboriginal land councils in inland New South Wales which do not have the same economic opportunities. Can you expand on that.

Mr HARRIS: Certainly I am aware of what lands have been claimed in our area. I know there have been substantial areas that have been granted. Quite a lot of residential blocks in the village of Mungindi were granted. That is great but it does not really provide any benefit to—

Mr DAVID SHOEBRIDGE: What does a residential block in that town go for on the open market?

Mr HARRIS: There are not a lot of them but at best they would probably cost a couple of thousand dollars.

Mr DAVID SHOEBRIDGE: So it is meagre.

Mr HARRIS: That is the case if there is a market at all. In most cases the reason those blocks were vacant is because there was no market. To some degree there is an advantage in some areas where those lands would not have been made available for sale because it is not worth it for the Crown to go through the process of putting them on the market; the return is much less than the cost of doing so. So there is an opportunity, under certain circumstances, for a land council to make Crown land available where it would not otherwise have been. But, at the end of the day, 20 blocks in Mungindi may have a value of \$40,000.

I would suggest that a block somewhere on the Central Coast, which may be of interest to a shopping centre developer may very well have greater value. I believe that there is an inequity in that regard in that the land councils on the coast have access to greater opportunity and greater funding potential than the people out our way. Whilst they might receive substantial areas of land they will not get any benefit to the community. As I have suggested in my document, I believe there is a better way of dealing with it. After 33 years of achieving very little I think the whole thing needs a revamp. This is my personal suggestion; I am not giving it in my role as a councillor.

Mr DAVID SHOEBRIDGE: Whether or not your solution is adopted, that fundamental inequity is something you have witnessed. Is that right?

Mr HARRIS: Yes. Further to that, the fact that these land claims over all of these Crown lands has hamstrung them for any ability to realistically deal with them. There are opportunities for negotiations, but they are not broad. You are getting parcel by parcel, and when you are dealing with 1,000 parcels you are not getting great progress. I think there is a better way by revamping the whole thing, releasing these Crown lands for disposal with the arrangement that a percentage of the income that is generated from those sales goes to the land councils generally and that money is then distributed on the basis of need specifically for the purchase of lands that are of value to the communities for cultural or spiritual purposes or for investment purposes and that generates opportunities for even more housing and housing maintenance.

The Land Rights Act provisions should provide a benefit, but after 33 years, from my experience, out our way there has not been a great deal of benefit for the local land councils from the Aboriginal Land Rights

Act. I think it is time to have a review of that and see if there is a better way for the land councils and for the Crown, with the trade-off being that they would release Crown lands for other management.

Mr DAVID SHOEBRIDGE: The wholesale restructure of the Land Rights Act is probably outside our terms of reference, but the inequity that you have witnessed in the disposal of Crown lands to Aboriginal people depending on where they are geographically in this State is important.

Mr HARRIS: I will admit that it is a perception from somebody from the west, which I guess is similar to a perception from somebody from the east.

The Hon. SCOTT FARLOW: But it is important to hear.

The Hon. CATHERINE CUSACK: With respect, Mr Shoebridge, the concept that Crown land is to be disposed of and some of the proceeds being put to that purpose is well within our terms of reference.

Mr DAVID SHOEBRIDGE: I think that element is, absolutely. I appreciate your highlighting section 30 of the Crown Lands Act, which was whacked in in 1989:

- (1) The Minister shall cause to be instituted a programme for the assessment of Crown land.
- (2) The assessment shall consist of:
 - (a) the preparation of an inventory of Crown land,
 - (b) an assessment of the capabilities of the land, and
 - (c) the identification of suitable uses for the land and, where practicable, the preferred use or uses.

You were in the department for 20 years after that. Did it ever happen?

Mr HARRIS: For 26 years that has been in place and how have we gone?

Mr DAVID SHOEBRIDGE: That is what I am asking you.

Mr HARRIS: I will let that lead into an issue of mine. With regards to new arrangements and new Acts, new policies and procedures, all the wonderful things in the world can be put in place but if they are not resourced then this is indicative of the outcome.

Mr DAVID SHOEBRIDGE: This is a parliamentary feel-good moment.

Mr HARRIS: In 26 years this has never been achieved because it was never resourced. On the contrary, when I first moved to Moree in 1989, at the same time that this Act came out, there were 18 people working in the lands office at Moree. There are now less than two working in that office. The ability of those two people—and I give them the thumbs up for doing a marvellous job—to be all over this is limited. I feel for them, but the resources of the department and the directions have changed. The ability to implement this, which is what everybody wants, is limited.

Mr DAVID SHOEBRIDGE: It has not happened, as far as you know?

Mr HARRIS: No.

Mr DAVID SHOEBRIDGE: Were you ever given a direction in your work over those 26 years?

Mr HARRIS: I take that back. It is not that it has not happened; it has not happened in its entirety. The assessment of land is a part of any process dealing with Crown land and has been since this Act came into play. Those principles of Crown land management, as we have discussed, are always addressed when dealing with Crown land.

Mr DAVID SHOEBRIDGE: Yes, but the idea that there is a single inventory of Crown land has never happened?

Mr HARRIS: It would be marvellous.

Mr DAVID SHOEBRIDGE: We have been waiting about 30 years for it.

Mr HARRIS: There are two points to that. The machinery has been put in place but it was not resourced and it has not been achieved. Being cognisant of that moving forward with any new legislation, there is no point in creating it if it is not achievable, in my opinion.

The Hon. MICK VEITCH: Are you flagging that there is a risk that new legislation could not fail in its early stages because of the lack of a stock take? Are we setting out to fail?

Mr HARRIS: Simply, yes, in so far as I have previously identified the extent and broadness of Crown land and that to suggest this is how we are going to deal with Crown land without taking into consideration the differences, so a simplistic view, is going to lead to trouble.

The Hon. LOU AMATO: There is no one size fits all.

Mr HARRIS: No matter what industry you are in, if you are going to manage something it is my belief that you have to know what you are managing.

The CHAIR: How would you deal with Crown roads, in a similar situation?

Mr HARRIS: My opinion is that what the department is doing in regard to dealing with vacant Crown roads is marvellous. The sooner all of the Crown roads that are unnecessary are sold, the better the world will be. They are ticking time bombs because—putting back on by council hat—every Crown road under part 5 section 5 of the Roads Act provides the right for the public to use it for access. Therefore every one of those paper roads, wherever it happens to be, provides the right for the public to access through somebody else's property or for somebody to sell off a single parcel and suddenly say, "I bought this block of land, where is my access? Here it is; council, when are you coming to build my road?" They are liabilities; roads should be where they should be and not where they were drawn on the map a long time ago. The development of the State has grown sufficiently to put in play those roads that should be in play. The rest of them that have not been used should be gone.

The Hon. CATHERINE CUSACK: Are the situations where National Parks and Wildlife just need to give consent to their road quota?

The CHAIR: I was going to ask about the Roads Act.

Mr HARRIS: The Roads Act deals with roads, yes. I will have to be a bit careful in answering that because I no longer work for the department of lands and the policies and procedures are probably a bit outside my scope at the moment. But not normally.

The Hon. CATHERINE CUSACK: Are there other agencies with involvement? Is it a more complex process than it should be?

Mr HARRIS: The current road closure process—as with dealing with Crown land generally—is simplified now. It involves notification of agencies and public advertising et cetera. Information is electronic these days, which is great. The road closure process is probably as simple as it has been.

Mr DAVID SHOEBRIDGE: It looks at access as an economic value, but not the environmental and other issues.

Mr HARRIS: Yes, certainly. The process of closing the road is twofold. Firstly, there is removal of the public right and entitlement to use that strip of land for access, which is the Roads Act part of it. Upon the closure of the road, which is the removal of the right of the public to use that land, it then becomes vacant Crown land. Then the disposal of the vacant Crown land is a separate exercise.

Mr DAVID SHOEBRIDGE: But there would be unformed roads that are still important for access to nature reserves, river frontages and the like. Even if there is not a formal council road there, there are significant numbers that provide important access routes.

Mr HARRIS: Absolutely.

Mr DAVID SHOEBRIDGE: How do you take cognisance of them?

Mr HARRIS: Crown lands are very cognisant of that. It is not a hell-for-leather process. It is a thought-through process and every case is considered on its merits.

The CHAIR: Is one of the ticking time bombs for paper roads going to be the Environment Protection and Biodiversity Conservation Act and management of weeds and vegetation?

Mr HARRIS: There has always been that contradiction because a road is a road. While it is a road, the public have the right to use it as a road and to a certain extent develop it as a road. Its highest purpose is as a road before its environmental purposes come into play. To put a bulldozer down there to make it available for access is only in keeping with its purpose as a road.

The Hon. CATHERINE CUSACK: Here is the Catch-22. The biodiversity there is such that it would be illegal to clear that vegetation to form a road.

Mr HARRIS: I am not sure that there are not exemptions in that regard.

The Hon. CATHERINE CUSACK: Yet it is a road.

Mr HARRIS: That is correct, and that is the contradiction. Once again, the purpose of moving forward with these processes is to identify what you want you want that land to do and manage and resource it accordingly. That is the idea and that is where this inventory comes in. You have to know what you are managing. If your road's highest and best purpose is biodiversity, you remove its availability as a road, reserve it for environmental diversity, and put in place a management plan for that purpose.

The Hon. CATHERINE CUSACK: If you want to build a road, even though it is drawn on paper as a road, you still need to go through some form of development application process.

The CHAIR: And an EIS process.

Mr HARRIS: Certainly.

The Hon. CATHERINE CUSACK: That is when all those problems would be triggered.

Mr HARRIS: That is right. But you always have the contradiction that is it in fact road and it is available for public access.

The Hon. SCOTT FARLOW: Even if it is not developed as a road?

Mr HARRIS: That is right.

The Hon. CATHERINE CUSACK: It is not allowed to be developed as a vegetation corridor. It is a paradox.

Mr HARRIS: Putting my council hat back on again, councils have difficulty closing the roads because they require access to individual portions. They do not like to have isolated portions and that creates a contradiction.

Mr DAVID SHOEBRIDGE: You say that the new process is good in terms of dealing with roads.

Mr HARRIS: It is efficient.

Mr DAVID SHOEBRIDGE: The new policy might be good, but the Committee heard evidence in the Shoalhaven yesterday where three local landowners have a bit of orphan road that begins and ends in dead-ends on private property on either side. There is no functional purpose for it. They went on the website, which said that it would take seven months to deal with it. When they lodged their application, the written correspondence said it would take 10 months to deal with it. Then they got a phone call from the department and it said that it would probably take from five to eight years. Have similar timeframes like that happened in your patch?

Mr HARRIS: Certainly.

Mr DAVID SHOEBRIDGE: But you describe that as a good process.

Mr HARRIS: While Minister Humphries was our local member there was a bit of a drive for a while on processing a lot of these applications.

The CHAIR: What would be a reasonable time frame in which to work through a process like that?

Mr HARRIS: Again, it is not my process. From my experience, and knowing the volume of road closures that were open to application, it has created a huge job.

The CHAIR: Do you think that application probably got stuck with a huge pile of closures?

Mr HARRIS: I have no doubt about that.

Mr DAVID SHOEBRIDGE: Is it just a resourcing issue? The department went from 18 to two staff and the time frame went from seven months to eight years to process a road closure.

Mr HARRIS: That is correct.

Mr DAVID SHOEBRIDGE: One produces the other.

Mr HARRIS: In my experience it is not a new issue.

Mr DAVID SHOEBRIDGE: That time frame of five to eight years to get a road closure process completed—

Mr HARRIS: As I said, I cannot comment on that because I am not dealing with them directly.

Mr DAVID SHOEBRIDGE: But there are very long delays.

Mr HARRIS: There is no doubt about that. My understanding is that there is a resourcing issue. The system is designed to process those claims over a period of time, and they are working through them as quickly as they can.

The Hon. MICK VEITCH: In a way we are fortunate because you have a lands background and now you work with council. What is the process for getting the Minister to sign off on plans to manage parcels of Crown land? Would the plans of management go to the local office, which would then move them on?

Mr HARRIS: In my experience we did not do a lot of plans of management for Crown land. I am currently doing plans of management for council's community land. We have excluded Crown land and other owned lands to facilitate the process. We are undertaking that process to address the issues of the Local Government Act more so than for specific management of council's community land. We are doing it on a scheduled basis. We are using a fairly broad set of parameters to provide for moving forward, and allowing for leases, licences and all of those aspects that can be achieved only through a plan of management. We are making it so that any changes to the actual document have to go through the normal change process.

However, we have included provisions so that the parcels concerned can be altered through any changes and taken off if they are reclassified or because it involves infrastructure as well. Many of those changes are identified and we are going through that process now. One of the issues of concern that this can address is that it makes no difference to the council's management of public recreation reserves and so on—the Crown land and the land it owns. If you mow the lawn, you mow the lawn; if you put up goalposts, you pull down some others. That does not change the status of that land. However, you have to have a plan of management under the Crown Lands Act, and now there is a plan of management under the Local Government Act.

Vesting the Crown land managed by council in the same way as other land owned by the council allows it to be managed holistically and seamlessly. The Local Government Act also provides for the development of a plan of management with the existing plan of management for the rest of the land. If we are doing a plan of management under the Crown Lands Act, the parameters, the approvals and the structure are different. They can be similar, but they are inherently different and their purpose is different. There are two documents and council is managing land that it does not see as being different.

The Hon. MICK VEITCH: What are the benefits of the two systems? Which is the better system?

Mr DAVID SHOEBRIDGE: One gets used and one does not.

The Hon. MICK VEITCH: Yes.

Mr HARRIS: Probably. We have to do it in local government and it is a legal requirement with Crown land, it is more of a means to an end and it is more likely to be undertaken for a specific purpose for a specific reserve or parcel of land to achieve an outcome and provide direction.

The Hon. SCOTT FARLOW: Are you saying that you do not have to do it for Crown land?

Mr HARRIS: I can assure the Committee that there are not many plans of management for the thousands of parcels of Crown land in my shire.

The Hon. MICK VEITCH: So plans of management operate for some types of Crown land but not for others?

Mr HARRIS: You have to be practical. Our sewerage dump site in Mungindi does not really require a plan of management.

Mr DAVID SHOEBRIDGE: It effectively processes sewerage.

Mr HARRIS: Yes. It is a night soil dump. There are probably a few empty drums and so on. They are anachronistic liabilities.

The Hon. MICK VEITCH: Is it your experience that plans of management remain draft plans of management?

Mr HARRIS: No. The few that I have seen have been taken through because they were an intention.

The Hon. MICK VEITCH: As in signed off by the Minister?

Mr HARRIS: Yes, I believe so. That is my recollection.

Mr DAVID SHOEBRIDGE: Your submission at some point states that we have to recognise that this is a big state with quite different facts on the ground. Whatever structure you might want to put in place for managing a bowling club in King Edward Park, it is likely to be different from what you would put together for a parcel of land at Moree.

Mr HARRIS: Yes.

Mr DAVID SHOEBRIDGE: Should there be some sort of geographic distinction? How would you go about doing that?

Mr HARRIS: I had not thought about that until you raised it earlier this afternoon. It is a matter of horses for courses. There needs to be a degree of flexibility, if nothing else, in the process, whether it is defined by a boundary or by something else. It is all about relationships between land. I cannot answer that specifically. I think it is right that the Paddington Bowling Club and King Edward Park has that public consultation process because there is that interest. However, a residential block at Mungindi can be dealt with and we can get rid of it. We do not want to be going through copious processes. I mentioned Taylor Oval in Moree in my submission. Big W was going to come to town and be the cornerstone of commercial sales.

Mr DAVID SHOEBRIDGE: The anchor.

Mr HARRIS: The anchoring was perfect. It took eight years to get that parcel of Crown land available. It is now owned by council, it is now available. But Big W have been gone for a long time. It is indicative—it is not a prime example but it is indicative—of the bureaucracy and the process that is so cumbersome that it stops something happening.

Mr DAVID SHOEBRIDGE: Is the legislation cumbersome or is the failure adequately resourcing the department to deal with things in a timely manner? You allege that a poorly resourced department will not fix anything.

Mr HARRIS: That is correct. In this case it was probably the legislation and the process. It was dedicated and it had to go through Parliament.

The Hon. CATHERINE CUSACK: Can I just ask the question, but not in a leading way: What were the choker points?

Mr HARRIS: It was a fairly iconic parcel of land in town.

The Hon. Mick VEITCH: So, well known?

Mr HARRIS: Its location was prime for what it wanted to do. It was the number-one oval in town, so that was probably a major choking point.

The Hon. SCOTT FARLOW: So there was community opposition and the like?

Mr HARRIS: Yes, protests—waking a lot of community involvement, a lot of division in the town.

The Hon. CATHERINE CUSACK: But in terms of the process, where did that delay occur? Was council slow in putting in a request forward? Is that what the choke was?

Mr HARRIS: No, it was political.

The Hon. CATHERINE CUSACK: But how do politics delay it in the process? That is what I am trying to understand.

Mr HARRIS: There was a multitude of public consultations and processes and reviews. We also had Aboriginal land claims over it and that process had to be considered. There was the revocation of the dedication, which has to go through an enormously lengthy process—both Houses of Parliament have to sit for 40 sitting days, which is about half a year anyway.

The Hon. CATHERINE CUSACK: Can you just explain that?

Mr HARRIS: It is a period of 30 sitting days or something you have to go, and Parliament does not necessarily sit—

Mr DAVID SHOEBRIDGE: It has to go through—you cannot put a motion to set aside—

The Hon. SCOTT FARLOW: Disallowance or something.

Mr DAVID SHOEBRIDGE: Yes, a disallowance motion.

Mr HARRIS: For the revocation of the dedication it has got to go through those processes. They are very lengthy processes. And there was administration and those sorts of things.

Mr DAVID SHOEBRIDGE: But there may well be people in the community who prize that particular part of land use and they say, "We saved a beautiful part of our land".

Mr HARRIS: At the end of the day the result is that the land is now mostly owned by council, with no purchaser.

Mr DAVID SHOEBRIDGE: And it is an oval that—

Mr HARRIS: It is now still being used as an oval because there is no other opportunity. It probably was not a prime example but it is an example of where making the system complicated can be a missed opportunity.

The Hon. CATHERINE CUSACK: I am interested in the case—I do not mean to say that I am not interested in it—but I am trying to gain a notional time line for these very lengthy projects. I can understand somebody whose responsibility it is to get a project like this going saying, "I don't think I can do this". Is there some kind of notional time line you can give us for what the process entails—just getting into the nuts and bolts of where the problems lie?

Mr HARRIS: I will take a different tack, if you do not mind—you can bring me back on board if you so seek. Prior to the Crown Lands Act 1989, the process of dealing with Crown land was much simpler and straightforward and decisions could be made at a ministerial level or below as to whether land was disposed of, leased, licensed, sold, et cetera. That process was apparently, or perhaps—I am not real sure of the history of it—abused or seemed to have been abused.

The Hon. CATHERINE CUSACK: When we had Eddie Obeid, yes.

Mr HARRIS: So the pendulum swung the other way whereby in order to deal with Crown land you had to go through the process of land assessment, public review, plans of management, all those sorts of things that were required to be undertaken before you could actually deal with Crown land. What I would like to see considered from what I put forward is that we do not necessarily spring completely back the other way but where there are horses for courses. Under the Crown Lands Act the way it was, all land assessment was required, but it was copious, cumbersome and prevented stuff from being progressed. So progressively, progressively it got cut back to the point where the Minister could sign off doing away with land assessment in order to achieve an aim.

So the purpose of the Act was watered down anyway. But what I am trying to get to is that there are horses for courses, and you are quite right, we need to make sure that this new legislation has appropriate covers and protections for those lands that are entitled to and require those levels of protection. But for other areas of land that are of less value to the community, monetarily or otherwise, or amenity if you like, that the machinery allows for that to be dealt with.

The Hon. CATHERINE CUSACK: So an elevator for uncontroversial proposals that are not going to—

Mr HARRIS: Because my region has got a copious amount of this low-value, unproductive, perpetually going to be there land, we need to take this opportunity now to move it on.

The Hon. CATHERINE CUSACK: Could you have a stab of what the definition could look like?

Mr HARRIS: Of the?

The Hon. CATHERINE CUSACK: The class of land that could come into that category.

Mr HARRIS: The night soil depot—it is occupied—

The CHAIR: It is not all that class of land. I talked about this the other day, having been the leader of a large community in many towns. It is about the trigger test of public interest. If there is no public interest registered that we want this land protected, it is a no-brainer that it does not need to go meticulously through five more hoops; it is a given that the community generally agrees with it and it is out there. The Greens are really good: if they want to protect something, boy, do they let you know very quickly. So if it is moving through those processes without being triggered by those particular interest groups, it is a pretty good indication that we can move through this one and just get to the end for the community benefit. But there are others that it has triggered from day one that you know. So it does not matter what it is and what the parcel is, it is just a matter of if there is a public interest, that should be the trigger point of how much—

The Hon. CATHERINE CUSACK: Or additional scrutiny.

The CHAIR: Yes, that is right.

The Hon. CATHERINE CUSACK: But where that does not exist, let us just get on with it.

The CHAIR: Exactly, and that is what we are talking about with these plans of management being ticked off by the Minister. Why does every POM need to be ticked off by a Minister? If it undergoes this sort of scrutiny under the public interest test it should be able to be signed off by council. It signed off other multi-million-dollar projects, so why is this any different if the public interest has not been registered?

The Hon. CATHERINE CUSACK: My question was actually to the witness, that he seems to be in agreement with the evidence that the members are giving to this inquiry.

Mr HARRIS: Democracy at work.

The Hon. CATHERINE CUSACK: Could the witness assist us by perhaps suggesting what would be a good definition that you would have confidence in that the right processes were going the shorter routes?

Mr DAVID SHOEBRIDGE: You could take that on notice.

Mr HARRIS: Once again, because of the complexities of Crown land I do not know that it is that simple to be able to do that, but certainly, as I stated previously, if you start with low-value parcels of land where they are already occupied, where there is not any other public interest, it is already fenced in—similar to what they are doing with the closing of the Crown roads because they are internal, in a lot of cases they are lawfully occupied by enclosure permit—you say, "Obviously they are not required by anybody for access so we will advertise it, see if there is anything out there", then "There is nothing out there, let's just sell it to them".

The Hon. CATHERINE CUSACK: Maybe the definition is property that has no objectors after it has gone through certain steps.

Mr HARRIS: That works for me.

The Hon. SCOTT FARLOW: I am sure somebody will object to everything. You heard the evidence that we heard this afternoon in terms of travelling stock routes. Can you tell us a little bit about travelling stock routes in your area, and when you look at some of that surplus Crown land would there be parts of the travelling stock routes in your area that, from your experience, you would think would fall under that definition of surplus Crown land?

Mr HARRIS: Most certainly. I will go broader than that to start with in that my district previously was when I was looking after Armidale and Tamworth. These travelling stock reserves up in the tablelands are unused, generally not used for travelling stock—there is very little demand on them for that; in fact, there are places up there in Ebor where you could not even walk through them, let alone move stock through them—beautiful, pristine, the vegetation marvellous. At the other end of it, the western side of the district: overgrazed, hardly a tree to be seen and that sort of thing; so a very, very broad expanse.

Once again I believe it is a case of horses for courses. The values, be they for the purposes of travelling stock, be they for environmental purposes or otherwise to the communities, need to be addressed before you make broad statements about anything, I think. I believe that the local land services are intending, if they have not already done so, to identify their base of lands that they intend to retain for their purposes. I have not been privy to that; I have asked if I could see it somewhere along the line.

Mr DAVID SHOEBRIDGE: The primary value of a travelling stock route in one area might be about giving access between two adjoining areas. So you cannot deal with it on a region-by-region basis, can you?

Mr HARRIS: That is exactly right. Every area of Crown land and travelling stock reserves has its own assets, and they need to be managed accordingly. In Moree, for example, they have re-routed the travelling stock reserves twice—once to the north and once to the south or east and west as it turns out.

The Hon. SCOTT FARLOW: Is that because they went through town?

Mr HARRIS: Originally they went through town. With the changes to the dynamics and the growth of the town et cetera they relocated them. That has left parcels of former TSRs that are still reserved for travelling stock routes in and around the town that are not managed for the purpose of travelling stock. In fact, they are not managed for any purpose at all, really, which means that they will become redundant for the purposes of the Local Land Services. These are the areas that come to mind when I ask what we are going to do with this Crown land. Who is going to manage it? Council does not want it. It is a liability. Who wants it? I do not know.

We grant the Aboriginal land claim, which brings me to another point. One of the concerns about local lands is that most of these lands are under Aboriginal land claims. If lands are offered to councils through vesting or through transfer through local lands it is fine if they come over but if councils say, "They are liabilities; we do not want them," if they have Aboriginal land claims over them the chances are that they will be granted to the local land councils. This could cover substantial areas of land, such as former TSRs in and around town.

If these extensive areas are granted to land claims that means that local land councils could become very substantial landowners in the district. That is fine, and there is no disrespect intended, but they do not have the expertise and resources for dealing with the issues that are associated with large expanses of land. Culturally it is marvellous—

The CHAIR: Especially the biodiversity.

Mr HARRIS: But there are feral animals, weeds and fire hazard.

Mr DAVID SHOEBRIDGE: Again, it is something that you cannot make a blanket statement about. It depends on the Aboriginal Land Council.

Mr HARRIS: True.

The CHAIR: But it is pretty accurate.

Mr HARRIS: We have an area in Moree that has been granted or is in the process of being granted. It is a rifle range on the western side of town. In 2001 the council had the responsibility of going in there and cleaning up this area of vacant land to the west of town. We took 42 truck loads of rubbish and 14 car bodies out of there. That was a great expense to the community and we have to make sure that the future management does not leave us with this as a result.

I apologise but I would like to make one more point on Aboriginal land claims. We have more than 900 Aboriginal land claims in our region. The progress of an Aboriginal land claim requires a council to review any consequences of that claim—particularly if it is in an urban area—to make sure there is no infrastructure underground that needs to be protected. Also, with travelling stock reserves the Local Land Services Act provides an entitlement of any member of the public or any person who owns land adjoining that travelling stock reserve to have access over that travelling stock reserve from a public road to his property. In Moree we have places where the road goes from the main road across the travelling stock reserve to substantial subdivisions.

If that is not policed and checked with these claims and these claims are granted there will be a lot of potential loss, because once these claims are granted councils cannot acquire them. Authorities are precluded from acquiring granted Aboriginal land claims. Once they are gone they are gone. The only way they can be acquired is by an Act of Parliament, and they do not pay rates. So we have to make sure that these claims are reviewed as they are being processed.

There are two concerns. One is that the fast-tracking of these claims could mean that things are missed that cannot be replaced. The second is that the resources that are required by local government to review those claims will be substantial. That is another huge impost on councils. We need to be wary of the consequences of some of these proposals.

Mr DAVID SHOEBRIDGE: There is no evidence of fast-tracking.

Mr HARRIS: I believe that that is the case but I am just putting it up there.

The CHAIR: Thank you very much. That was a lot of evidence; you have done very well.

Mr HARRIS: I have only just started.

The CHAIR: Your evidence has been very helpful. Your vast experience on these matters is very wide. I am glad that we have had Hansard capture every word.

Mr HARRIS: Once again, I thank you very much for the opportunity to participate.

The CHAIR: If there are questions on notice you will have 21 days to reply. The secretariat team will help you. We may even have more questions now that you have given all that amazing evidence to us.

(The witness withdrew)

The Committee adjourned at 3.45 p.m.