

REPORT ON PROCEEDINGS BEFORE

GENERAL PURPOSE STANDING COMMITTEE NO. 6

INQUIRY INTO CROWN LAND

At Macquarie Room, Parliament House, Sydney on Monday, 15 August 2016

The Committee met at 10:00 am

PRESENT

The Hon. P Green (Chair)

The Hon. C Cusack

The Hon. S Farlow

The Hon. T Khan

The Hon. P Primrose

Mr D Shoebridge

The Hon. M Vietch

The CHAIR: Good morning, everyone. Welcome to the final hearing of General Purpose Standing Committee No. 6 Inquiry into Crown Lands. The inquiry was established to examine the adequacy of the community input and consultation regarding the commercial use and disposal of Crown land. We will be looking at the benefits of active use and management of Crown lands 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 lands and opportunities to increase Aboriginal involvement in its management. Before I commence, I acknowledge the Gadigal people who are the traditional custodians of this land. I also pay respect to the elders past and present of the Eora nation and extend that respect to Aboriginals who are present today or listening to the broadcast. This is the last of seven hearings we plan to hold for this inquiry. Today we will hear from the former chairman of the Crown lands Review Steering Committee, a variety of community organisations and we will finish with the Minister for Primary Industries, and Minister for Lands and Water, along with representatives from the Department of Lands.

Before we commence, I wish to make some brief comments about the procedures for today's hearing. Regarding the web casting, today's hearing is open to the public and is being broadcast live via the parliamentary website. A transcript of today's hearing will be placed on the Committee's website when it becomes available. In accordance with the broadcasting guidelines, while members of the media may film and record Committee members and witnesses, people in the public gallery should not be the primary focus of any filming or photography. I remind media representatives that they must take responsibility for what they publish throughout the Committee's proceedings. It is important to remember that parliamentary privilege does not apply to what witnesses may say outside of their evidence at the hearing, so I urge witnesses to be careful about any comments 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 for the broadcast of the proceedings are available from the secretariat. They are also situated at the back of the room.

Regarding questions on notice, there may be some questions that a witness could answer only if they had more time or with certain documents to hand. In those circumstances, witnesses are advised they can take questions on notice and provide an answer within 21 days. I remind everyone here that the 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. If messages need to be passed from the public gallery to a witness, we advise that the Committee secretariat can be used to pass messages through. It would be most helpful if everyone could switch off their mobile phones or put them on silent. I welcome our first witness, Mr Michael Carapiet.

MICHAEL CARAPIET, Former Chairman, Crown Lands Review Steering Committee, sworn and examined

The CHAIR: Do you have an opening statement?

Mr CARAPIET: No, I do not.

The Hon. MICK VEITCH: Thank you, Mr Carapiet, for attending the inquiry. Have you had a chance to look at the terms of reference for this particular inquiry?

Mr CARAPIET: I have, yes.

The Hon. MICK VEITCH: Do you have any comments about how they relate to your work as the former chair?

Mr CARAPIET: Not particularly, no.

The Hon. MICK VEITCH: Can you talk us through how you conducted the review? How long did it take and what drove the decisions at the end of your review?

Mr CARAPIET: This is going back almost three years now, so you will excuse me if I am not perfectly on the message here, but my recollection was that the then Deputy Premier Andrew Stoner asked me to get involved. There were a number of departments that were going to relook at Crown lands. There was a feeling that after many, many years of it running in a particular way with objectives of the then O'Farrell Government that Crown lands may not have been meeting all of those objectives in the way that the Government expected, so they called an interdepartmental group together covering a range of departments, and they wanted someone to chair those meetings from the outside, but it was still very much a Government working group and I used to go and chair the meetings. There would probably be anywhere between 20 people there and it was run by Mark Paterson's department, a gentleman by the name of Austin Whitehead and Lindsey Paget-Cooke. They did the bulk of the work.

The Hon. MICK VEITCH: There has been a significant amount of community interest in the Crown lands white paper, with a large number of submissions, as you would be aware. Your particular work took place prior to the white paper in this inquiry. In light of all the submissions that have been made and the community comment, do you think that information that is available now may change the views that you came to in your particular work?

Mr CARAPIET: Sorry, Mr Veitch, but I have not really followed what has happened since that report was done in 2013 and I have had no further link with Crown lands at all since then. I could not help you.

The Hon. MICK VEITCH: When you were conducting your investigations and inquiry, did you give consideration to the resources that were required by the department of lands to implement any changes? Was that a part of the brief?

Mr CARAPIET: When I looked at what the Government's objectives were at the time, which was red tape, looking at the economic benefits for the State and running it in a more efficient way, and just with a couple of simple meetings with Austin and Lindsey and then going away to get the information, it was pretty clear that, in my view, the accounting systems and the back office needed a lot of work, and so a fair amount of my input was in trying to get the actual operations of the business for them to focus on the reporting so you would actually have the information for which to make the decisions that you are now trying to make three years later. It has sort of been ignored a lot. It was run in a particular way, but it was not run in a way that, in my opinion—limited though it was—would enable people to make accurate decisions and timely decisions.

Mr DAVID SHOEBRIDGE: When you say "it", do you mean the oversight committee that you were running, or Crown lands?

Mr CARAPIET: No. Crown lands itself.

The Hon. MICK VEITCH: When you say there was a lot of work that needed to be done, can you elucidate further upon that?

Mr CARAPIET: I think they took the view, and the actual report says, there was management reporting and the back office and the information technology [IT] systems and the accounting—all of that—needed a thorough review.

The Hon. TREVOR KHAN: It sounds like the ABS.

Mr CARAPIET: I hope it has happened since then. It was sort of happening, because it was so obvious at the start when we were asking questions and wanting information. Then I think the staff at Crown land started doing various things and it started getting easier towards the end of the review to get the information

than it was at the beginning of the review. In fact, I think I commented on that in my covering note to the Minister—that I understand several of these things are already underway—but I could not tell you what has happened since.

The Hon. MICK VEITCH: Did your inquiry give any consideration to the treatment of what is referred to as the Western Lands?

Mr CARAPIET: A little bit, yes. There was a section on it. Personally my focus—there were technical and legislative issues that I personally, other than to take the red tape view on the specifics, realising that it would have to be debated here, there would be lots of work, so I really did not pay that much attention to it. My recollection of the Western Lands is that it is a massive parcel of land, hardly used. There are some arguments about whether it should be freehold or leasehold and the terms of those things, but other than that it did not get a lot of airplay, certainly with me.

The Hon. MICK VEITCH: Did you give consideration to what would be an acceptable level of community involvement in decisions around the sale or potential sale of Crown land blocks? Did you look into community involvement in those decisions?

Mr CARAPIET: I think the report said that there needed to be an appropriate level of community involvement. I think Austin and Lindsey took a fair number of submissions. The fact that we were doing a review was not a surprise to anybody. People knew. There were a number of submissions. I cannot really recollect each one of them. We tried to factor it in but I think the report said that there needed to be further community consultation, and that was the plan. I am not sure what has happened since, but it sounds like there has been some.

The CHAIR: Mr Carapiet, would it help if you had the report in front of you?

Mr CARAPIET: I do have it in front of me.

The CHAIR: I cannot see beyond your nameplate, do you see.

Mr CARAPIET: Sorry. I have it on my iPad.

The CHAIR: You have it to be able to answer the members' questions?

Mr CARAPIET: Yes, I do.

The Hon. MICK VEITCH: Mr Carapiet, what do you consider would be an appropriate level of community involvement or consultation around the potential sale of a parcel of Crown land?

Mr CARAPIET: Look, it is quite hard for me to comment, not being involved in the sale of Crown land ever and the processes that the departments and governments go through to assess, number one, whether a parcel of land should be sold and then how it should be sold, and who you have to ask before you sell things. Some of these bits of land are quite small and of varying levels of community importance. That is always a judgement call: If a piece of land is really important I would expect people to speak to the community; if it is a big piece, a big asset, I would expect people to talk to the community; if it is a small piece are not very important, I would have thought you could just go ahead with the normal course of government.

The CHAIR: In the report you talk about duplication of processes. Do you wish to make any comment on that?

Mr CARAPIET: My recollection, Chair, is that there were a number of departments that had varying involvement in how parcels of land were managed, hence the relatively wide number of departments who were involved in the steering committee to start off with. I do not know how many departments were excluded from it but it seems like every department within the government had some representation on this committee. Really, Crown land expands across everything. Just by virtue of that, there was quite a lot of discussion at the actual committee, as I recollect, and there are minutes. All these meetings were actually minuted about what may or may not be appropriate and the various options available for some of the recommendations.

The CHAIR: But was at the general feeling that it would be best to reduce that duplication of process?

Mr CARAPIET: Certainly. Just under the Government's objectives of reducing red tape, that was one of the objectives, and there seem to be plenty of red tape that could have been reduced.

The Hon. MICK VEITCH: Mr Carapiet, in your report you use the phrase "opportunity costs" as it relates to Crown land. Can you explain just what you mean by "opportunity costs"?

Mr CARAPIET: You can take a standard economic argument about this. Every asset has a benefit and has a potential cost. You cannot necessarily measure everything in dollars and cents when it comes to

Crown land because it has environmental, social and a whole range of objectives that come with Crown land. However, for example, I think everybody felt that it was important for surf lifesaving or the racing industry, whatever, to get particular lease arrangements with Crown land. There are a number of organisations, community and social, that have particular relationships with Crown land.

The market value of that land or the market rate might be well in excess of what they pay. It might be entirely appropriate that the rent that those organisations are paying is the correct rent for the actual community, but there is a forgone amount that is the opportunity cost. It is the difference between what you could get, arguably, in a market situation versus what a community organisation or a social organisation is paying. It might be entirely appropriate for the Government to give that organisation a subsidy of sorts. I just felt you needed to be transparent about it as to what it is. So, it is fine—if it is a cheap rent, it is cheap rent. There might be very good reasons for it.

The Hon. MICK VEITCH: Just to explore that further, once it is identified what are you suggesting should happen? Should the Government in some way reflect that in their accounts somewhere so that the public actually knows what the opportunity cost is, so that it has been identified?

Mr CARAPIET: The recommendation was how you account for it is really for the Government, but it should be identified. I think one of the recommendations was that it should be identified as the gap between the market value and what that organisation was paying.

The Hon. MICK VEITCH: The community benefit or the environmental benefit?

Mr CARAPIET: Yes. It could well be worthwhile for that to happen.

The Hon. MICK VEITCH: Item D in our terms of reference refers to the extent of Aboriginal land claims over Crown land and the opportunities to increase Aboriginal involvement in the management of Crown land. Just drawing on your experience from chairing the inquiry, do you have a view about how we can increase Aboriginal involvement in the management of Crown land?

Mr CARAPIET: My recollection, going back to the report, was that there was the review happening simultaneously so we did not want to cross over that. The recommendation that I personally made was let us liaise with that review so we do not come over the top of it if they have a particular focus. If there are some pretty straightforward things, we can suggest that we do it; and I think the review had relatively benign suggestions when it came to Aboriginal land because there was a more thorough review happening on it. I was not aware and I am not aware of what that review finally said.

The CHAIR: Mr Carapiet, can I ask you another question about harmonising? One of your recommendations was harmonising the management of submerged lands in New South Wales. That is not something that we have heard a lot about but obviously the Crown estate does include submerged lands and coastal areas and riparian zones. It would be great if you could state something on the record about that.

Mr CARAPIET: Yes. I had not heard of it, either, I must admit. You are testing my recollection here but it is quite a technical area—things like oyster beds and wharves.

The CHAIR: Page 29 of your report or review might help.

Mr CARAPIET: Yes. NSW Maritime are responsible for it partially; Crown Lands is responsible for it partially. There was a feeling that those two departments could have worked closer together and could have had cleaner lines of responsibility for various parcels of land. I always find it challenging when more than one department is responsible for a particular block of land. You can divide it up however you like, but when more than one department is responsible for a particular block of land and they have different objectives in mind, I find there is a lot of greyness. It becomes unnecessarily more and more complicated with limited benefit. It would have been better to make a call. Either NSW Maritime is responsible for it or Crown Lands is responsible for it. You say, "These are the objectives for submerged land; run it in the most efficient way you can."

Mr DAVID SHOEBRIDGE: With something like an oyster lease there are multiple issues to look at—navigation issues and the importance of the lease as an agricultural asset with local employment. I assume Crown Lands would also be thinking, "What is the economic return to the Government?" Inevitably, with something as contestable as public land you need multiple viewpoints to get a proper analysis. If you handed the responsibility to NSW Maritime they might say, "Rip up all the oyster leases because they get in the way of boats."

Mr CARAPIET: This is a call for Government, but you would have extra red tape that may or may not be necessary. It may be necessary because the social benefits, as you say, dictate it, but there are multiple

departments and the users and the lessees of those properties sometimes find it a bit difficult to deal with Government.

Mr DAVID SHOEBRIDGE: What I just described to you is not red tape. There are multiple interests to ensure that we get the best outcome. If you just hand it over to one department, as you are suggesting, as a single land-owner you are potentially going to get very adverse outcomes in how we use, sell and dispose of Crown lands.

Mr CARAPIET: You could be right, Mr Shoebridge but there will always be—

The Hon. TREVOR KHAN: Do not make that concession too often!

The CHAIR: Can I just clarify what you are saying?

Mr DAVID SHOEBRIDGE: Could he answer the question? Chair, he is still not answering my question.

The CHAIR: I beg to differ: I am hearing a different answer to your question to the answer you think you are hearing.

Mr DAVID SHOEBRIDGE: I am not trying to put words in Mr Carapiet's answer. I just want him to be able to answer the question.

The Hon. CATHERINE CUSACK: With respect, the Chair has just—

The CHAIR: Order! I asked about submerged lands. What I got from the answer was that Mr Carapiet saying, basically, that there should be one captain of the ship.

Mr CARAPIET: It is much easier.

The CHAIR: There may be many people or agencies on the ship but there should be one captain of the parcel of land.

Mr CARAPIET: Sure.

The CHAIR: Can I just clarify: is that what you are saying?

Mr CARAPIET: Absolutely. You have to have someone responsible. You can have various stakeholders forwarding comments, but at the end of the day someone has to make the call.

The CHAIR: Yes, that is right.

Mr CARAPIET: If you have to wait for multiple departments you do not know who you are really dealing with.

Mr DAVID SHOEBRIDGE: If you give it to one department to make the call, inevitably that department will privilege its view. Its view may, in some circumstances, be the most relevant view but in other circumstances it might produce a really damaging outcome. For example, handing submerged lands to NSW Maritime might see a significant loss of oyster leases because that agency thinks oyster leases get in the way of boating.

Mr CARAPIET: I am not sure what NSW Maritime think, but if they had the proper guidance and the proper objectives for these types of land I am sure they could manage it appropriately. As I said, it is a judgement call as to how you manage things efficiently with a reduction of red tape versus consulting as widely as you want to consult. The more widely you consult inevitably there more you will be delayed. You may get a better answer but it is not always obvious that you do.

The CHAIR: I think it is important that the evidence that we have taken in this inquiry is that Aboriginal people do not see any difference between water and land—they class it all as one. How you would manage those areas under that system is an interesting concept.

Mr DAVID SHOEBRIDGE: Efficiency is just one goal, is it not? It is not an altar which we should be worshipping at, and ensuring that every decision on Crown land accords with that particular outcome.

The Hon. CATHERINE CUSACK: We are not worshipping at it, let me tell you.

Mr DAVID SHOEBRIDGE: That is only one factor to consider. You may have a very efficient but, ultimately, very destructive set of decisions being made.

Mr CARAPIET: That could be a view; it is very hard for me to comment.

The Hon. SCOTT FARLOW: You are saying that it is not your view.

Mr DAVID SHOEBRIDGE: You are saying that you prize efficiency. You privilege efficiency as an outcome.

Mr CARAPIET: Just remember that this review had, at its core, trying to meet the Government's objectives. There were five or six objectives that the Government set up—I am not aware that those have changed—and one of those was to do things efficiently.

Mr DAVID SHOEBRIDGE: You did not set the terms of reference.

Mr CARAPIET: No.

Mr DAVID SHOEBRIDGE: In terms of opportunity cost, from my perspective one of the most curious pieces of evidence we have had from the Government was that they value the 42 per cent of the State that is Crown land at \$11 billion. That struck me as an extraordinarily low value for such a vast amount of the public estate. Do you have a view on how the Auditor General came up with that initial valuation? Did you investigate that in some way?

Mr CARAPIET: I did not really investigate it. We did ask how each block of land was valued. Some were valued in lots on a consistent basis. Others were valued individually depending on the size and the amount of the value. As you know, you can value real estate in multiple ways—net present value of rentals, alternate use. The Auditor-General values things according to the Government's rule. I did not see it as the role of the committee to say whether 42 per cent of New South Wales is worth \$11 billion or \$111 billion.

Mr DAVID SHOEBRIDGE: Did it strike you as consistent or accurate, or did you not form a view about it?

Mr CARAPIET: I did not form a view about it, I must admit.

The Hon. TREVOR KHAN: You are not a valuer.

Mr DAVID SHOEBRIDGE: But working out how to get value from land was one of the issues that you were looking at—the opportunity cost.

The Hon. CATHERINE CUSACK: Was it? I cannot see that.

Mr CARAPIET: The opportunity cost was more about whether the alternative use was of greater value than the current use—and being transparent about that. It was not really saying that Crown lands should be worth \$150 billion rather than \$11 billion. It could be; I do not know.

Mr DAVID SHOEBRIDGE: I will give you an example from your report—Hyde Park. You say that the Valuer General values it as \$19 million, which represents—these are your words—"the fair value of the land based on current use". Then you say, "If the land were used as land for commercial development rather than open space the value might be closer to \$300 million." So you looked at it in relation to Hyde Park.

Mr CARAPIET: Sure, because it is in the middle of the city.

Mr DAVID SHOEBRIDGE: Did it not strike you as odd that such a core asset was only worth \$19 million in the Government's books?

Mr CARAPIET: That is what they valued it at.

The Hon. TREVOR KHAN: It is a park.

Mr DAVID SHOEBRIDGE: Was it your view that parks are given lower value?

The Hon. CATHERINE CUSACK: Point of order: Clearly, the reason the witness has given for the lower valuation is now being turned against him as if he is trying to—

Mr DAVID SHOEBRIDGE: I just want to hear the answer.

The CHAIR: Mr Shoebridge, I will just make it very clear at the beginning of this hearing that I do not want you to lead the witnesses to where you want them. Allow them to put their responses on the record, and that be it.

Mr DAVID SHOEBRIDGE: That is what I am trying to do.

Mr CARAPIET: A park cannot be worth what a CBD building is worth.

Mr DAVID SHOEBRIDGE: Seriously?

Mr CARAPIET: No, it cannot, because it is a park.

The Hon. CATHERINE CUSACK: It is a good thing, David. Be happy!

The CHAIR: Order!

Mr DAVID SHOEBRIDGE: Your proposal is that that should be seen, effectively, as a \$281 million subsidy that the people of Sydney need to justify in order to retain a park. That is how I see your analysis of the opportunity cost.

The Hon. CATHERINE CUSACK: This is outrageous. It is not what he is saying.

Mr CARAPIET: It is not a subsidy. It is a park. If you want a park in the middle of the CBD there is an opportunity cost of a park in the middle of the CBD. You could talk about the Botanic Gardens or anything like that. You could have buildings all the way from Central railway station to Circular Quay if you wanted, but that is not what city planning is about.

Mr DAVID SHOEBRIDGE: Your report says we should be valuing these things and work out the cost of a park using the Auditor-General's initial value and then some commercial view. Then you say:

Being able to measure opportunity cost would allow the NSW Government and the community to assess any financial trade-offs associated with existing use.

That is you saying the public has to justify a \$281 million subsidy to keep our park. It is very dangerous, don't you think?

Mr CARAPIET: I do not think it is dangerous at all. It is a call for those in government to actually decide what you want your Crown land to represent. It is not for me to decide. I am just pointing out one way of looking at things and the economically efficient way because that was one of the objectives that the committee was actually given at the time.

Mr DAVID SHOEBRIDGE: If local residents in Wyong wanted to keep a little pocket park which is maybe the size of two housing lots where they enjoy letting their kids run around and walking their dogs, on this analysis valued as a park it might be \$20,000 but valued as a significant development opportunity might be \$1.2 million. They have to justify to whoever owns that land—

Mr CARAPIET: I think so.

Mr DAVID SHOEBRIDGE: It costs \$1.2 million to walk my dog?

Mr CARAPIET: Absolutely. I mean, I would like to have acres of park near my house. It is just not practical.

Mr DAVID SHOEBRIDGE: Do you not see that kind of dry, economic rationalist approach as probably one of the single biggest threats to public land?

Mr CARAPIET: I do not. You have your own view about economic arguments but this is a review that was done by the New South Wales Government that I was chairing. There are certain objectives that the review and the staff were given to follow. They are stated in the report. There is nothing in the review that I believe is outside the objectives of the New South Wales Government and how the review was run. Whether you have got questions with the objectives, that is a separate call. I cannot answer that.

Mr DAVID SHOEBRIDGE: I understand you responded to your terms of reference and basically wrote a report that you think responded to the Government's policy.

Mr CARAPIET: I did not write the report.

Mr DAVID SHOEBRIDGE: The report was done in response to Government policy. I am putting to you the perils in valuing every piece of public land this way.

Mr CARAPIET: That is a point of view.

The Hon. CATHERINE CUSACK: Just to clarify, if there was an opportunity to do a significant upgrade of a regional park funded by the sale of a couple of pocket parks all you are saying is that that should be considered?

Mr CARAPIET: Yes, you have to consider all the options and one of the things was that Crown Land did not have the information for you to make judgement calls in the way that an organisation that was efficiently run and the like would be able to make the calls. You might not change anything but at least you would have the information.

The Hon. CATHERINE CUSACK: Did you look at the performance of the NSW Crown Holiday Parks Trust as a model of managing multiple reserves?

Mr CARAPIET: I am sorry, I will have to take that on notice.

The Hon. CATHERINE CUSACK: That is okay. Did you actually map the duplication between government departments?

Mr CARAPIET: I cannot recollect seeing that. It might have been done by the working group, by Austin Whitehead and Lindsey Paget-Cooke. I cannot recollect seeing anything like that.

The Hon. CATHERINE CUSACK: Could you take that on notice? If that work has been done it would be really beneficial if it could be shared with us.

Mr CARAPIET: I am not sure that I have access to any of that because I have got no real link with Crown Land at all.

The Hon. CATHERINE CUSACK: I understand. We might direct that differently. The number of government agencies involved in one decision about often quite a small fragment of land is a bit overwhelming, is it not? In terms of the best practice, roads are very important to New Zealand national parks. They were finding a lot of problems with the roads bureaucracy and yet for tourism and the benefit of the park they needed them. The solution they came up with was to have the roads department worker physically located in the office of the national parks. They found that very effective in breaking down red tape between government agencies. Did you look at any better models of management? I found that quite an innovative and simple solution just to get stuff done.

Mr CARAPIET: It sounds sensible. We did not really look at that because there was so much work to do, in my opinion, just from the information that I was getting through the process to get the MIS, or the management information systems, up to speed. You would expect that those staffing issues and the colocation issues would be second and third stage. The first stage would be to get timely and correct information on which to base decisions of the day and then move forward. For example, one of the calls was should you have a board? My view was a board would be distracting to management because there is just so much work you have to do before you can even provide the right information for a board to be able to add any value. I really did not think a board could add value at that stage in 2014, it could well be a sensible call now, but there was just so much work to do.

The Hon. CATHERINE CUSACK: Are you saying there is an IT deficit?

Mr CARAPIET: There certainly was. I do not know if there still is.

The Hon. CATHERINE CUSACK: What were the other resource issues that kept cropping up in your inquiry?

Mr CARAPIET: I think one of the things was that on a management basis the people in Crown Land needed a clear guide as to why they were coming to work. There was no question of the importance of Crown land providing a purpose as it has for 120 years, but society and circumstances adjust themselves and there was no six or eight objectives or vision of a goal for the organisation. People were coming to work thinking that they were doing a terrific job but actually not all moving in the same direction. Someone is trying to maximise rent, the other is maximising social value. All of those things are actually important. I thought the leadership needed changing and through the process I think the leadership did change, but I am not sure how it has gone since then.

The Hon. CATHERINE CUSACK: If I was to put in an application on a Crown land matter it sounds like it would have been a bit of a lucky dip as to where it ended up?

Mr CARAPIET: It appeared so from the outside, but I had no direct experience to be able to give you a clear answer on that. But it certainly was not easy to get all the information at the beginning of the process.

The Hon. CATHERINE CUSACK: Did you look at guiding principles for the management of Crown Land?

Mr CARAPIET: No. I felt there was a need to have them but that was really for the CEO or the general manager or whoever was the senior-most person or the team running it to come up with that, to sort of almost do a business plan or a corporate plan, which there was not.

The Hon. CATHERINE CUSACK: Did you look at the performance of local government overall as a trustee of Crown reserves?

Mr CARAPIET: It was very hard because a lot of the Crown reserves were managed by local government but there was very little supervision of what the local government were doing. They had to have audited accounts but of course a lot of the trust did not have audited accounts. The councils seemed to be doing a competent job but they really did not report to anybody because there was no-one to report to, even though

they had to report to someone in Crown Land. A lot of the local land was run by the local council but even though Crown land was notionally responsible for it no-one was actually responsible for it because they were not looking at it.

The Hon. CATHERINE CUSACK: So we do not really know?

Mr CARAPIET: No, at the time. I do not know what has happened since.

The Hon. CATHERINE CUSACK: A common issue of complaint, for example, might be photographers wanting to take photos on a piece of Crown land with beautiful water in the background, whether that be on a beach or in the Domain or wherever. There are different Crown land managers who are going to licence and charge fees to those photographers I guess to make money, they would say, to manage the amount of photographers. I am not quite sure. If that popped up as an issue what is the Government's framework through which we would make sure that was being well and fairly regulated?

Mr CARAPIET: I am sorry, I do not have a view. I would have to take it on notice. I do not know.

The Hon. CATHERINE CUSACK: Many, many people are licensed to operate on Crown land. I have had the surf schools complaining to me on the weekend about the problems. Photographers are kind of a high-profile one but there are also the gyms and all of those things. I guess the question is—from a government's point of view, it is all up to individual trust managers, whether they be a council or a part trust or whatever—in your view, is there any way we should be having a handle on that and understanding what is going on and what is good practice? Is there fairness to the businesses that are just trying to operate? The length of their licences affects whether they can sell their businesses or not. It is a minefield, is it not?

Mr CARAPIET: Yes. The general view—going back three years now—of the people who run the committee was that councils were, by and large, doing a good job for the land for which they were responsible. The issue really was did Crown Lands know what was happening there, because ultimate responsibility for a lot of these blocks of land rested with Crown Lands but they had no knowledge as to what the local council was doing other than saying, "Off you go, do it", but then you do not know. So one of the choices was if it is land important to the State then someone from Crown Lands or the Crown Lands department should be responsible for it. If it is land that is important to the local community but not important to the rest of the State then local council should be responsible for it if they were.

The Hon. CATHERINE CUSACK: The nub of my question is how was the view formed that local council is doing a good job?

Mr CARAPIET: That is a very good question. It was just ad hoc, I think. I think people in the Crown Lands department really would not have a view, to be honest.

The Hon. SCOTT FARLOW: Did you come to the view that the land was not so significant for the State that it really warranted the State's concern?

Mr CARAPIET: Some of the land that ended up in Crown land ended up in there for a whole host of reasons, from what I understand. There were large amounts of lands used for local purposes and most of that was run by the local councils. Some had these reserve trusts that were either defunct or not operating and the administration of the estate was due for a thorough review. It was just the administration of the estate, knowing what you had, how it was run, what were the expenses and maintenance, were the lands being maintained—it seemed quite mixed.

Mr DAVID SHOEBRIDGE: Crown Lands has been shedding staff for years now. Was that issue about staffing and resources something that was raised or looked at by you?

Mr CARAPIET: The judgement call was the more you wanted Crown lands to be responsible for, the better the systems and the more staff you obviously need. So you either need really good systems and the same amount of staff if you want to do a much better job, or slightly less staff, but if you do not invest in systems and you are reducing staff it is almost impossible to have a better outcome.

Mr DAVID SHOEBRIDGE: That is what I am asking you; you avoided my question a little bit. I was asking you whether or not there was an issue raised about reduced staff, reduced resources. That seems to have been a flavour of the evidence we have been getting about Crown Lands. That seems to be an issue.

Mr CARAPIET: There was a feeling that there was not enough spent on IT. But I do not know whether there was not enough spent or it was spent poorly, because they certainly had quite a large IT department, so there was IT work happening, and when you asked for the information you ultimately got it; it was not necessarily in the format you wanted, but they were reaching. So there were plenty of IT people around; whether it was run efficiently or not I could not tell you because I did not do a review of the IT, and whether the

staff numbers were going up or down at the time I think it will be a matter for the actual reporting on the Government. I am not sure.

Mr DAVID SHOEBRIDGE: If there is difficulty in managing lands one of the reasons might be there are just not enough people with enough local knowledge or enough capacity to go down and manage the lands. Did you look at that?

Mr CARAPIET: I think it was as simple as that. There were management systems in place when most of the land management—the actual day to day looking at whether there was mould or the statues were not maintained or whatever it was—was largely done at the local council level rather than at the Crown Lands level. Some of it was done at Crown Lands level but a lot of it was done at the local council level. The issue then was, was there anybody from Crown Lands supervising whether the local councils had done a good job, an average job or a bad job?

Mr DAVID SHOEBRIDGE: And the answer was?

Mr CARAPIET: No.

The Hon. SCOTT FARLOW: Pretty much all of your recommendations were supported or supported in principle except for one, which was the recommendation of removing the option to dedicate Crown land in the future. I just want to come to an understanding as to why you made that recommendation in taking that option away.

Mr CARAPIET: Can I please take that on notice? I do not remember that one.

The Hon. SCOTT FARLOW: That is fine. That is recommendation 22.

Mr CARAPIET: If I can take it on notice?

The Hon. MICK VEITCH: You were talking about the failure of IT systems or the paucity of information coming out of the information systems. Do you think there was also a culture in some parts of the Crown Lands department around the management of the Crown estate or do you think there were several issues: a culture, a lack of staffing, poor IT systems?

Mr CARAPIET: We never got into the cultural side. That was one of the tasks that needed to be done, just the day-to-day management of Crown lands. So whether it was an operational issue, a cultural issue, a management issue or all of the above, that was work that had to happen, and I hope it has happened in the last 2½ years, but I could not tell you.

The CHAIR: Thank you for presenting today. Your history and knowledge of the matter has been very helpful. I note that you have taken some questions on notice. You will have 21 days to respond, and I note that some members have further questions. The secretariat will help you if you need some assistance in getting a reply to us in 21 days. Thank you very much for your evidence, it is certainly very helpful.

(The witness withdrew)

BRUCE WHITE, Sydney Branch, New South Wales Apiarists' Association, sworn and examined

The CHAIR: Welcome to the Crown lands inquiry. Would you like to make an opening statement?

Mr WHITE: I do not have an opening statement. The New South Wales Apiarists' Association has an executive meeting today in Orange. At the last minute it asked me to come to this hearing as a representative.

The CHAIR: Would you briefly summarise for the benefit of the Committee why the industry is so important and the relationship that it has to Crown land?

Mr WHITE: The beekeeping industry is vitally important. It is the foundation of agriculture. Why is it the foundation of agriculture in this country? It is because the early settlers arrived with their European crops. European honey bees had evolved in Europe, and the settlers found that they were not getting any food. In 1822, on a ship called the *Isabella*, the first hives arrived in Australia purely to pollinate those European crops. Globally, a third of all the food that we eat is benefited by honey bee pollination. In Australia the situation is different in that two-thirds of all the food we eat now is dependent on honey bees. Crown land is vital for the survival of the Australian beekeeping industry because the industry is totally migratory. Plants flower for different lengths of time. Therefore, beekeepers do not leave bees in one location for any length of time. They need to migrate them.

The Crown land estate is variable in flora and distributed throughout the State. Beekeepers traditionally move throughout the State, within 400 to 500 kilometres of where they live—or maybe further. To get bees in a condition to produce honey and to pollinate crops it is vital that beekeepers have access to Crown land because of the biodiversity of the flora and, in particular, the protein. Beekeeping is about more than honey. Bees need protein for longevity. Many of the Crown land sites have protein sources of flora. A bee lives for only six to eight weeks. If bees were deprived of protein, which would happen if the Crown lands estate were not available, they might live for only three weeks. Therefore, the whole industry would decline. More importantly, we would have trouble feeding ourselves.

The CHAIR: Thank you. We will go to questions.

The Hon. MICK VEITCH: Mr White, thank you for attending and thank you for the Apiarists' Association submission. How important is the travelling stock reserve [TSR] estate?

Mr WHITE: The TSR estate is vital because there are so many TSRs and they are spread around the State. As I mentioned, beekeepers migrate their hives. I will refer to a case study that was presented to the 2014 Federal parliamentary inquiry into beekeeping and pollination. A beekeeper who lived in Tamworth kept his bees on forestry sites for 133 days. Then he moved the bees to national parks and forestry sites. They were there for 44 days. This was all Crown land. At Bingara he moved them on to travelling stock reserves and kept them there for 98 days. He then took the bees to pollinate almonds. The bees were on the almond crop for a month, but he conditioned the bees on forestry, reserves and national park sites prior to that to get them into condition to be hired to almond growers.

Almonds are 100 per cent dependent on pollination. If there are no bees, there are no almonds. He then went to national park sites and forestry sites around Narrabri by for another 42 days, then to Coonabarabran, where he stayed for two months. After that he spent 31 days on travelling stock reserves in the Tamworth area and then went to the forestry sites at Port Macquarie for another 138 days. Over that period he used Crown land for nine months of the year, and for three months—and one month was pollination—he had bees on private property.

The TSRs are vital because they cover the whole State. That is just one example. Probably 50 per cent of the sites that some beekeepers use would be travelling stock reserves. They are quite often small. Bees forage over one to two kilometres; they will go much further. So while the reserves may be small, the bees are using the flora within a range of where they are located on those travelling stock reserves. Because there are so many, the flora is so different. The tablelands flora is totally different from the coastal flora, and the western plains flora is different again. That is why beekeepers are really good botanists and environmentalists.

Beekeepers leave the bees on the reserves only to utilise a surplus, then they move somewhere else. Where there are conditions to place them. They respect the reserves. The good thing about reserves is that no pesticides or chemicals have been used. The pesticide issue is becoming better, because most pesticides now kill bees straightaway instead of causing accumulation. By putting bees on those pristine areas the beekeepers can obtain organic certification. Some beekeepers have organic certification for honey. That allows them to use those reserves because the reserves have not had the application of chemicals that private property has had in those areas.

The Hon. MICK VEITCH: When you move from TSR to TSR around the State, do you speak with the Local Land Services [LLS] to gain access?

Mr WHITE: Yes. The LLS are now autonomous, which is a bit of an issue because different LLS areas impose different fees on beekeepers. When beekeepers use Crown land, they obtain a licence purely to harvest nectar. They put up signs saying that beekeeping operations are being carried out in that area. They have their registration number or phone contact number on the hives. They apply to the local LLS and the local LLS issues them with a 12-month licence to harvest nectar on that property. If that expires, another beekeeper can hire that TSR or the same beekeeper can continue to use that LLS reserve. It is vital for the industry that it has tenure of land so that business can continue. If TSRs disappeared, that would make it very difficult for people to have a sustainable business.

Beekeepers do not own their own land. It is different from other forms of agriculture. You cannot grow crops to feed bees. Beekeepers use what is there. They are really good botanists. They understand that some plants yield only nectar and some yield only pollen. Conditions are put on them and they book the land through Local Land Services. The industry is hoping that there will be just one government agency where beekeepers can apply to use sites. For the forestry, national park sites and LLS sites, which are the main vacant Crown land sites, they could go to one place to book sites, whereas now they have to go to three or four places to obtain a licence to use the land.

Mr DAVID SHOEBRIDGE: Do you want long-term security because 12 months is not enough?

Mr WHITE: Yes, that is true. Forestry has longer term licences now for which you pay more. If you have tenure of a site you can plan your business much better than if you are not petrified every 12 months that you might lose that site. Certainly the inquiry should consider tenure for longer than a 12-month period so beekeepers have tenure and know what they are doing and where they can put their bees.

The Hon. Trevor KHAN: But your description of the gentleman from Tamworth had him moving on a regular basis across at least the north-west of the State.

Mr WHITE: Yes.

The Hon. Trevor KHAN: I take it that would be for work purposes, that is, picking up money from almond growers and also different vegetation flowers at particular times of the year. Is that right?

Mr WHITE: That is exactly right. Seventy per cent of Australia's honey comes from eucalyptus or Angophora or Corymbia, which are gum trees to the general public, I guess.

The Hon. Trevor KHAN: And me.

Mr WHITE: And you, are right. People ask, "Do gum trees flower?" Yes, they do. They vary a lot in how long they carry their buds prior to flowering. Some of the Cormybia's, for example, bloodwood and grey box, carry their buds for only six to eight weeks before they flower. Another corymbia spotted gum—and there are huge areas on the north and south coast that beekeepers use in State Forests—that carries its bud for 18 months. Yellow box carries its bud for nine months. So by beekeepers having tenure for more than 12 months they pay for the site, but they are not going to put their bees there until 18 months' time because those particular species of spotted gum will not flower for 18 months.

While they pay an annual rental they do not utilise that land all the time. Commercial beekeepers move on average six to eight times every year, each load of bees, to utilise different flora to condition their hives. They may move for honey flow or for pollen flow. Over winter they may move so bees hibernate. If they hibernate they might live for three or four months. Beekeepers would deliberately move into the Kosciuszko area maybe to Orange, Bathurst or Tamworth so the bees will hibernate to give them a rest and then they move somewhere warmer in the spring so the hives will go ahead.

The Hon. CATHERINE CUSACK: In relation to the regulatory regime, what fees do beekeepers pay per year? How many licences do they need to apply for?

Mr WHITE: For beekeepers on TSRs for their LLS sites, it varies from \$75 per annum in some, to \$122 per annum. Central Tablelands is \$122 per annum, but most of the others are \$75. The industry would like to see uniform fees.

Mr DAVID SHOEBRIDGE: Do you want them all at \$122?

Mr WHITE: No. If it were uniform it would be better. It is under discussion now to get uniform prices and the ministerial advisor to Niall Blair is going to the executive meeting today to talk about that to get uniformity of prices and probably get a reasonable increase every year.

The Hon. CATHERINE CUSACK: Is there a variety of not only reserve managers but also authorities that set a processing fee? Is that what it is for them?

Mr WHITE: Yes, it is a nectar licence fee. On private land the normal rental is 30 kilograms of honey, and that has been traditional for many, many years. Beekeepers in kind give farmers honey. The farmers like honey and they can give it to their neighbours or whatever. So even if a beekeeper does not use a private property every year, the same as they do not use Crown land every year, they still pay for it. Beekeepers pay honey to private landowners—no cash changes hand. For all Crown land there is a cash transaction, which is a sensible thing to do.

The Hon. CATHERINE CUSACK: This question may sound negative, but I am asking it in a positive way. In relation to the licensing and the access right to use it, what is the downside of beekeeping that causes the Government to want to have a licensing system rather than saying, "Go for it, guys".

Mr WHITE: No, everyone is a taxpayer and it is only reasonable if the land is owned by the Government and people utilise that land. Beekeepers are more than happy to pay an annual rental to utilise that land. It may sound as though the fees are low, but beekeepers may only use that land once every three years, once every four years, sometimes they might use that particular area every year.

The Hon. CATHERINE CUSACK: What is the downside of beekeepers paying \$500 for an annual licence to access whichever Crown land they like?

Mr WHITE: That would be quite devastating on the industry because beekeepers need a lot of sites because they are not using them every year.

The Hon. CATHERINE CUSACK: But they could go anywhere then.

Mr DAVID SHOEBRIDGE: A free for all.

Mr WHITE: They can go anywhere now, provided they pay the fee.

Mr DAVID SHOEBRIDGE: You would have warring hives.

The Hon. CATHERINE CUSACK: What about a simplified system whereby they pay an annual fee that gave the right to access Crown land? Do they want security of the location?

Mr WHITE: Yes, but it would have to be specific to that particular Crown land, TSR, State Forests site.

The Hon. CATHERINE CUSACK: Why?

Mr WHITE: Because from the biosecurity point of view and everything like that. There are biosecurity issues with bees getting diseases and if people use the same area they are not likely to transmit different diseases into that area. Therefore, fine, I mean it is an annual fee now and they can get access to it.

The Hon. CATHERINE CUSACK: What is the benefit of the regulatory system to beekeepers as it is at the moment?

Mr WHITE: The benefit of the regulatory system at the present time is that the Government and the controllers of Crown land, State Forests and National Parks and Wildlife Services and TSRs allow beekeepers access to that land, provided they pay an annual fee. So beekeepers want that to continue so that they have access to that land. They are more than happy to pay a reasonable fee every year for a specific site that they can utilise.

The Hon. CATHERINE CUSACK: Why are you fearful on that issue?

Mr WHITE: I am not fearful.

The Hon. CATHERINE CUSACK: I can see in your submission the importance of this industry and it has helped the Committee understand why that access is required, but do you have any recommendations as to how the system could be improved?

Mr WHITE: The system could be improved if there were one place where beekeepers could pay the same fee for all Crown land throughout the State, which is not the case at the present time. That is what the association would like to see happen. They would be quite happy if there were a consumer price index increase in the fees every year across the State to keep up with whatever the inflation level is and have some guarantee that they have access to that land.

The Hon. CATHERINE CUSACK: Is it right that you want to book specific sites?

Mr WHITE: Yes.

The Hon. CATHERINE CUSACK: They want that system of booking?

Mr WHITE: Yes, they want the same policy of booking specific sites, which they can now do for 12 months on TSRs. With Forestry you can get five-year licences, I think. So if they increase the time of tenure that would be an advantage, but they use the sites they currently have. If they become vacant another beekeeper can use that site.

The Hon. Trevor KHAN: Is the Apiarists' Association part of the working group that has been set up by the Minister?

Mr WHITE: Yes, it definitely is. So there is consultation between the three government departments, I understand. They are meeting in Orange this week, and the NSW Apiarists' Association. Minister Blair spoke at the conference at Albury in May.

The CHAIR: A beekeeper.

Mr WHITE: Yes, he has two hives.

The Hon. Mick VEITCH: Did he do the bee dance, for which he is famous?

Mr WHITE: No. I have never seen the bee dance.

The Hon. CATHERINE CUSACK: Is there a standard application that beekeepers make for different reserves?

Mr WHITE: Yes there is, and then they are issued with a paper nectar licence to say they have access to that land for 12 months. It talks about their duty of care to look after that particular area—not to drive on roads when it is wet, not to cut down trees and not to clear the land. In a way they are guardians of the forests because they are environmentalists. So they often see rubbish being dumped by someone and they can take their numberplate down. So they actually help the Crown land in surveillance for vandalism because they are there.

The Hon. CATHERINE CUSACK: Every TSR, every council asks you to fill out an identical form, is that it?

Mr WHITE: No, they are not identical.

The Hon. CATHERINE CUSACK: So you would like to have more—

Mr WHITE: If it was uniform, it would be far, far better. These agents have acted independently for years. I think Minister Blair is keen, maybe—certainly the industry is, anyway, I do not know about him—to have a uniform policy; one place to book sites on Crown land. The beekeeping industry's position at the present time is to do that. That is under discussion with that working party that you referred to that has been set up. It has been ongoing, but hopefully it is close to a decision. The Minister, when he spoke at Albury, said he hopes to have a decision fairly soon after the working party makes recommendations to him.

Mr DAVID SHOEBRIDGE: Just for clarity, if I do not stick up for honey and bees my youngest daughter will disown me. In many ways the beekeepers are the strongest advocates for the environment in the State.

Mr WHITE: They have to be because they need their resources to be looked after.

Mr DAVID SHOEBRIDGE: Indeed. There was some concern about the way that beekeepers were having increased fees imposed on them, which was base of an auction system that was operating in State forests in the south. Do you want to explain that?

Mr WHITE: The State forests in the south around Batemans Bay decided to auction sites that they did not reissue, that beekeepers did not apply for. It was a blind auction conducted using a computer, so a lot of beekeepers had to have some quick lessons on how to operate the system. They sold for exceptionally high prices that would not be sustainable and the return would probably not cover the costs.

Mr DAVID SHOEBRIDGE: So instead of 75 and 122, I was hearing vast multiples of that. What sort of figures are we talking about?

Mr WHITE: Some went for \$3,000. The problem with that is people do not necessarily have to be full-time commercial beekeepers but they have other sources of income—I am not saying that happened in this case—could outbid people in the industry that just had a few hives, and it is just a way of life for them. They are not economically interested in the return.

The Hon. CATHERINE CUSACK: They love the life.

Mr DAVID SHOEBRIDGE: If that became the norm—

Mr WHITE: That would be chaotic.

Mr DAVID SHOEBRIDGE: It would cruel the industry, would it not?

Mr WHITE: It would totally cruel the industry because there would be no tenure of the site. What could happen is that when the tender process came up, there could be a massive flowering of some eucalypt. The beekeeper has paid for, say, three years until spotted gum has flowered, never used it for three years, the year it comes up for tender, he has lost if he did not put a high enough bid in, so that is the real issue with that.

Mr DAVID SHOEBRIDGE: That is the other problem with annual licences. You could wait not only 18 months but up to three years before you get a good flowering with spotted gum and the like.

Mr WHITE: Yes.

Mr DAVID SHOEBRIDGE: So trying to value these sites on an annual basis or even just licensing them on an annual basis is a real problem for the industry.

Mr WHITE: It is.

Mr DAVID SHOEBRIDGE: You want longer term security?

Mr WHITE: Much longer term security. If you think about it, the paperwork at local government departments would be greatly reduced as well. The Department of Agriculture, for many years, had annual renewal of beekeeping registration, so beekeepers with one or more hives have to register annually with the Department of Agriculture. They went to two years to save the paperwork. So beekeepers renew their registration every two years to keep bees.

Mr DAVID SHOEBRIDGE: You would not mind a system that had you reporting briefly on an annual basis, such as if you had used a site or if you had not used a site and why. It is a very simple answer.

Mr WHITE: That would be fantastic. Beekeepers now have to notify the Rural Fire Service and other people where bees are in case there is a sudden bushfire.

The Hon. CATHERINE CUSACK: Why?

Mr WHITE: Because they get a licence. Now when you get a licence you assume you will be able to use that licence, that you will get a benefit from that licence, but as Mr Shoebridge and Mr Veitch have indicated and I have indicated, beekeepers do not have bees on the site all the time. When I gave that case study, a beekeeper may have bees on some site for only 33 days, sometimes longer, depending what the reward for the bees were. When there is no reward for the bees the beekeeper moves out. You can look up a State forestry office or a national park office, or a TSR, Local Land Services [LLS] office and say, "Okay, those sites are booked; there are bees there", but there is not, because there is nothing flowering there. By beekeepers reporting that bees are on the site is a really sound practice, particularly in relation to bushfires so they can be notified there is a bushfire approaching, whatever, and the Rural Fire Service knows they are there. Beekeepers might be 300 kilometres or 400 kilometres away and they will not know there is a bushfire there unless they turn the radio on.

The Hon. TREVOR KHAN: Both sides would also want to know if they going to do some burning off.

Mr WHITE: Exactly, yes. Normally if the State forest or national park is going to burn off they send letters out and say, "We are going to burn this time of the year"—boom, boom, boom. There are some issues that the beekeepers have with that. Often when there was ground flora or flowering trees and shrubs, the forestry or national parks would burn it off. If they waited a month, those plants would not be flowering so they would not have lost that resource. That has pretty much been resolved. If they are going to do it, even if you do not have bees there, if you have a registered site, you will be told.

Mr DAVID SHOEBRIDGE: Mr White, the review that is being done now of Crown land is likely to deliver legislation later and potentially large amounts of land will be transferred from the Crown to local government. Would you like something very clear in there that guarantees ongoing access to beekeepers and sites?

Mr WHITE: Very much so. The position is that national parks have 25 per cent of the land mass now. When Pam Allan was the Minister for the Environment, the beekeepers had an agreement with her that if a State forest went to a national park—beekeepers could continue to book those bee sites.

Mr DAVID SHOEBRIDGE: You would keep access.

Mr WHITE: The beekeepers would keep access to that land, which was common sense at the time, but that had to be an agreement between the Government and the beekeeping industry.

Mr DAVID SHOEBRIDGE: It is always good to get it in writing.

Mr WHITE: It is. So if land went to some other authority, it would be excellent to have that written in, that beekeepers could still utilise that land. That is what happened in the case of national parks and forestry.

Mr DAVID SHOEBRIDGE: The Hon. Catherine Cusack was asking you about local government and access to land that is managed by local government. It sounds to me from your evidence that that is not a big part of your—

Mr WHITE: That is what we call vacant Crown land or not? No, it is not.

Mr DAVID SHOEBRIDGE: It might be a large reserve—

Mr WHITE: It certainly would be handy.

Mr DAVID SHOEBRIDGE: —such as Canobolas, outside Orange or something. It might be a large reserve managed by the council. Do you get access to that?

Mr WHITE: I am not aware of that, and the same with the water board. I can partly understand that because of a water catchment area, run-off and stuff, but I am not aware of anyone applying to a council to utilise land that they own, but certainly it would be valuable if that is the case.

Mr DAVID SHOEBRIDGE: If we were going to go through that process, there would be a statewide structure that facilitates that for you?

Mr WHITE: Yes.

Mr DAVID SHOEBRIDGE: Because you do not want to be going to 87 different councils to get access to the land, do you?

Mr WHITE: No. That is why nuisance bees—I am changing the subject, but it is relevant—are under the Apiaries Act. Local councils put it under the Local Government Act, under planning, that beekeepers have to get permission to keep bees in council areas. The bees had to be so many metres from a fence, you could only keep so many hives, so some councils did nothing, whereas the Apiaries Act was uniform throughout the whole State. In 1985 nuisance bees went into the Apiaries Act. When council became involved somewhere in the nineties, it was a dog's breakfast. The industry wrote to Ernie Page who was the Minister at the time. He said the Government has done the legislation, it is up to the councils how they interpret it; they are not experts in bees, and it is a real mess. You could live on one side of the road and the council changed on the other side of the road—totally different rules.

Mr DAVID SHOEBRIDGE: Is that still a problem?

Mr WHITE: Yes, it is. Yes, because councils have totally different rules and regulations. Some enforce them, some do not. Some councils have nothing to do with bees, others do.

The Hon. MICK VEITCH: Mr White, can I clarify that when you talk about TSRs, you are talking about travelling stock reserves and travelling stock routes?

Mr WHITE: Yes.

The Hon. MICK VEITCH: Because TSR is used for both.

Mr WHITE: And they are booked by Local Land Services now, as I understand it. So you have to go to the Local Land Services office and I think there are six LLSs in the State. They are autonomous, that is why we have got different fee structures now; probably different rules. Whereas when they were TSRs, they had uniform legislation because they were statewide. Yes, so one and the same thing. It is hard to keep up with all the change of names.

The Hon. MICK VEITCH: With regard to the auctions that were conducted in the southern forests, there was a review of that auction process. Was your association involved in that review?

Mr WHITE: I would have to take that on notice. I am not totally sure. I know there was a review and, from what I understand, they decided not to go ahead with that. I may be wrong. I need to take that on notice.

The Hon. MICK VEITCH: Just to be very clear, you would not want that rolled out anywhere else across Crown land?

Mr WHITE: No, because, as I pointed out just previously, you could pay for four or five years—because a license is issued for a period of time—you pay but never used the site. It comes up for auction again and that is the year are going to use it, and you do not put a high enough bid in to get the site. It is crazy.

Mr DAVID SHOEBRIDGE: From a very narrow perspective of whoever owns the Crown land, that might be good for them because instead of getting \$75 they get \$2,000.

Mr WHITE: Undoubtedly.

Mr DAVID SHOEBRIDGE: But you are saying that that completely fails to factor in (a) the interests of the industry and (b) the broader agricultural benefits that bees provide.

Mr WHITE: Very much so. You would have disruption to agriculture. Remember what I said—bees are the foundation of agriculture purely because of pollination. The only reason they come here was to pollinate the crops. Crown land is used to condition bees to be able to pollinate crops. A beehive can consist of 5,000 bees and a queen, but to pollinate crops you need probably 60,000 or 70,000 bees in a hive to be an effective pollinator because half the bees stay in the hive and half become field bees. That is where the value of Crown land is—to get hives built up to do this pollination that feeds ourselves. Two-thirds of the food we eat benefit from bees in Australia and in New South Wales.

The Hon. MICK VEITCH: Mr White, just for the record, what is the importance of the Crown estate to the biodiversity of New South Wales?

Mr WHITE: It is vital because there are so many sites and they are over such a wide area. As I indicated before, that the keeper who gave the case study utilised Crown land for the majority of his operations either in the State forest national parks or TSRs. He had less reliance on private properties than he did on the Government estate.

The CHAIR: Thank you, Mr White. You have been incredibly helpful.

Mr WHITE: Thanks very much for the opportunity.

The CHAIR: If you have taken some questions on notice, you have 21 days to submit the answers. Mr Sam Griffith and the team will help you, if you need assistance.

Mr WHITE: I just need to check up on what happened with the auction.

The CHAIR: That is fine. In the light of the evidence you have given, some people might write some further questions.

Mr WHITE: That is fine.

The CHAIR: Of course, the Committee will help you with that. Thank you. It is an amazing topic.

Mr WHITE: They are incredible insects, aren't they.

Mr DAVID SHOEBRIDGE: They are.

The CHAIR: For so little, they carry a great load.

Mr DAVID SHOEBRIDGE: Safe travels back to Orange. You going back to the meeting now?

Mr WHITE: No. I am not on the State executive.

The CHAIR: Well, you should be.

Mr WHITE: They are all at the State executive being the guest speakers.

The Hon. TREVOR KHAN: Have they abandoned you?

Mr DAVID SHOEBRIDGE: You have done very well, Mr White.

Mr WHITE: I am an emergency witness, put it that way.

The CHAIR: Thank you very much, Mr White. The Committee appreciates your evidence.

Mr WHITE: Thanks—much appreciated. Thank you very much.

(The witness withdrew)

DAVID PETERS, President, Agricultural Societies Council of New South Wales, sworn and examined

PETER GOOCH, Vice-President, Agricultural Societies Council of New South Wales, sworn and examined

The CHAIR: Would either of you like to make an opening statement?

Mr PETERS: I do. I have a statement that I will read. The Agricultural Societies Council of New South Wales [ASC] is a peak body with 195 agricultural shows in New South Wales—that includes the Australian Capital Territory [ACT] but not the Sydney Royal Easter Show—the majority of which are held on Crown land, dedicated showgrounds, sports grounds, et cetera. Some are administered by community trusts and some are in trust to local councils. First and foremost the ASC is about assisting shows, seeking to make the running of their local show as easy as possible. In smaller towns often the show is the last remaining agricultural event in the community, even the oldest of which go back to the 1820s.

Shows origins are rooted in the need for the young colony to feed itself. Competitions were incentives and showcases for innovative farmers who achieved increased yields or better carcass weights. Today we think of shows as just being entertainment. If you look beyond the rides, innovation in agriculture is evidenced at even the smallest shows. For the most part showgrounds exist only because the show society uses the land. Some became Crown land by donation so that there would always be a place for the show. Over more than 100 years show societies have constructed buildings and maintained grounds, often knowing that they did not own the land. Those buildings and facilities were then available for all to use. Real physical and monetary contribution of show societies has not been recognised and is more often than not ignored by trusts when rents are set. Large regional centre shows pay \$50,000 rent for a three-day event.

The Hon. CATHERINE CUSACK: Wow.

Mr PETERS: Trusts know that a show has little choice but to accept the constant rent increases. Shows cannot just up and relocate. Shows are not the cash cow that trusts and some in the community believe. Recent years have seen an increase in pressure on shows to vacate their often valuable grounds with no regard for their longstanding occupation. Unacceptable means have been used by land managers to weaken the show's hold on the ground, including applying local government legislation to Crown lands as if they were the owner and not the manager. While we strongly support the principle that all showgrounds currently on Crown land remain as such and under the control of the land's apartment, the ASC feels that there is a need for ensuring compliance and regulation. Hence we propose the creation of a management role for the ASC under the lands department to advise and assist on appointment of trusts with the legislative power to enforce regulations. The ASC is confident of its ability to assist the department across the State. The department will benefit; so will the often frustrated voluntary workers in show societies and other not-for-profit organisations that suffer when trusts are not well managed.

Mr GOOCH: I would like to take this opportunity to address the Committee and I wish to comment on the protection of Crown lands—that is, preserved and enhanced for future generations with particular concerns for the State's showgrounds. About 60 percent of agricultural shows and showgrounds in New South Wales are well over 100 years old and provide a great insight into local communities. They are a rich heritage capsule, as my colleague David Peters has explained. Those features are not always appreciated by New Age bureaucrats or naive local government officialdom. The past 10 years of campaigning to keep my local showground intact and functional to enable the continuation of the annual show is a case in point. This was our 130th show and more than 225 years of the show on that current showground.

One problem was that the local council completely ignored the agreed plan of management with the three licence holders. The reserve trust committee disbanded and now there is no community input into the management of the showground other than to turn up to meetings to hear what the council has not been doing. By losing our real input into the future management of the showground we have been developing for more than 125 years, we turned to Crown lands for help. They are the approvers of the reserve trust, landlords of the Crown land, and we, being a community group of volunteers, are unfamiliar with handling those matters. Several key figures of the lands department were approached, including a formal request to the acting local manager of the Crown lands office. This resulted in the counsel's opinion being accepted on each occasion, even though all that we asked for was for a formal reply in writing, which we did not gain.

We request that the Minister appoint an inspector to investigate our claims, which he can under section 123 of the Crown Lands Act. This recent experience only leads me to concur with the many witnesses and comments made at previous regional sessions of this inquiry: that is, Crown lands are hopelessly under resourced and have been, it seems, for some time. It seems it does not keep accurate records of lands or license

agreements. To hand this mess over to local government, as it appears the whole legislation is all about, will be a nightmare for show societies and community groups. Many agricultural shows will not survive.

The Agricultural Societies Council of NSW has provided solutions to the management of showgrounds. We have been waiting for over two years for a result, since our original submission was submitted along with some 600 others. Should the Minister and NSW Lands not take up our suggestion, my observation would be that we should not undertake the change to the Crowns Lands Act and that NSW Lands should be resourced far better than it has been in the past and the department should be made to do its job—that is, as stewards and protectors of our community lands. I note the particularly unique aspect that showgrounds play in our State's heritage.

The CHAIR: We took some evidence in Dubbo about travelling stock routes, and that it may be in the best interests of the New South Wales community not to hand those over to local councils. Would you be of the view that, with the historical and heritage factors of showgrounds, that showgrounds across New South Wales should remain in the State's hands rather than with local councils?

Mr PETERS: Certainly the ASC's position is that they should remain in the Crown's hands. We see no benefit in their being handed over to councils. Councils are often very useful and good managers of the land, but we do not see any benefit in the title of those lands being handed over to the councils.

The CHAIR: Mr Gooch, do you have any comment?

Mr GOOCH: Yes, I agree with what David said. Showgrounds are unique parcels of land. There is a lot of history about them and how they were achieved—through the hard work of previous volunteers and working groups. They are special and having a certain group that looks after them, or has some control, is probably the way to go. Councils have vested interests—some good, some bad. Some show societies work well with their local councils. As I have indicated, ours did not. To put a community group through that sort of situation would be pretty hard. I think it would be a great idea if there were a specialist group or specialist section that looked after showgrounds.

The Hon. MICK VEITCH: Thanks, gentlemen, for your submission and for your attendance today. I would like to draw on a couple of items in your submission. You say that showgrounds should be maintained as community green space. You go on to say that your association is firmly of the view that the public trading enterprise model is inappropriate for showgrounds. Could you talk further about exactly why you say that, and why they should remain as community green spaces?

Mr GOOCH: In a country town the showgrounds are a bit like Centennial Park. Years ago, somebody—Governor Macquarie or somebody else—put Centennial Park in that situation. That is what the local showgrounds are all about. To jeopardise that to make it commercial or to look at it as a commercial venture—some councils consider doing that—is probably the wrong way to go. Showgrounds can certainly be shared. A lot of them are used by sporting teams, community clubs, men's sheds and those sorts of things but they are there as a showground to be run for the local show because you need space to run a show. They are there because of the show. A lot of councils tend to think, "We want some space to put a croquet club or something else.

We will use the showground because it is only used for two days a year for the show." That is not the case. In a lot of cases the showground is used for touch football on the oval at night and the pavilions are used for men's sheds or computer pals or something like that. Showgrounds are an asset. They are lungs—a green space—in an area that may not have that. The fact is that because they are designed as showgrounds they have that impact. If you start putting too much on a showground you will not be able to run the local show, and therefore it loses its purpose. The original idea was to have the showground for the local show. That is not always appreciated by council.

The Hon. MICK VEITCH: You may have to take this on notice but you could talk from your own perspectives. What would be the dollar contribution of your shows to your local economies each year?

Mr PETERS: I would definitely have to take that on notice. The struggle is in trying to assess the value. Generally, the best way would be to relate that to increased occupancy of motels and those sorts of things. That would generally be the only way to do that. So, we would have to take that on notice.

The Hon. MICK VEITCH: I am from Young—I am in Tumut now—and I was on the council there. The Young show provides a real buzz every year for the town because of how many people would turn up. It was just a really good thing to do.

The Hon. TREVOR KHAN: It is not just the economic impact, is it?

Mr DAVID SHOEBRIDGE: There is the social capital.

The Hon. CATHERINE CUSACK: There is also the brand impact of winning prizes and building your brand for your breeders or your growers.

Mr GOOCH: That is right. It is the community aspect that you probably need to gauge. My show is at Castle Hill. Agriculture has drifted away from the Castle Hill district but we have a paraders' competition on the Saturday morning with 150 kids. They come from all the private and State high schools all over the metropolitan area. How do you gauge that impact? You cannot. The Oakhill College won the national steer competition from our show. A current Olympian—Stuart Tinney—is a local guy who show jumps at our show. A couple of the judo guys are in the judo club in our horticulture section. You cannot quantify these things with money but there is a community spirit. It increases young kids' knowledge of agriculture at a time when we are starting to look at that. Particularly in a city-country situation such as Castle Hill the showground is a vital asset.

The CHAIR: Social capital.

Mr PETERS: Yes.

The CHAIR: I would like to make an observation. The shows throughout New South Wales are like a pillar event, once a year. Every community needs some pillar events every year to get the community together. I guess shows play that role.

Mr GOOCH: They do. A show is a hard thing to run. People do not realise that it is very complex.

The CHAIR: Especially if it rains

Mr GOOCH: Yes. There are many different things to do, and lots of people have tried to duplicate it and have failed miserably, because they may just get the rides and some horses or something like that.

Mr DAVID SHOEBRIDGE: And you have to deal with the conflict between the horsey people and the cattle people!

The Hon. CATHERINE CUSACK: There is an event for every member of the family.

Mr DAVID SHOEBRIDGE: When I was going through university I spent five years working at the Sydney show—not your thing. It is an extraordinary event and the management is extraordinarily complex.

The Hon. CATHERINE CUSACK: Were you handing out pamphlets for The Greens?

Mr DAVID SHOEBRIDGE: I was cleaning out cattle sheds and then working as a superintendent, but it was fun. You want the Agricultural Societies Council of NSW to be Crown Reserve manager for showgrounds all across the State. Can you tell us about the Agricultural Societies Council's capacity to do that.

Mr PETERS: It is probably an oversimplification to call us the managers. We see ourselves as having the role of intermediary—probably more as an arbitrator, at this stage. We would prefer to be involved in the appointment of trusts and advising on the way that trusts are appointed. I understand that there are still a number of show trusts that struggle to get volunteers. We have a network to be able to, at least, speak to the local show society and get them involved in running their own showgrounds. That is, more or less, the role that we are thinking of.

Mr DAVID SHOEBRIDGE: I am very attracted to the idea of having the association play a key role. Would that be a legislative role under the Crown Lands Act?

Mr PETERS: We would need legislation to be able to enforce regulations.

Mr DAVID SHOEBRIDGE: I am not asking you to give us, now, in full bloom, every part of how you would want that to work but could you take it on notice. I know you have given us three options but I am talking about the first option. Could you provide us with a little be more of the proposed structure of that.

Mr PETERS: Certainly.

Mr DAVID SHOEBRIDGE: I think you are making it clear, now, that you do not want to do the day-to-day management of the individual showgrounds but you want to have some role in Crown Lands to make showgrounds work and to keep the focus on the asset being a showground. Is that right?

Mr PETERS: That is accurate.

Mr GOOCH: I think there needs to be somebody that is the broker between the show society or the community group that is running the showground and the council. It should be the Lands Department but it is pretty clear that they do not want to do that—they do not have the staff or they have lost the impetus to do that.

If nobody else wants to do it we are prepared to do it. We do not particularly want to do it because it is hard enough trying to run shows and keep them organised. But if there is nobody else we will put our hands up. We have a structure. We have a small office. We could do that but we would only do it because we feel that it is necessary and nobody else is putting their hand up.

Mr DAVID SHOEBRIDGE: Some kind of modest additional income through some kind of licensing fee to help you have a more proactive role would be helpful as well, is that right?

Mr PETERS: The costing structure would definitely be something we would have to take on notice because how you would work that would depend entirely on the outcome. It is a bit of a catch 22. You do not know how you are going to have to be able to fund it unless you know what you are going to have to fund.

The Hon. SCOTT FARLOW: I think on that point you proposed a transfer on a 99-year lease for peppercorn rent. You would envisage that you would take all of the receipts for use of that land?

Mr PETERS: That is one of the options.

Mr DAVID SHOEBRIDGE: That is not your preferred option. Your preferred option is it remains in Crown Lands.

Mr PETERS: Exactly.

Mr DAVID SHOEBRIDGE: On page 4 you say:

The ASC will charge all primary leaseholders an amount that enables the ASC to develop a Showground management resource within the ASC.

You are not thinking that would be a large fee.

Mr PETERS: No, certainly not.

Mr GOOCH: You still need the local input. The local council is still needed and the local community is still needed but often they are two groups that do not get on. Maybe we could take the role of maybe an arbitrator or a referee.

Mr DAVID SHOEBRIDGE: You are not proposing to take over the role of running the shows by the local societies. You want to be an advocate for showgrounds.

Mr GOOCH: That is right.

Mr PETERS: That is exactly right.

Mr DAVID SHOEBRIDGE: Because currently Crown Lands are not doing that.

Mr GOOCH: No.

The Hon. TREVOR KHAN: I have some figures here that there are some 169 showgrounds or showground racecourses across the State. I think that matches up with your figures. Of those, 136 are purely showgrounds. We will leave the racecourse showgrounds to one side. About half of those, 62, are controlled by trust boards and 60 are controlled by councils. Is your main gripe with regards to the ones that are controlled by councils?

Mr PETERS: Certainly not. Councils are often very effective.

The Hon. TREVOR KHAN: So it is boards and councils?

Mr PETERS: Yes. Some trusts are not providing the service that we would prefer. A lot of the trusts now are only offering one-year tenancy agreements, one-year licences, which are totally unacceptable for an organisation that is firmly rooted on a site. You need at least 20 years to be able to set your future and know that you have got somewhere to have your show every year.

Mr DAVID SHOEBRIDGE: To make the decision to replace the gutters you need more than one year.

Mr GOOCH: That is right.

The Hon. TREVOR KHAN: Irrespective of the management structure of those 136 you say you need input at some level into the organisation.

Mr PETERS: Yes. The lands that are managed by council now, we see no need to take those away from councils because most of them are very effective, but we just need to sometimes remind the council of their specific roles and their need to consider show societies.

The Hon. TREVOR KHAN: How would you deal with a circumstance where your perception of what needs to be done as a show society is different from the council's? How are you going to resolve that potential conflict?

Mr GOOCH: That is an interesting question. That is why we said there would need to be some sort of legislation so we had a little bit of teeth to enforce what was required. We know how to run the shows and we have got a fair idea. Often councils need some advice but are not willing to take it because they change staff or they have a different approach and so forth.

The Hon. TREVOR KHAN: Could there be a circumstance where you have a view as to how that showground should be managed which is different from a local council in a country area and do you envisage the possibility that you could be wrong and they could be right?

Mr GOOCH: Exactly.

Mr PETERS: Entirely.

The Hon. TREVOR KHAN: But you want some form of veto control over what the council in the local area may decide to do?

Mr DAVID SHOEBRIDGE: I do not think that is what they have said, to be fair. They said they want some teeth.

Mr GOOCH: The thing is if you set a reserve trust that is a collection of people and they are there for a goal. You make sure you keep that reserve trust focused on this is the goal, this is what we are there for, to run not necessarily the show but run the showground so it is viable. You could achieve it that way. Sometimes these reserve trusts are dissolved and the council just takes over. Some reserve trusts probably need to do that, the committee gets old and people retire and so forth and that is what is happening. There is no guidance. We would give the guidance and set up the actual trust itself and try and marry the community group and the council together. You need both.

The Hon. TREVOR KHAN: I will withdraw from talking about the council seeing we have 62 trust boards that are managing councils and 12 that are managing showground racecourses. What happens if that local trust board has a different view from your organisation? Do you take it on a case-by-case basis that you think those people are credible on the trust board and then there are others that you do not consider appropriately credible?

Mr GOOCH: I think that sort of happens now in the present situation.

The Hon. TREVOR KHAN: That may be right, but the question is are you the ones to determine who is credible and who is not?

Mr GOOCH: Maybe bring the Lands department back into it. Maybe they have an overall role. That is what I said before in my initial submission. They may need to be told to do their job but we may need to organise it for them. Surely they are not going to hand the Crown land over to councils completely. There is surely going to be some sort of control for Crown lands. They just cannot give away Crown land like that. Maybe the Minister has an ultimate say still on that aspect if you get to that stalemate situation.

The Hon. SCOTT FARLOW: Part of your contention has been it is not the councils that are the problem but rather some of these reserve trusts.

Mr GOOCH: No, in my case it is definitely the council. But it is both. You cannot run it with just a council and just a community group. You have got to have a reserve trust looking after it. I think that is what the department seems to be willing to do also. You have got to have both. Council is needed because of the works and so forth like that, but also the community group needs to be passionate and so forth. That is how a show is run. It is people doing things because they are passionate about that sort of aspect. Your point is quite correct but maybe that is where the Crown Lands have got to come into it and still have the overall say.

Mr DAVID SHOEBRIDGE: You want to be able to prod Crown Lands to do something.

Mr GOOCH: Yes.

The Hon. CATHERINE CUSACK: The issue of who is the landlord and how they are treating you is only one of a number of issues, is it not, that are facing the showgrounds? Others are the age of the volunteers and the complexity of insurance. Is there a strategy for the future of showgrounds or is there some holistic overview so that everybody can feel they have got the pulse of the health of our showgrounds overall?

Mr GOOCH: We sort of try to do that with the ASC. That is what we are there for.

The Hon. CATHERINE CUSACK: Do you have an annual report that lists the showgrounds and the rents they are paying and things like that?

Mr GOOCH: Yes.

The Hon. CATHERINE CUSACK: Would we be able to get a copy of that?

Mr GOOCH: Yes. We have a journal that has all of that in it.

Mr PETERS: That is part of our statistics information, which is not in the journal, but we can supply that.

The Hon. CATHERINE CUSACK: In terms of the variance in the amount of rent or fees that are being paid to trustees to put on the show, what sort of factors does that include? Do they, for example, take care of the insurances for the show or do you have to take care of them on top of the fees that you pay?

Mr PETERS: On top. The ASC runs a blanket coverage insurance program for shows, so that allows show societies to get proper coverage at a reduced rate. For the operation of the ground the ground manager has a responsibility from the insurance that is not covered by the show but the convener of the event, all of the insurance is covered by the show society.

The Hon. CATHERINE CUSACK: Are the number of shows on the decline and can you give us any statistics tracking the number of shows and the lengths of the shows over recent years?

Mr PETERS: Okay. In the last 20 years we have lost about six shows, which is not too bad. We consider we are holding our own at the moment, but the number of shows that are under threat has increased greatly. Those are usually large shows, not small shows. Small shows seem to be holding their own and actually improving. Their bottom line is increasing on a regular basis because in a lot of cases they are the premier local event that is surviving, and we want to maintain that. Large community shows like Castle Hill, for instance, it is probably fair to say it is—

Mr GOOCH: On the brink.

Mr PETERS: Yes. A decision has been made a number of times to call it a day but they keep trying to claw back to see if they can survive into the future. But it does not look very rosy.

The Hon. PETER PRIMROSE: You have answered a number of my questions in the other questions about local government. I was looking at point 5 on page 3 of your submission about potential conflicts of interest. In addition to local government, how do you resolve conflicts of interest involving the State? I am not being partisan or political. If there are issues—the obvious one is if the State wants to put a train station covering your showground as a hypothetical—what mechanism do you have to use to try and resolve that?

Mr PETERS: We do not have a mechanism, that is the problem, nor do we have the ability to do much about it. We do not have anything against the fact that some of the land managers want to develop some of the grounds. In the case of Castle Hill, for instance, with a station, it was entirely justified, but the subsequent effect on the Show Society that resulted in a reduction of the show to a point where it became unviable was unacceptable. And that was unnecessary because that was all about development, all about making money out of the site.

Mr GOOCH: The Show Society put a lot of effort in when it found out that it was going to have the railway go right through the showground and lose five pavilions; we made a big effort with the community and actually got the railway moved, when the Premier came and opened the show. But that took a lot of our energy and so forth. So we saved the showground—it is intact and probably it will always be that way—but, in turn, it took a lot of energy out of the show itself. Then when the Crown Lands white paper came out, that was another lot of submissions that we have had to put in; I think we have written about six submissions now on that sort of stuff. It is very hard for a community group to keep up with that sort of pressure. As I said before, a show is complex enough without having to fight for your showground. If you cannot guarantee your showground, if you cannot guarantee that asset, it is very hard to keep the show going.

The CHAIR: I note that there are probably more questions but this session has finished. You have taken some questions on notice and you have 21 days to respond to those questions. The secretariat team will help you with those. There may be some further questions in light of your evidence. I thank you both for the Show Society's great faithfulness as guardians of all things agriculture, history and heritage and what it means to our nation. From one and all, thank you very much, and if you could take that back to your association throughout New South Wales; it is much appreciated. Once again, thank you for your presentation today.

(The witnesses withdrew)

DON BARTON, President, NSW Council of Freshwater Anglers, affirmed and examined

MALCOLM POOLE, Member, Recreational Fishing Alliance of NSW, and Member, NSW Angler Access Reserve Trust, affirmed and examined

The CHAIR: Would either of you like to present an opening statement?

Mr BARTON: If I could because I may need to get away a little early. The NSW Council of Freshwater Anglers was founded in 1958 and represents about 40 different recreational fishing groups located along the freshwater streams of the east coast, the tablelands from the north right down to the south in the Snowy Monaro area, and places further west; perhaps not so much in the south-west of the State—being mindful of giving the whole truth. Our interest in Crown lands arises from the importance of certain Crown roads and Crown reserves providing access to rivers and streams and the relatively recent discovery that a great deal of this access has been successfully hidden from view and unknown to us; in fact, there have been significant stretches of river where for decades anglers have driven past thinking how nice it would be to get down to those streams, only to discover in the last few years that they have been Crown roads, which are a public corridor, from the sealed road down to the stream, illegally fenced off, locked gate, all sorts of other things.

That context is absolutely vital to understanding a large part of the problem that we face with the Crown roads disposal program being operated by the State Government at present, because just as we are discovering the existence of the roads, they are going so fast we can hardly keep up with them. That is a major concern. Equally with reserves, we have had experience of reserves that have been fenced off as if they are part of a private property adjacent to the reserve and when, in fact, we have been successful in having the obstructions removed we have encountered a lot of aggression from the land holder as if to imply, "How dare you use this public land" or, somehow, "interfere with me simply helping myself to the use of it".

So that is a major problem in New South Wales. In fact, one of our perceptions is that Crown Lands has been relatively supine in addressing some of these issues and in clawing back moneys, as they are entitled to under the Crown Lands Act, for illegal occupation and so on. That is a significant rider. The only other thing I would like to add to our submission is we should have pointed out there are significant social and recreational benefits to freshwater fishing and recreational fishing generally and there is some study that has been commenced of this by people interested in public health. If the Committee is interested I could undertake to forward a URL where that can be located. I notice some members of the Committee nodding, so I will attend to that.

The CHAIR: Yes, please, that would be great.

Mr BARTON: Apart from that, thank you very much indeed for the opportunity to give evidence today.

The CHAIR: Mr Poole, do you have an opening statement?

Mr POOLE: Yes. In simple terms, recreational fishing requires access to water and that is the first part of the equation. Currently we have problems with freehold land and river beds. We heard the discussion this morning about submerged land. Just take Sydney Harbour, the complexities around Sydney Harbour—you have to find out how many different councils, agencies and government departments have tenure over facilities along the edge of the foreshore, the waterway, or over the water—are just phenomenal as to who has care, control and management over the bed of the harbour. It is amazing to see that we then have further restrictions coming on board in terms of marine parks being allocated to us, sections around sanctuary zones, and even further restrictions occurring in those areas.

Recreational fishing occurs throughout New South Wales. We have some stats in our submission about the number of people who go fishing, the value of fishing that occurs throughout the State and certainly saltwater or freshwater access, as Don Barton has indicated, clearly it is paramount to understand how much data exists out there and how much data where we are in terms of data and technology today in terms of the twenty-first century. We still rely on trying to access data in a timely manner; however, a lot of it still sits in archives and on hand-drawn maps, et cetera, et cetera, throughout Crown lands. So the digitisation era has to come fairly soon—it has to come sooner than later. As Don pointed out, we never knew that some of these things existed and obviously if you do not know they exist it is very hard to go and utilise them and take advantage of those locations. You used to make the presumption that it is freehold land and you are not going to have access to it. That is a loss to recreational fishing, it is a loss to our community and those people who want to partake in a recreation—a million-odd anglers in New South Wales every year.

The CHAIR: Can I just ask a question about Mollono Point and Port Kembla in terms of access? I note that the word "safe" has got something to do with why the Government has closed that off or the proprietors when the leasing went through. Do you have a comment about that?

Mr POOLE: It has been a longstanding issue and argument, and certainly we have had support from the Shooters and Fishers Party, or Farmers Party now, in the past to try and get representation on Mollono Point.

We made representation when it was going under lease. We certainly have concerns that, based on the discussion that we heard at the first hearing, lease arrangements allow the lessor to negotiation under the 99-year lease to take over tenure of freehold access. That is a worry. Molineux Point is an area that fishers use as it is safe. We recommend that people not fish on rock platform platforms if the conditions are unsafe and move to safer locations inside the location. That is a classic example. It is no different from Port Kembla, where the same situation applies. There are opportunities to explore and further collaborate on, rather than just shutting things down. Social compliance is the other issue. Crown land is a classic example of where we should be able to access areas and deal with things in a manner that is appropriate to local communities. Social compliance from people who are actively participating in those areas has had an effect in removing antisocial behaviour.

The CHAIR: Thank you.

The Hon. MICK VEITCH: Thank you for your submission and for your attendance. I have two lines of questioning. The first relates to the Crown lands disposal process. How are you involved in that process? Secondly, in your introductory remarks, Mr Barton, you spoke about finding out that tracts of land that were hidden that you had no knowledge of. How did you know they were hidden and how did you find them?

Mr BARTON: I ask the Committee to look at the first two annexures to our submission. There is an aide-memoir and an appendix. You have to read them side by side and refer from one to the other. They provide a clear exposition of some of the difficulties we have had. My involvement has been as President of the Council of Freshwater Anglers, but I am also Secretary of the Central Acclimatisation Society, which takes in the whole of the Central Tablelands. I will give you one quick example. There is a reserve near a railway cutting on the Fish River, near the quarry where the rock was taken for the Sydney Opera House. There was a rough stile over a fence beside the road. For years fishermen thought the landholder was turning a blind eye to them going down to the river. There was clearly farmland on the other side of the river. Between the road and the river there is a good standard of she oak and a lot of hemlock.

The Fisheries access officer, Chris Roberts, discovered that that was a reserve. He brought that to our attention. We managed to persuade someone to remove the fence. It was not the landholder. Lo and behold, a new fence appeared on the other side of the river, where it should have been to start with. After that there were a couple of ugly incidents with the landholder, including with some anglers from Sydney. One of them had a large rock thrown at him. Or, more accurately, as he put it, one cannot say for sure that that was the intention, but the rock landed very close to him and disrupted the fishing. Freshwater fish are very shy, so that was the end of it for the day. That was how that was found out.

When Crown land roads are advertised for sale, the Government advertises on the Crown lands website. That was introduced in response to our concerns. From that we find out that a Crown road exists where we had no idea that there was one. These roads are outlined in purple on topographical maps, but that does not give an indication of the tenure. Some of those roads may be the subject of an exclusive lease or may have been purchased since the map was published. No-one has had confidence in going down any of these roads. The people who have been most inhibited by that are the people who respect private property and private property rights. They have not wanted to do the wrong thing. These areas have abused by people fencing them off.

Mr DAVID SHOEBRIDGE: They are keeping out the good guys.

Mr BARTON: Exactly. That is roughly how it has occurred.

The Hon. TREVOR KHAN: Who is hiding? Are you saying that adjoining landowners are appropriating Crown reserves?

Mr BARTON: Yes, but I would like to say that that is some landholders. There are a lot who do the right thing.

The Hon. TREVOR KHAN: Obviously.

The Hon. MICK VEITCH: I am from the south of the State. I have a fishing licence and do a bit of fly fishing in that part of the State. The reserves provide wonderful access to the rivers. I know of a couple on the Tumut River and the Murrumbidgee. How important is the travelling stock reserve estate to your activities?

Mr BARTON: They are very important. Again, there is a problem with accessing information, although there is a booklet called *The Long Paddock*. Some angling interests have managed to sift out the ones that are proximate to waters and put that on the website. They are concerned about whether there might be a breach of copyright in doing that. It has been done on a nod and a wink basis. Nevertheless, that has helped to identify some of those reserves that we had no idea were reserves.

Mr POOLE: Our New South Wales licence fee currently pays for two freshwater access officers. That is an investment of \$200,000 annually to investigate Crown roads and Crown reserves that have been going up for public sale. This has been ongoing. The position of freshwater access officer has been going for about 14 years. That is a \$1 million investment in one person. There is also a saltwater access officer, and that position has been going for about 13 years. That is another million-dollar investment. Recreational fishers take the loss of access seriously. It is a cumulative loss of access. It is not just one road; it is several roads or several areas along a river that that might be problematic. It must be considered over time, and that cumulative impact causes a major problem.

Recreational fishers consider fishing access to be paramount. You have to get to water to get to fish. That is the first point. It is no different from boating. You have to get to water to be able to go boating, whether that is paddling or using a power craft. We were instrumental in pushing the Crown lands agency to digitise this process of Crown paper roads. About 77,000 were listed and numerous others existed on maps that had not been catalogued. It is no different from travelling stock routes. We do not have an accurate layer. We have been listening to the information on Crown roads. We attend a TSR conference in 2011 in Orange where there were promises to digitise the TSR network within a couple of years. We are still waiting for that digitisation.

Mr DAVID SHOEBRIDGE: Do you have someone who scours the *Gazette* for road closure notices? How do you find out about them?

Mr POOLE: On the website we have transparent processes that the public can engage in to see what Crown roads are coming up for sale, rather than them being advertised by legislation in the local paper.

That is what I am asking: Do you have somebody whose job it is to go through the *Gazette* every Thursday? Do your members do it? How does that work?

Mr BARTON: A lot of the people who have the time to do it are older people who are not that a fait with the electronic age. A very small number of people try to scour it. They then try to establish whether the roads give viable access. There are only 28 days to find out. It is very hard to make inquiries because people often confuse the formed road with the legal corridor, and they are not always the same thing. It is quite a scramble to do it. It was a big improvement for Lands to put that on the website, including advertisements for roads to be closed. It was a big advance for the Crown lands agency to put the advertisements on the web because that made it easier for one person, for example, me, as secretary of the Central Acclimatisation Society, to look at every road likely to be disposed of in the Central Tablelands and make a quick assessment. Then there is the Crown lands SIX Maps website, which, if members do not know it, is well worth looking at. It allows you to bring up all sorts of spatial data. You can do linear measurements on it and you can look at lot numbers and so on. That is extremely useful.

Mr POOLE: As an example, our two freshwater access officers, through interdepartmental relationships on Crown lands, get all the Crown roads applications and go through them meticulously to make sure that a portion of a Crown road does not lead to water. There are 19 Crown roads up for disposal at present on the website and seven of them have some access to water bodies that are fishable.

Mr DAVID SHOEBRIDGE: You say there are 28 days in which to make a submission. Is it very hard to make a submission within that time?

Mr BARTON: Yes.

Mr DAVID SHOEBRIDGE: Did you hear the evidence presented to this Committee that it was taking the Crown lands agency up to seven years to make a decision?

Mr BARTON: Yes.

Mr DAVID SHOEBRIDGE: Do you understand the rationale for giving you only 28 days to make a submission?

Mr BARTON: I think it is a statutory minimum; I am not sure that it is the maximum. I think it could increased beyond that without the need for any amendment.

Mr DAVID SHOEBRIDGE: What is a reasonable period for you to make a submission if 28 days is not enough?

Mr BARTON: Probably getting closer to double that.

Mr POOLE: Sixty-odd days I originally requested.

Mr BARTON: If I could just say in relation to Mr Poole's evidence, it has been our experience that Fisheries access officers are very much overworked and are scrambling to try to keep up. They do not have time to consult with local knowledge before they respond to Crown Lands. It has been our experience and there are three quite serious cases where advice given to Crown Lands by Fisheries has been completely in conflict with local knowledge and with the objections made by local angling groups. The end result has been a loss of access with Crown Lands relying on the advice from Fisheries to close the road.

Mr DAVID SHOEBRIDGE: Do you see Fisheries advice and make a response to it?

Mr BARTON: No, we do not.

Mr DAVID SHOEBRIDGE: Surely that would be an important addition, would it not?

Mr BARTON: Yes it would.

The Hon. Trevor KHAN: In relation to the delay in the department dealing with applications for seven years, the reality is that there has been a backlog of dealing with applications?

Mr BARTON: Yes. It is obvious there is an historical backlog that is being cleared up and that is a part of it, yes.

The Hon. Trevor KHAN: A number of things have been occurring, first, the backlog is being addressed so that the number of outstanding applications is reducing?

Mr BARTON: Correct.

The Hon. Trevor KHAN: Indeed, one of your concerns, it would seem to me, is because they have speeded up dealing with outstanding applications that is putting a workload, in a sense, on you?

Mr BARTON: That is correct.

The Hon. Trevor KHAN: In a sense by the department becoming efficient it is creating another problem from your side of the fence?

Mr BARTON: On our side and also with Fisheries access officers too.

The Hon. SCOTT FARLOW: One of your submissions called for a moratorium until the inquiry was completed?

Mr POOLE: Yes, again it comes back to understanding what you have and what you do not have now and then starting to work out what you are going to lose. It is a cumulative impact of loss—if you do not know you have got it, and theoretically you should have it, trying to define where you have fishing access points is a real hard task. Again it comes by knowledge and information. Again half the stuff we have found out in recent years has been learnt.

The Hon. SCOTT FARLOW: Mr David Shoebridge pointed out, the evidence the Committee received in Nowra about the gentleman on the Shoalhaven River who was told six to eight years in terms of the sale of the property. From your perspective, I take it, you may argue that that property on the river does not need to be sold, and so you would like to have that time to be able to look and to be able to assess it to make sure there is not that cumulative loss in terms of access to those fishing areas?

Mr BARTON: Yes, a major issue with that sort of thing, where any Crown land is on the border of a river and a sale is being considered, serious consideration should be given to maintaining a margin on the river in order to protect the riparian environment. In relation to freshwater and saltwater that riparian margin is absolutely vital in a way most lay people would not understand to the productivity of the fishery. It is something that really cannot be under-estimated.

Mr DAVID SHOEBRIDGE: Not having grazing right down to the edge of a creek can be the difference between maintaining a viable fish population and not?

Mr BARTON: Absolutely.

The Hon. Trevor KHAN: How long have Fisheries access officers been in place?

Mr POOLE: The freshwater guy since early 2000 and the saltwater person, changing position in essence, most probably from about mid 2000.

The Hon. Trevor KHAN: When has more material in terms of notification been on the web?

Mr BARTON: In approximately the past three years.

The Hon. Trevor KHAN: Has that been a significant improvement?

Mr POOLE: A significant improvement, correct, yes, it has.

Mr BARTON: There is a problem with the Fisheries access information in as much as in all that time it has been operating there has been very little publication of knowledge that they presently have about access. To the extent that it is not being published. The money invested in employing the people to find out about the access is being wasted to some extent.

The Hon. Trevor KHAN: This the problem with information, is it not? The more information you put up on the web actually in a sense the harder it gets to work out what is relevant.

Mr DAVID SHOEBRIDGE: You will be swamped by it.

Mr BARTON: What anglers are actually doing is, as I said, you have the chap who got the long paddock information and sifted out the water access aspects of it and put that up on the web. Quite a number of individual anglers have actually been going around identifying access points and putting them on a website maintained by the peak canoeing body, Paddle NSW, which has a facility for doing that. So the action of the rank and file anglers is now overtaking what the salaried people have been able to do.

The Hon. Trevor KHAN: Is that good?

Mr BARTON: Yes and no. You have to say that there is still a lot of information held within the bureaucracy that has not been eked out and cannot be placed there. It might have been held for 10 years.

Mr POOLE: We certainly see other issues that are developing at present with Aboriginal land claims, for example. We need to have some transparency over those issues because that will have an impact on fishing access in the future.

The Hon. Trevor KHAN: Would you like to tease that out a little more?

Mr POOLE: Approximately 29,000 Aboriginal land claims were mentioned on the first day of the hearing. It is more so a legal process and it is about how the Aboriginal Land Rights Act actually delivers whereas currently Crown roads is a very public process. So one process is off to the side in a legal environment indicating, "Have you utilised this parcel of land?" and over here it is about testing the balance of public access to a point about a waterway.

The Hon. Trevor KHAN: Do you think the granting of an Aboriginal land claims threatens the interests of recreational fishers?

Mr POOLE: In all essence our belief is that it moves a parcel of public land across to freehold land which then changes the rights of access to that. In essence you do not have public access under an Aboriginal land claim because it is transferred across in right.

The Hon. Trevor KHAN: Is that another way of saying the granting of an Aboriginal land claim frustrates the interests of recreational fishers?

Mr POOLE: Yes, it certainly will.

Mr DAVID SHOEBRIDGE: Or could?

Mr BARTON: It has the potential.

Mr POOLE: It has the potential to certainly have some concerns over what actually occurs after it becomes a transferred title.

The Hon. Trevor KHAN: Should recreational fishers have priority over the interests of the Aboriginal community in progressing their claims?

Mr BARTON: It is not just recreational anglers. One of our beefs is that a lot of people want to go down to the river for all sorts of reasons. It is certainly not uncommon in our experience to be down at the river and somebody comes down who is not interested in fishing but just seeks the solitude and so on of being beside the river.

Mr DAVID SHOEBRIDGE: Ownership is one thing—land can be transferred to Aboriginal ownership—and there can be an agreement to maintain public access and that is what you are asking for, is it not?

Mr POOLE: Yes.

Mr DAVID SHOEBRIDGE: In fact, the tenor of your submission is that where Crown land is giving public access to waterways, or protecting the riparian zone around waterways, that that public access and the protection should be prioritised and there should be a presumption that we retain public access and public ownership or protection?

Mr BARTON: Correct, yes.

The Hon. CATHERINE CUSACK: I refer to riparian zones, and the two issues are access, a lot of which are in the hands of Crown Lands, and the health of the river is another issue. In the United Kingdom a lot of the land at the mouth of the Thames River has been purchased by charities for bird watching for the purpose of protecting the health of the river and maintaining the habitats. That is not the case in New South Wales. If that were to occur you would be relying on Crown land, would you not, to service that purpose?

Mr POOLE: I think there are most probably two or three things to think about in terms of Crown land and waters adjacent to it. We have an issue with climate change, inundation of tidal conditions, we have a changing habitat environment along our foreshores so we are going to potentially lose our seagrasses as the water depth gets deeper, mangroves, saltmarshes. Then you have development in that saltmarsh riparian vegetation band. You are seeing this water creep up. So what hope will we have in the future to retain and maintain reasonable fish assemblages in our waterways, and that is on the coast—

The Hon. CATHERINE CUSACK: I live in the Richmond Valley where there is incredible conflict about the fish kills that go on because of the run-off from the land into the river every time it floods.

Mr POOLE: Seventy per cent of the fish habitat in the Richmond River has been lost due to overzealous land use practices.

The Hon. CATHERINE CUSACK: What role should Crown Lands be playing in that regard?

Mr BARTON: Where there is any Crown land adjacent to a river, including the Crown road, it needs to be specifically acknowledged that it is important to keep that margin intact. That is important in terms of protecting water resources too because the water resources are the basis of the fishery but also the water is needed for the next town downstream, et cetera, et cetera so it is quite a serious issue. If I could just go back to what you said earlier about what is happening in the Thames. There is a recognised common interest between freshwater anglers and people who are interested in birds. I can give you an example of Bathurst City Council doing tree planting to protect the region honeyeater, which was absolutely cheered by our people because it was providing habitat along that riparian margin.

The CHAIR: Any further questions?

The Hon. MICK VEITCH: I have one, which you may want to take on notice. If you can give an answer now that would be good. Has there been a change in the process for determining the Crown road disposal in the Government's expedited arrangement? Crown land officers in the past used to go out and inspect the Crown laneway. Does that happen now or is it just a desktop—

Mr BARTON: They do not do that.

Mr POOLE: There is no recce, in simple terms, to see what goes on. Again, the recreational fishing access officer would love to do reccies too to assess those, so they actually do a desktop investigation, using different layers to work things out. It is one of those things that we would like to see. We utilise some very simple parameters about easy access between road crossings, for example, and then look at how much distance is the next point of access, so we do have some logical parameters around it. We like to deal with things in respect of a catchment, rather than having everything occurring all the way around the State and you are not looking at the cumulative impact of loss or agreement to such things around Crown roads. The same thing applies for the coastline.

Mr BARTON: Further to that question, Crown lands put on quite a large number of staff as well, and that is what has rolled over to people trying to deal with it, as we are, or as the fisheries access officers are. There has been a huge increase in resources in Crown lands made available, but that does not extend to field inspections and the like.

The CHAIR: I am mindful that it is the end of your session, but three members wish to ask some questions, so I will allow that given it is in our lunchtime.

The Hon. PETER PRIMROSE: Given the time, I will ask this on notice. Previous witnesses have spoken about the role of local government and the possible expansion of local government and their concerns.

I do not think you have actually mentioned that. I was wondering whether you can tell us about the positives and negatives, particularly about an expanded role of local government, from your point of view.

Mr POOLE: There are many things we have not mentioned because Crown lands, as we said at the start, is really important to recreational fishing because we need foreshore access to water bodies. Yes, we will take that on notice and certainly provide some comments about our local government and their dealings. Sydney Harbour is a classic example of that. Some issues regarding loss of fishing access have devolved over the years.

Mr DAVID SHOEBRIDGE: Going back to the Aboriginal land claims, it struck me that your concerns about Aboriginal land claims and access were more academic and there are concerns about the future rather than having dealt with any specific cases in the past, is that right?

Mr POOLE: That is correct. Presently our access officers are currently working on a number of smaller land claims, certainly after hearing the evidence provided by the Minister there are some concerns around the Aboriginal land agreements and how to deal with things in an "en blanc" type process with a number of approvals being granted at the same time.

Mr DAVID SHOEBRIDGE: You support the general concept of returning the land back to Aboriginal people?

Mr POOLE: Oh, yes.

Mr BARTON: We are not unsympathetic to that. There was one claim that comes to mind in the Snowy Mountains that held up the whole process for nearly a decade.

Mr DAVID SHOEBRIDGE: But ultimately had a good outcome and you have access?

Mr BARTON: Yes, I think the claim failed.

The Hon. TREVOR KHAN: What is an en blanc process?

Mr POOLE: Grabbing half a dozen claims, or a dozen claims, or two dozen claims within an Aboriginal land council area, trying to put things in a block, processing a whole block of things rather than trying to deal with things. That is how our Crown roads have been dealt with. They have utilised Crown roads in this area here, we will deal with that, so we might have half a dozen Crown roads come up in one application.

The Hon. CATHERINE CUSACK: Do you have any comments on the performance of Crown land trustees so far as licensed fishing operators taking fishing tours and/or fishing schools teaching people?

Mr BARTON: We have had no problems with that.

Mr POOLE: There has been no evidence presented to us in terms of the Recreational Fishing Alliance. Again, we are aware of certain tourism operators having problems with utilising submerged land up around the Tweed River area. Certainly running mud crab tours and yabby tours and things like that. There are some scientific issues being developed and researched at present around those things.

The Hon. CATHERINE CUSACK: Is that to do with Crown land or the waterways?

Mr POOLE: It is to do with the waterways. Again, when we talk about the bed of the river system, it becomes that submerged land issue.

The CHAIR: Finally, I remember as mayor of the Shoalhaven there was a clean, green, pristine Shoalhaven—

The Hon. TREVOR KHAN: Dropped that in again.

The Hon. CATHERINE CUSACK: That never comes up.

Mr DAVID SHOEBRIDGE: It is 12:34; it is very late.

The CHAIR: —where fishing is fantastic. I remember there was a statistic in tourism terms that \$100 per kilogram of fish is spent. Are you aware of that statistic?

Mr POOLE: There are several statistics on how much it costs a recreational fisher to catch a kilo of fish.

The CHAIR: That is what it costs me.

Mr POOLE: It varies.

The Hon. CATHERINE CUSACK: Fishing is not a cost effective exercise.

The CHAIR: That is right.

Mr POOLE: It varies. At the end of the day it is your choice whether you keep the fish or you return it to the water, so, yes, on average, \$100—

The CHAIR: The point being it is incredibly important for tourism across the regions, not just in the Shoalhaven.

Mr POOLE: Extremely.

The Hon. TREVOR KHAN: I probably will not be here for the deliberative, but we will take that as read.

Mr BARTON: If you look at the drawcard of freshwater fishing in New Zealand, one of the attractions in New Zealand is that there is very good access in place in a way that is not here.

The Hon. CATHERINE CUSACK: Can you tell us on notice what the differences are?

Mr POOLE: Yes.

The CHAIR: Put that on notice. Obviously if we can learn from that it would be helpful. Thank you very much for your evidence. It is an important area for your constituents and the people that you represent. It is also important for New South Wales and the evidence is very important for this inquiry. You have 21 days to answer questions on notice. The secretariat will help you with that. We may have further questions given the evidence you presented this morning. Thank you very much and happy fishing over the next season.

(Witnesses retired)

(Luncheon adjournment)

LESLEY SCOTT, Co-convener, Friends of Trumper Park, formerly Friends of Quarry Street, affirmed and examined

PETER WINKLER, Member, Save Bondi Pavilion Action Group, affirmed and examined

KITTY O'BRIEN, Convener, Save Bondi Pavilion Action Group, affirmed and examined

The CHAIR: Does anyone have an opening statement they wish to read?

Ms O'BRIEN: I have come here today to alert you to the fact that one of our most precious pieces of Crown land is being threatened by irresponsible and quite possibly illegal actions of its trustee. You may have heard about recent media reports because a green ban has been imposed on the building until the community is satisfied with the trustee's proposals. But given the secretive and appalling behaviour of the trustee, this seems unlikely to happen at any time soon. I speak to you as a convener of the group to save the Bondi Pavilion to draw attention to serious breaches of various instruments, especially the Crown Lands Act, by Waverley Council.

There are fewer than 100 places in Australia with the same exceptional level of heritage significance as Bondi Pavilion. Among them are the Sydney Opera House, the Sydney Harbour Bridge and the Australian War Memorial. The significance is not just in the building; it is what has gone on there over time. During the seventies and eighties the Bondi Pavilion Community and Cultural Centre helped fuel Australia's extraordinary creative explosion. Flickerfest was born here along with many other world-famous festivals. Many known artists have benefited from the pavilion's tremendous music programs and music studios as well as its unique performance spaces.

Today's pavilion hosts a wide range of cultural and community events: dance, karate, GympaROO, pottery, soccer, meditation and yoga classes, drawing class, Alcoholics Anonymous, men's groups and community churches, and the list goes on; all, as the Crown Lands Act requires, for the benefit of the people of New South Wales. But all of this is threatened by an unwanted, unwarranted and wickedly expensive proposal for commercialising much of the pavilion's prime space. This comes as a direct result of the cavalier manner in which Waverley Council has acted as the pavilion's trustee. If the council's plans go through in their current form, it is important to understand that classes will be lost, not only to the pavilion but to our whole community. We do not have the facilities to move those activities elsewhere.

A recent Government Information (Public Access) [GIPA] Act request produced council's Bondi Pavilion commercial review, also known as the Urbis report, which I table here today, as a cautionary document to show the inquiry how far a careless trustee can stray from its obligations. Instead of benefiting the people, Waverley Council has placed financial sustainability at the top of its management objectives so that the million-dollar ocean views from the first floor are on sale to the highest bidder. Key commercial players like Justin Hemmes have been identified as stakeholders.

The Hon. CATHERINE CUSACK: Point of order: Chair, I ask you to remind the witness about the effect of naming.

The CHAIR: I remind witnesses that while there is parliamentary privilege here, we would rather witnesses focus on the terms of reference than risk the opportunity of defaming anyone. I mention that just for you to note it. Outside the hearing, if you make adverse mention, you could be taken up in a defamation action. We would rather you err on the side of caution and not name individuals.

Ms O'BRIEN: Thank you. Mr Hemmes name is in the report.

The CHAIR: That is up to you. I just give you the instruction and make you aware of it.

Ms O'BRIEN: Thank you. Key people like this have been identified as stakeholders in the project while the community, the people of New South Wales, have been ignored. The secrecy and barefaced lies from Waverley Council about the project have been breathtaking. It was approved behind-the-scenes by officers and the mayor and, although required by an earlier council motion, councillors have never formally considered the proposal. Mayor Betts happily attends workshops on the pavilion with property developers, yet ignores—

The Hon. CATHERINE CUSACK: Point of order: I foreshadow that I will be asking for this statement to be suppressed, if the witness continues in the manner she is, which is in contradiction to your clear instruction.

Mr DAVID SHOEBRIDGE: It was not an instruction. It was a notation.

The CHAIR: It was not an instruction.

The Hon. CATHERINE CUSACK: Advice.

The CHAIR: It was a mere guideline that Ms O'Brien was invited to take note of. I am sure she has been measured in what she is presenting right now. I have not heard that she has crossed the line. If she does, I will certainly address that. But at this point in time, I do not think the statement does. Ms O'Brien, continue.

Ms O'BRIEN: Thank you. The mayor attends workshops on the pavilion with property developers, yet ignores a wall of community opinion that is opposed to the proposal. The Minister for Local Government has been informed about these various failures and, on his encouragement, an official complaint is being lodged with the Office of Local Government this week. The proposal would eat up half of the annual rate income of the Randwick City Council, with which Waverley is slotted to merge later in the year; yet Waverley's failed to produce even a budget, let alone a business plan. Mayor Betts is reported as telling a ratepayer not to worry because developers will pay for most of the \$38 million cost.

The inquiry will know of King Edward Park where similar expensive privatisation proposals were actively supported by the local council has trustee, yet found to be illegal. No wonder both Randwick and Woollahra councils have lodged their own objections to this proposal with Randwick formally asking Waverley to stop all work on the project. No wonder, too, that the community is suspicious and that the people of New South Wales are angry and disappointed. In conclusion, we urge the inquiry to examine Waverley Council's \$38 million proposal for Bondi Pavilion, which is inconsistent with the purpose of Crown land, as an example of the commercialisation and diminishment of community use of Crown land and the adequacy of community input. We understand that this is within your terms of reference. Thank you for your time.

The CHAIR: Is there any other person with an opening statement?

Ms SCOTT: First of all, I would like to thank you for this opportunity to address the Committee. This is the culmination of four years of community work on trying to save this piece of Crown land from private development. It seems to us that sublease arrangements are part of the problem with Crown land. In our situation there has been a sublease. There was a lease to a company and then a sublease from that company to another company, which happened to be the Paddington Bowling Club. Each time you distance yourself from the NSW Crown Lands there seems to be less governance. It all gets quite confused.

The sublease is currently not consistent with the permitted use of community and sporting club facilities, tourist facilities, and services and access. It is actually leased to a company for real estate dealings. So where is the line drawn under that? The company then subleases to Paddington Bowling Club. Yet when Paddington Bowling Club have caused the loss of the liquor licence and been prosecuted by the Liquor and Gaming NSW, the lessee has no come-back? Crown Lands has no come-back to the lessee? They say that it was not them; it was Paddington Bowling Club. Paddington Bowling Club has now gone into liquidation. So the leaseholder, who leases from Crown Lands has not been held responsible for the actions of the sub-lessee.

It also allows the leaseholder to extract rent from the Crown land for profit. The leaseholder pays \$52,000 per annum—that has gone up slightly in the last year—to Crown Land. He has leased that plot of land to Paddington Bowling Club for \$14,000 in the first year, rising to \$500,000 last year. That is on the ASIC accounts. One might wonder why the leaseholder is being allowed to make that much profit out of a Crown land plot just by subleasing—just by holding the lease. That leaseholder also mortgaged the lease the day the lease was transferred, for \$1 million. If a mortgage is allowed to occur on a Crown Land lease—I can imagine that there are lots of situations where they do—when the leaseholder goes bankrupt how does the bank recoup its losses? What are they using as collateral for the mortgage?

I am a little bit disappointed—as are my group—by the lack of enforcement of the lease. Under schedule 2 (85) (a), (b) and (c), "any breach shall render the lease liable to forfeiture of the liquor licence". Now the liquor licence has been withdrawn by the Liquor and Gaming NSW, in my eyes, the lease is devalued. The Crown can no longer lease that land as a registered club because it is not a licensed property. The liquor licence is carried by the land, not the people, so they cannot, necessarily, get the liquor licence back. So they have devalued our Crown property.

One other thing that I failed to mention in the submission was that there was a 2009 draft of a plan of management. It is a beautiful 117-page document. I would like to read some of it out. The first point under "key issues" in the draft plan of management says, "Paddington Bowling Club site, under perpetual lease from the Crown Department of Lands considered selling land as well as adjacent area of reserve to club, parking demand, anti-social behaviour. The club seeks to purchase or lease part of Trumper Park." That is a quote from the plan of management. Under "strategies and actions—short term", No. 2 on the list is: "Ensure Crown land managed by council is not purchased or leased to Paddington Bowling Club." Under "strategies and actions—medium term" the No. 1 point is, "Incorporate all parcels of Crown land in Trumper Park and under management of the Trumper Park Reserve Trust." Currently, that 2009 draft is still a draft, and Trumper Park is being managed

under a 1997 plan of management. I would like to know whose drawer that draft is sitting in and why it has not been acted on. I thank you.

Mr DAVID SHOEBRIDGE: Ms Scott, my first question is directed to you. What is currently happening on that prized piece of public land in Paddington?

Ms SCOTT: I believe there are knee-high weeds growing and the property is unkempt. It is not being up-kept. In fact it has not had any money spent on it since they took the lease over.

Mr DAVID SHOEBRIDGE: For those who are not familiar with the site do you want to describe what it is?

Ms SCOTT: It is a bowling club with a large brick club building, where blokes used to go and drink. It used to be an old-men's bowling club.

The Hon. TREVOR KHAN: Hopefully, they played bowls occasionally!

Ms SCOTT: No.

Mr DAVID SHOEBRIDGE: That was an ancillary act.

The Hon. SCOTT FARLOW: It was a bit like *Crackerjack*.

Ms SCOTT: It was a lot like *Crackerjack*, actually. Once the leaseholders took over they gave up their membership of Bowling New South Wales. They no longer played fixtures. They took off the walls the memorabilia from war veterans. It all went in a big skip outside and people who had been members of the club actually reported seeing that and dissolving in tears. The history of the club was lost.

Mr DAVID SHOEBRIDGE: I think they did some bare-foot bowling at some point, involving large amounts of alcohol and the retirement home behind was unhappy.

Ms SCOTT: Very. There are 200 residents in a retirement village above the bowling club. Since slightly before the current leaseholders took over there were noise complaints, but the noise complaints escalated considerably once the leaseholders took over. That is why the Office of Liquor, Gaming and Racing [OLGR] took them to Independent Liquor and Gaming Authority [ILGA].

Mr DAVID SHOEBRIDGE: How long did all of that take?

Ms SCOTT: There the first OLGR inquiry in 2009, and the next one concluded last year in the OLGA. That second inquiry would have taken at least a year.

Mr DAVID SHOEBRIDGE: How has Crown Lands responded to your concerns and residents' concerns about what is going on on the site?

Ms SCOTT: Crown Land did not become involved whatsoever when there were noise complaints. They should have —after all, they are the landlord—they are the agent for the lease. They were not involved whatsoever. It was left to OLGR and Rose Bay Police to administer the noise complaints.

Mr DAVID SHOEBRIDGE: I assume you have contacted Crown Lands and the Minister and made complaints.

Ms SCOTT: Yes, we have.

Mr DAVID SHOEBRIDGE: Were you getting nothing, or just form letters?

Ms SCOTT: Initially we got form letters and we were told that the current leaseholder is a private equity financier who sublets to Paddington Bowling Club, and that it is being used for the purpose that it was dedicated for—currently the permitted use. Crown Lands does not seem to want to enforce the clauses of the lease.

The Hon. CATHERINE CUSACK: Can I ask about the chronology. I used to live in Paddington a long time ago, and I recall this being an issue in the nineties.

Ms SCOTT: Yes, it was.

The Hon. CATHERINE CUSACK: I am staggered.

Ms SCOTT: I have to apologise. I now live in Geelong.

The Hon. TREVOR KHAN: You have come a long way for this!

Ms SCOTT: I got on a plane at six o'clock this morning. All our documents for this are in boxes. The chronology was that in 2009 they started being taken over.

The Hon. TREVOR KHAN: They?

Ms SCOTT: Sorry, the original Paddington Bowling Club. The old-man, traditional bowling club fell on hard times.

The Hon. CATHERINE CUSACK: They sought a partner to try and revive the club, as I understand it.

Ms SCOTT: I will mention the name—it has been mentioned under Parliamentary privilege quite often—of Andrew Wily. Senator John Williams has been pursuing Wily for white collar crime. Wily has recently fallen on his sword. He was the administrator and he brought in the 'private equity financier'. The deal was that if they could secure the perpetual lease as a freehold sale then the company would buy them out of any debts they had. They did not seem to have very many debts when you looked at their accounts but they were a bunch of old guys and I think they were a bit frightened.

The Hon. CATHERINE CUSACK: They needed the approval of the Minister to do that?

Ms SCOTT: They did.

The Hon. CATHERINE CUSACK: What year did they get the approval of the Minister?

Ms SCOTT: That would have been Tony Kelly in 2009.

Mr DAVID SHOEBRIDGE: You have had a look at the papers. What sort of scrutiny was done of either the private equity company or Mr Wily before they got access to a prized piece of Crown land like this?

Ms SCOTT: Absolutely no scrutiny. When we spoke with Crown Lands officers they said that if your boss tells you to do something you do not question him, you just do it. I have actually tabled that conversation. That was a conversation we had with my co-convenor Melinda Hayton. If they had scratched the surface just slightly they would have found that the same people had demolished a 104-year-old Randwick house that was subject to a heritage order. They went in in the middle of the night and demolished it a week before the property was to be heritage listed.

The Hon. CATHERINE CUSACK: Was the Independent Commission Against Corruption [ICAC] ever asked to look at the process?

Ms SCOTT: ICAC has been asked to look at it a number of times. It was recommended to ICAC by the Secretary of Trade and Investment when he did the final inquiry last year, when that came out. ICAC found no need to investigate.

The CHAIR: It is obvious that one of the hindrances is that whoever is the authority over these parcels tend to go out and get expressions of interest of some sort of commercial use and suddenly it is commercial-in-confidence and the public cannot hear about the dealings.

Ms SCOTT: Except in this case there were no expressions of interest. It was a private deal.

The CHAIR: I am probably being a bit more gracious in using those terms because it is most likely that has not been undertaken, but it should be. In your mind what would be a clear pathway for good governance when bringing Crown land or public land or local government land into commercialisation if that was the case?

Ms SCOTT: First of all, I would not like to see it commercialised because that will be the end of the public having access to it.

The CHAIR: I am not talking about your particular park. I am merely talking about a pathway.

Ms SCOTT: I mean over Crown land in general. There does not at present exist a tribunal. I think something like whatever the Independent Liquor and Gaming Authority [ILGA] is to the Office of Liquor, Gaming and Racing [OLGR] would be useful.

The Hon. CATHERINE CUSACK: So you cannot just change the purpose of Crown land at the pen stroke of a Minister?

Ms SCOTT: That is right, on a whim.

The Hon. CATHERINE CUSACK: Because that is where it has gone wrong really, is it not?

Ms SCOTT: It is. I am trying not to be party political but any time any party is falling on rough times and the budget is not looking so great—and apparently this is actually what happened. The Minister said, "We

need money, Crown Lands, what can you do?" They went, "Hang on. We've got all these perpetual leases sitting around, why don't we just make them real leases and charge people real money for them?" That was probably a good idea, but not the way it was executed. Also it is a 50-year lease. That is now illegal. The Act changed.

Ms O'BRIEN: In regards to Bondi Pavilion and Waverley council, the issue of transparency has been one of the big issues we face. When the tender was awarded for the architect to do the plans for the Bondi Pavilion it is now a matter of public record that three plans were done but only the most expensive plan that delivers the most commercial space was ever tabled or open to the public for consultation. For eight months the mayor denied the existence of the other two plans. Only after eight months were they released to councillors. They still remain hidden from the community and despite another round of consultation occurring they are refusing to table these options. We understand on very good grounds that the alternate options are consistent with the purpose of Crown land. They enhance the building. They deliver the repair and restoration that the building desperately needs. This building has been left to run down over years and years and years. It does need to be repaired and restored but it needs to remain a community centre. Those issues around transparency are of great concern to the locals.

The Hon. CATHERINE CUSACK: When you say options, do you mean tenders?

Ms O'BRIEN: The tender was awarded to Tonkin Zulaikha Greer [TZG] Architects.

The Hon. CATHERINE CUSACK: But there were three tenders?

Ms O'BRIEN: No, there were three designs done.

The Hon. CATHERINE CUSACK: By the architect?

Ms O'BRIEN: Yes, by the architect.

The Hon. SCOTT FARLOW: When you are talking about the options, I think in your submission you talked about the \$9 million proposal originally and then the \$38 million project.

Ms O'BRIEN: Originally under the plan of management in 2014 it was stated by Sally Betts the mayor that it was budgeted for at \$10 million. She was out in the media saying, "We have put \$10 million aside. We are going to repair and restore the building." In 2015 after the architects are awarded the tender they come back to council with three plans. One is about \$10 million to \$14 million, one is in the early \$20 millions and one is at \$38 million. The first plan, \$10 million to \$14 million, delivers a repair and a restore of the building. The middle plan slightly changes the layout of the top floor. The \$38 million plan totally commercialises the top floor and largely locks community space out of the building.

You need to understand this is our community centre. It is not just a pavilion. It is not just a bathers' pavilion. It is not just somewhere where people go to the toilet and get changed for swimming. This is where our kids learn to do things. This is where they get to engage in creative pursuits. I have four children. Three of them are at the pavilion nearly every afternoon doing afternoon activities. If this \$38 million upgrade goes ahead it is not a matter of me driving them a bit further; we do not have the facilities in the Waverley area to move them anywhere else. These classes will actually close and cease to exist.

Mr DAVID SHOEBRIDGE: How do you know about those options?

Ms O'BRIEN: Councillors now know about these options and they have been explained.

Mr DAVID SHOEBRIDGE: To councillors?

Ms O'BRIEN: It took eight months for the mayor to even share them with fellow councillors. She made a decision on which plan to go with without sharing the other options or bringing it to a council meeting. Eight months. Then other councillors become aware.

Mr DAVID SHOEBRIDGE: In confidential session or something?

Ms O'BRIEN: Yes, in June of this year. They have been spoken about in a public council meeting now.

Mr DAVID SHOEBRIDGE: As a member of the community have you ever been given access to the actual detailed plans?

Ms O'BRIEN: We have not been given access to that. We have asked for them and that has been denied.

The CHAIR: Is that to date?

Ms O'BRIEN: To date.

The Hon. PETER PRIMROSE: I know that we are going to run out of time and there is a whole lot of things I would really like to ask. I know we all would. You list four dot points in relation to proposed measures to protect Crown land. The second last dot point is the one we have been talking about, that there needs to be substantially more transparency of any financial and/or commercial benefits in the consultation processes, et cetera. Can you tell us at what point you think that needs to take place and particularly how you see that taking place? Have you any suggestions?

Ms O'BRIEN: I think they should be transparent right from the start. From the moment they put Bondi Pavilion up for community consultation the business plan should be on the table. If there are alternate plans they should be on the table and the community should have access to these and they should be able to discuss them openly.

Mr DAVID SHOEBRIDGE: This is a really comprehensive document. No doubt the mayor gave you this. How did it find its way into the public?

Ms O'BRIEN: This came from a Government Information (Public Access) Act [GIPA] request.

Mr DAVID SHOEBRIDGE: You had to do a freedom of information [FOI] application to get it?

Mr WINKLER: We have only just received that quite recently.

Mr DAVID SHOEBRIDGE: It has the usual blacked out sections.

Ms O'BRIEN: I think that took about four or five months to come through.

The Hon. PETER PRIMROSE: Who should ensure that there is adequate consultation? Whose responsibility should it be to make sure that that occurs on Crown land?

Ms O'BRIEN: On Crown land, I would expect the Minister should be responsible and should be overseeing to ensure that the trustees of these areas are doing what they are meant to on behalf of the community.

The Hon. PETER PRIMROSE: You would like to see that written into legislation?

Ms O'BRIEN: Yes, I certainly would.

The CHAIR: Is there a plan of management [POM] for the pavilion?

Ms O'BRIEN: Yes, there is a plan of management and the plan of management delivers a \$10 million upgrade, a restoration and a repair of the building and keeps the same footprint there. It allows the community to continue to access the building but provides the upgrade that it needs. It does not change the purpose of it to a heavily commercial premises.

The CHAIR: That was the initial POM that the council went in with the community on?

Ms O'BRIEN: Yes, after heavy consultation.

The CHAIR: Since then the mayor has obtained three designs and said they are actually going to upgrade the plan of management with option C. Is that right?

Ms O'BRIEN: That is right.

The CHAIR: The contract with the community has now been broken. They really should have come back with those three options and just said, "We've revisited it. We think we can get a different outcome. These are it. Would you like to have some input?"

Ms O'BRIEN: Yes.

The Hon. Trevor KHAN: The only reason I visit Bondi is when my son is down we go and have breakfast, but I do go down to Wollongong frequently because my mother is still there, so North Wollongong beach is well-known to me. Have you seen the redevelopment of the old bathers pavilion, I will call it, at Wollongong?

Ms O'BRIEN: I am not familiar with that.

The Hon. Trevor KHAN: That was old dressing sheds in the very typical style of the 1930s that had largely fallen into disrepair that are being, I think you could say safely, redeveloped as a café and restaurant. Do you think that is an inappropriate redevelopment of what is a pretty downcast old building?

Mr DAVID SHOEBRIDGE: Ms O'Brien said she has never been there.

The Hon. Trevor KHAN: David, please do not defend her at this stage. I am not hooking into her; I am just trying to work out whether a commercial redevelopment is that bad.

Mr WINKLER: If it is all right, I will answer that. There are cafes and restaurants all across the front of the pavilion, on the beachfront, throughout the entire thing. We are absolutely not opposed to that kind of thing, it is just that it is a dual-purpose building; it provides that service to the general public or tourists who are going to the beach but it also is the town hall of Bondi. What we are talking about is the rest of the spaces that are now being earmarked for further commercial development.

The Hon. Trevor KHAN: So it is the scale of development you are concerned about?

Mr WINKLER: It is a matter of balance.

Ms O'BRIEN: I think in regard to the disrepair of the building, we may suggest that that has been purposely done over a long time.

The Hon. Trevor KHAN: You might—

Ms O'BRIEN: I will then. I will suggest that.

The Hon. CATHERINE CUSACK: Why would somebody do that?

Ms O'BRIEN: To encourage locals to support an upgrade when people are not paying attention to the fact that there are two alternative upgrades which would suit the community better and suit the purpose of Crown Lands. I think I would also suggest that part of their role of managing Crown lands and looking after it is to look after it, not allow it to fall into a state of disrepair. It is, under the Crown Lands Act, there for the people of New South Wales. Therefore, it is Waverley council's responsibility to ensure the adequate upkeep of the building.

The Hon. CATHERINE CUSACK: I understand, but Waverley council needs to fund that. Have you considered that the cost of such a building may have been a factor in it becoming run-down?

Ms O'BRIEN: We have asked repeatedly for the cost of the maintenance on the building, the income of the building and, guess what? They refused to provide that.

Mr WINKLER: Not only did they refuse to provide it, it appears that they cannot provide it because the budgets for the Bondi Pavilion are all bound up in budgets across the wider municipality.

Ms O'BRIEN: So they are not even aware themselves.

The Hon. CATHERINE CUSACK: They are not hiding it, they do not know, that is what you are saying.

Mr WINKLER: We do not know if they are hiding it, but they certainly have not provided it and it appears from some of the answers we have received lately that they are not in a position to even give it.

The Hon. CATHERINE CUSACK: This document that you have given us says that all three options allow for the continued mix of uses. Is it the case that you are concerned that the current use is being constrained rather than wiped out altogether? Because this is sort of suggesting that they will be continuing.

Ms O'BRIEN: The \$38 million plan does allow for a small community room but a very small community room. It will demolish the music studios and the music areas, it will demolish the art studios, it will demolish the current theatre. We have a community room upstairs, which will be reduced to a quarter of the size.

The CHAIR: I am sorry, the session has gone really quickly, given the interest in the matter. Basically, you are saying that we would lose the majority of the community use for commercial use and that is unfair given the fact that it was established for community use.

Ms O'BRIEN: That is a fair summary.

The CHAIR: There are probably questions on notice for you in light of the evidence you have given. You have 21 days to reply to questions on notice. There may be some further questions. I thank you for your time and your great love for the community and their interests in this matter.

Mr DAVID SHOEBRIDGE: And for coming up from Geelong too, Ms Scott.

(The witnesses withdrew)

OISIN SWEENEY, Chair, Jervis Bay Regional Alliance, affirmed and examined

SUZETTE MEADE, President, North Parramatta Residents Action Group, affirmed and examined

JON HILLMAN, Vice President, North Parramatta Residents Action Group, sworn and examined

The CHAIR: Thank you for presenting today at the Crown land inquiry. Does anyone have an opening statement that they would like to present?

Mr HILLMAN: I would like to make some comments but can I defer to our president first?

Ms MEADE: I have a copy of my statement to table.

Document tabled.

Ms MEADE: The North Parramatta Residents Action Group was formed in late 2014 after UrbanGrowth NSW, the Government's development arm, issued plans without meaningful community consultation, to rezone and sell for private residential development around 39 hectares of public and Crown land in Parramatta. Our aim is to promote the preservation and activation of Parramatta's publicly owned parklands and public landscapes in order to enhance the historical, cultural, economic and social capital of our city. The New South Wales Government has, in July this year, declared part of the Crown Lands Lot 80-3000 a State significant development to allow an unobstructed commercial development of Parramatta parklands to occur. This will exempt the Western Sydney Stadium project by Venues NSW and Infrastructure NSW from instruments fundamental to our planning system, such as the NSW Heritage Act 1977.

Did Venues NSW declare the land? Are they declaring it will be, under a border realignment, Crown land? No. Did Venues NSW carry out consultation with the community during the preparation of the EIS as per the Department of Planning's Standard Secretary's Environmental Assessment Requirements [SEARs] report? No. They chose to skew the outcomes report of consultation and only target three rugby league teams and a soccer team. Since the enactment in 1857 that no less than 200 acres of Parramatta parklands be reserved from sale as a park for promoting health and recreation of Parramatta residents, these lands have been divested for car parks, railway lines, swimming pools, sports stadiums, high schools, an RSL and sole use by Parramatta Leagues Club for a multistorey car park. Some of these amenities are for the benefit of sectional interests and not the general public of New South Wales. In fact, it could be argued the land uses mentioned are a source of private profit and therefore contravene the Crown Lands Act.

Financial benefits gained by Parramatta Leagues Club through its use of Crown land have not been articulated and warrant disclosure. The proposed divestment of part of Crown land lot 80-3000 currently used by Parramatta War Memorial Pool for the proposed Western Sydney Stadium expansion, which includes an additional 20,000 square metres of future ancillary use development, is not for the benefit of the people of New South Wales. The law is clear. Elite sport is not public recreation. No one group, sporting or otherwise, can monopolise the use of or control access to a reserve set aside for public recreation.

I turn to Lot 2 DP 862127, known as the Kambala Reserve Trust. This, which is under the UrbanGrowth NSW north Parramatta proposal, is actually Crown land nestled in the Female Factory precinct, which is under National Heritage listing assessment. The executive summary exhibited by the Department of Planning and Environment for UrbanGrowth NSW in 2014 purported to identify the landowners, yet this was not identified as Crown land in the table of legal description and land ownership.

More disturbing is that under the UrbanGrowth NSW revised rezoning proposal that was approved by Minister for Planning Rob Stokes in December last year, 50 per cent of this lot has now been annexed, with six- and 12-storey high-rise residential buildings proposed in close proximity to historic buildings. We do not believe the public was made aware that this lot is Crown land. Nor is there anything in UrbanGrowth's proposals to suggest that the Minister responsible for Crown lands was involved in the process of reviewing and accepting the proposal that will lead to the sale of this land. We do not believe the Government's proposed sale of this land for private profit is for the benefit of the people of New South Wales, nor consistent with its dedicated purpose.

The current Crown Lands Act has an intention to simplify and streamline Crown land administration and management, satisfying community expectations for improved consultation, more appropriate principles for Crown land management and a more streamlined tenure system. In practice this is not occurring. What is the role of the Minister responsible for Crown lands and is he involved in these decision-making processes? Are the trustees of the stadium trust, Venues NSW and the Parramatta Park Trust, independent and focused on advocating for the interest of all people of New South Wales?

The North Parramatta Residents Action Group believe in the establishment of an independent Crown land commission to ensure that those entrusted with the management and protection of Crown land and the employment of trustees do not have any conflicts of interest in relation to the land's dedicated purpose and are independent of all political agendas. Appointed trustees of Crown land must be independent and not associated with organisations or corporations that have or could be perceived as having a vested or conflicting interest. We want to see that trustees managing particular Crown lands are appointed in a transparent and equitable manner. They should be representative of local and wider community industry interests and reflect the principles of Crown land management: environmental protection and conservation of natural resources for the enjoyment of the public in perpetuity.

The CHAIR: Thank you very much. Dr Sweeney, do you have an opening statement?

Dr SWEENEY: Certainly. I express my organisation's appreciation at being invited to give evidence and to the Committee for its work. In our view, Crown lands are an enormously important resource for the New South Wales public. This inquiry is therefore very important to ensure that the correct decisions are made with regard to Crown lands. I thank those who have worked to establish the inquiry for their efforts. The overarching point that the Jervis Bay Regional Alliance would like to make about Crown land is that it is public land and therefore should be managed in the public interest and according to evidence-based management principles. In that context I will make more comments.

I found it very difficult to access any high-quality information about the location, ecological condition and any sort of management of Crown lands when I was preparing our submission. A request for a shared file containing such information was rejected by the Crown lands agency on the basis that it did not have that information. I can table that email later on. A good example in our part of the world is the Jervis Bay State Park. The relevant website for State parks contains absolutely no information on the location, the size, the amenities, the facilities, the ecology, any walks or anything like that for the Jervis Bay State Park. Not many people actually know where it is. Everybody assumes it is all Jervis Bay National Park.

Mr DAVID SHOEBRIDGE: Where is it?

Dr SWEENEY: That is a very good question. I am still not entirely sure. The best guess is that it is on the northern headland, somewhere around Abrahams Bosom. Longstanding members of the alliance inform me that this is quite a common and recurring problem with trying to access information about Crown land. The scale and distribution of Crown land means that it is a really important public asset and one that should be managed for future generations as well as current generations. Therefore, the principles of ecologically sustainable development should apply to both the management of Crown land and any proposed sale of Crown land. We are concerned that there is inadequate ecological assessment of Crown land prior to any considerations of sale. We stress that it is cheaper and more efficient to protect the environment in the first place than to have to turn around and restore it later. We urge the New South Wales Government to make sure that high conservation value Crown land is not lost.

The area with which the Jervis Bay Regional Alliance is primarily concerned is one with quite high development pressure. I am sure you are all aware of it. Consistent with the principles of ecologically sustainable development that I just mentioned, we believe that it is vital that development does not come at the cost of the natural assets that attract people to the area. I am one of those people who was attracted by those natural assets. In other words, we want to make sure that we do not kill the golden goose, that development is appropriate but that the natural values are retained alongside that. Crown land, in the form of foreshore reserves and the larger forested parcels in the Jervis Bay region, has the potential to ensure high connectivity between parcels of Jervis Bay National Park. Therefore, it will help to ensure that development does not come at the cost of our natural assets.

I will finish by highlighting one inadequacy of the current management framework of Crown land. In order to ensure that Crown land management is consistent with the principles of ecologically sustainable development, we believe a transparent plan of management is required. I know the Committee has heard about Collingwood Beach in the Shoalhaven. I will not go into too much detail. It is a prime example of what management should not look like. It is not transparent. It is contrary to council's policy positions, it is not in the public interest and is contrary to expert opinion.

It is inconsistent with previous statements from current and past mayors on the value of that vegetation and with council's efforts to tackle vandalism in the past. I have brought some documents with me to table to illustrate those points. In the event the councils are tasked with managing more Crown land in the future, we would strongly suggest that the New South Wales Government require plans of management to be developed that are consistent with State legislation, such as the Coastal Management Act, and principles of ecologically

sustainable development and that those plans of management are evidence based and founded on the best available science. Thank you.

The CHAIR: Thank you, Dr Sweeney. I declare an interest in the fact that you brought up Collingwood Beach. I am one of the former mayors of the Shoalhaven who had to deal with that. Mr Hillman, would you like to make a succinct statement?

Mr HILLMAN: Yes. Thank you to the Committee and your Legislative Council colleagues who were good enough to establish this inquiry. We are not anti development. In fact, we are supportive of development in many other parts of Parramatta. We are very concerned about the alienation of Crown land. We are concerned about it particularly because, as more and more people live in high-rise and high-density areas throughout Sydney—and this will happen for decades to come—these scarce, depleting and precious Crown lands, open lands and heritage assets will become even more important. The Government, unfortunately, is being seen more and more, because of the actions of agencies such as UrbanGrowth, to be disregarding the principles that were enunciated in the ruling of the Land and Environment Court in relation to the *Friends of King Edward Park Inc v Newcastle City Council*. We submit that a parliamentarian's duty—and we are confident you will all agree—is to look not just at 10, 20 or 30 years ahead but half a century and one century ahead. That is why we think that Crown lands preservation is absolutely vital. It is arguable that UrbanGrowth in doing what it has been doing is becoming effectively an outstanding and unchallengeable vandaliser of the public assets of New South Wales of Crown land and other lands.

I have to say that according to all of the people we speak with, our membership and our supporters, that people do not simply see it as UrbanGrowth NSW, they see the Government's fingerprints all over it which is, I think, a point for alarm for a lot of people who might otherwise support government initiatives. In effect, we submit to you that a lot of people see it as Government-sponsored deliberate vandalism. We plead that the upper House insists that the Government reins in UrbanGrowth in its raids on Crown land and other New South Wales assets and takes very, very decisive action to ensure that our precious Crown lands are saved.

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

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

Ms MEADE: I think the asset management, as I mentioned in my opening statement, has to be run by an independent commissioner: it cannot be connected to any political party and, to be quite honest, trust. We have no trust in any of the trusts in Parramatta that are managing Crown land at the moment.

Mr HILLMAN: I think the absolute fundamental principle here, and elsewhere, is that consultation must be genuine. In this way I think there needs to be much more specific requirements for consultation and that there is a genuine, independent, arm's-length facilitator of consultation. That independent arm's-length facilitator should be mutually agreed by a broad number of stakeholders in a community. Obviously the broadness of those stakeholders will depend upon the scale of the proposed development. Quite frankly, I think the greatest flaw at the moment is that so-called consultation is merely a tokenistic and tick-the-box consultation, and it is an abject failure at the moment.

Dr SWEENEY: Could I support Mr Hillman's comment? There is a strong perception in the community that consultation at the moment is little more than lip-service, and I think that really does need to be looked at.

Mr DAVID SHOEBRIDGE: Ms Meade, recently there was discussion about a proposal to change the boundary of the trust or other property at north Parramatta. Do you know anything about that?

Ms MEADE: Are you talking about the Cumberland Hospital precinct or the Parramatta Park land? The Parramatta Park trust land is in the current Venues NSW proposal. They are seeking in the environmental impact statement [EIS] a border realignment.

Mr DAVID SHOEBRIDGE: That is the one.

Ms MEADE: They call it a border realignment, but I like to call it a land swap. They have outlined in the EIS the Parramatta War Memorial pool land. They have outlined about eight small little sections of land around the back of the existing Pirtek Stadium to swap back to Parramatta Park Trust. We are fairly certain these lands are also the contaminated lands with James Hardie's spoil that has asbestos in it from the original stadium build.

Mr DAVID SHOEBRIDGE: What notice were you given of that? What community consultation occurred?

Ms MEADE: The EIS went on display, I believe it was, 24 July—I may need to confirm that—and final submissions have to be in by 19 August. We were not involved in any consultation during that. The consultation report by Venues NSW was carried out between February and April, and it was with targeted football fans of the Eels, Tigers, Bulldogs and the Western Sydney Wanderers. There was no community consultation about the change of use of Crown land of a community facility, that is, a war memorial. They have now had pop-up community drop-ins at train stations and shopping centres for us to look at posters and say what colour seats we would like at the stadium and where we would like to buy a pie.

Mr DAVID SHOEBRIDGE: Do you have a Venues NSW consultation document?

Ms MEADE: I have the consultation report here.

Mr DAVID SHOEBRIDGE: Will you table that?

Ms MEADE: I can table it today.

The Hon. Trevor KHAN: We have talked about the War Memorial swimming pool site. I take it that is on Parramatta Park Trust from your submission?

Ms MEADE: It is on Crown land, yes, and Parramatta Park Trust manages that land. They have stated in the EIS that because the land is currently on a peppercorn lease to Parramatta Council it generates no income, so it is more than happy to get rid of the land.

Mr DAVID SHOEBRIDGE: It is not an official part of Parramatta Park Trust management?

Ms MEADE: No.

The Hon. Trevor KHAN: This is a Crowns lands inquiry and there is a technical question to determine, I suppose, perhaps not from you but the Minister in due course, as to whether that land could be strictly defined as Crown land.

Ms MEADE: If the information I have been able to gather as a member of the public, using SIX Maps which is a government portal, it is identified as Crown land. If something has changed in the legislation that the public does not know about, I would not be surprised.

The Hon. Trevor KHAN: You can look on the legislation site and you will find there is no relevant legislation.

Ms MEADE: And the other Crown land, which I will also table, last year one of our committee members got after a long haul through Orange, a copy of the Crown Land Trust in the Cumberland Hospital grounds that was not identified in the proposal of UrbanGrowth.

The Hon. Trevor KHAN: Is this with lot 2?

Ms MEADE: Lot 2, yes. That is an industrial girls' home it is reserved to be used for.

The Hon. Peter PRIMROSE: I have a lot of questions. Particularly I would like to talk about the role of local government next if we have time.

Ms MEADE: We do not have one.

The Hon. Peter PRIMROSE: I know you have an administrator. Transparency has been raised in this Committee again and again about finding out information. The question of the Hon. Trevor Khan goes to that point exactly. How difficult is it to get information about Crown land?

Ms MEADE: I think everyone in this room who has attended inquiries in the past can attest to how understaffed and hard to obtain information is from Crown land. I believe they are in Orange, and there is probably one or two people that are there. You usually have to leave a voicemail. If you are lucky you get a call back, but usually you have to chase them. It is definitely not a system that is user-friendly.

Dr SWEENEY: The example I mentioned about Jervis Bay State Park, when you go on the website it says this is a newly created park and new information will become available as it is ready. It was created in 2011, so there is just a real lack of information flowing to the portals.

The CHAIR: Can you please clarify, Ms Meade, where was it that you were ringing and getting a voice machine and no follow-up?

Ms MEADE: That was the Crown lands in Orange.

Mr DAVID SHOEBRIDGE: Dr Sweeney, your perspective of Jervis Bay is that it is an amazing natural environment with a large amount of developmental pressures. You are proposing a recommendation that the New South Wales Government should look at places like Jervis Bay where there is development pressure and enormous environmental assets and undertake an audit of the environmental values of that threatened land. Do you want to expand on that?

Dr SWEENEY: Sure. Our submission recommended an ecological audit of all Crown land, but obviously that is a massive job.

The Hon. TREVOR KHAN: That is 42 per cent of the State.

Dr SWEENEY: I know; it is huge.

Mr DAVID SHOEBRIDGE: That is why you suggest prioritising.

Dr SWEENEY: That is why we prioritised areas with high developmental pressures, such as Jervis Bay and, indeed, a lot of the coastal strip of New South Wales north of Sydney as well. I think it is massively important, because once Crown land is gone or sold, that is it; that is public land gone. It cannot come back very easily or if the Government wants it back, it will have to pay more than what it sold it for. Assess the ecological values as well as in the context of the current national parks establishment plan. We know that New South Wales has not completed building the national parks network, for example, so a lot of that Crown land may indeed be of very high value to that network. Certainly we would urge the New South Wales Government to go down that route and look at the areas that are under severe developmental pressure.

Mr DAVID SHOEBRIDGE: There are two points to that. One is Crown lands looking at their land and the other is getting the National Parks and Wildlife Service [NPWS] to proactively look at what land they need to complete the reserve network.

Dr SWEENEY: Yes, that is right. The National Parks and Wildlife Service would be able to identify those parcels of Crown land that would assist them in creating the comprehensive adequate representative reserve network for New South Wales, which we are internationally committed to establishing under the Aichi targets, so it is a great opportunity, I guess. We have got a lot of Crown land I suppose languishing is one word as decisions are made on it and management activities may not be taking place. Again, it is very hard to find out what management is going on in Crown land, so certainly proactively involving Office of Environment and Heritage and NPWS would be good. As you say, I am not sure what the capacity of Crown lands is in respect of ecological assessments and environmental values, but certainly that is something we would urge that they look at.

The CHAIR: We will need to finish up. We have packed a lot in, but I want to ask you one question, Dr Sweeney. In recommendation 15, on page 70, you state:

The NSW government make available adequate funding for land management training for Local Aboriginal Land Councils to increase Aboriginal participation in the management of Crown Land, and for the NPWS to employ more Aboriginal personnel.

One of the remits of this inquiry is to empower Aboriginal people to get the land claims and allow them to make some economic outcome to be self-reliant. One of the feedbacks we are getting from them is that it is very frustrating that they cannot be self-reliant. My question for you is, when we hand back the land claims to the Aboriginal land councils throughout New South Wales should they be padlocked with our ecologically sustainable development proposals and principles, or do you think we should allow them to evaluate the land that they still have a great appreciation for and understanding of?

Dr SWEENEY: First of all, I would make the point that the record of land management by the Aboriginal community is a lot better than it is by the European community.

The CHAIR: Exactly my point.

Dr SWEENEY: My initial thought is that the land is in safer hands given back to the traditional owners than it is with us. In respect of your point about padlocking, I would suggest that probably the reason Aboriginal communities perhaps have not been able to avail of the land that they have received is more likely to

be the fact that we as a community are more reluctant to give them high value land. If they are restricted by zoning, say E1 zoning, E2 or E3 zonings, that is probably because that land is out in the bush somewhere. It could be part of a national park or adjacent to a national park, so it is not really useful for that Aboriginal community in respect of economic empowerment. For example, there is not much point in building a block of flats at Morton National Park because nobody lives there. Planning and zoning are still very important. My own view would probably be that if we did an assessment of Crown land handbacks and the economic value and the location of those handbacks, we would probably find that it is our reluctance to give high-valued land rather than the zoning that is actually the true problem.

The CHAIR: Thank you.

Mr DAVID SHOEBRIDGE: Give them some developer land in the first place.

Dr SWEENEY: Yes, That is right. The question for us as a community is are we prepared to give that up.

The CHAIR: That concludes this session. Once again, we could have sat around for a substantial amount of time. I note that you had some articles to table. That would be fantastic. The Committee will take care of that. In light of questions on notice, you have 21 days to answer those. Sam and the team will help you with that. There may be further questions given the evidence you have presented today. Thank you very much for your commitment today.

(The witnesses withdrew)

JOHN OWENS, Retired Lawyer, sworn and examined

CHERYL BORSAK, Team Leader, Crown Land Our Land Inc, sworn and examined

EMMA BROOKS-MAHER, Secretary, Crown Land Our Land Inc, Retired Marketing Executive, former Councillor on Ashfield Council, affirmed and examined

The CHAIR: I note Ms Brooks-Maher and Mrs Borsak are here to represent Crown Land Our Land. Is that right?

Mrs BORSAK: Yes.

The Hon. CATHERINE CUSACK: I would like to disclose that in 2010 Ms Brooks-Maher worked for me for a few months as a temporary. She sorted out my office. It was a terrible mess and she fixed it up for me. I wanted to disclose that.

The CHAIR: She is still here, so you must have done a great job. Does anyone wish to make an opening statement?

Mr OWENS: Yes, please. Thank you for the opportunity to address the Committee. First, I acknowledge the Aboriginal rights of the peoples of our lands and hope that they will soon achieve justice. It is clear from the Talus scandal, King Edward Park, submission 117; Stuart Park, submission 156; and Trumper Park, submission 260, that at least when it comes to Crown land the rule of law is optional for the well connected. In this respect, it is imperative you know that Minister Blair, Ms Stone, Mr Clarke and Mr McPherson, who gave evidence to the inquiry on 29 July 2016, had been personally involved in one or more of the cases. In these cases, except Trumper, ordinary citizens, after being ignored by Crown lands, were forced to take on the debilitating burden of legal action to protect the rule of law to wit the High Court's Rutledge decision that land held on trust for public recreation must remain open to the public and that all profits must be reinvested in trust.

Minister Blair and these officers have allowed precious reserves to be hijacked by private interests for peppercorn rents in circumstances that, in my respectful submission, surely undermine their credibility as reliable witnesses on issues such as probity, transparency, community consultation and commercial returns on public assets. I mention a few: King Edward Park—precious headland at Newcastle, given away for \$24,000 per annum; Stuart Park—precious headland at Wollongong, multimillion-dollar skydiving business charged a rent of \$8,000 per annum for an area of approximately 100 square metres, which is the actual area required for a parachute landing whereas in fact their operations require them to have a safety drop zone that takes over the whole of the village green on this precious headland.

This rent is literally a fraction, one-sixtieth, of the rent this company pays for a similar operation in Victoria; Talus—since 1992, Australia's self-described largest private tennis and multisport company has controlled vital open space just north of St Leonards station opposite the North Shore Hospital behind a private property sign, which I will copy to you, without paying one cent to the public purse. Mr Ken Blee came with me to the hearing today. Mr Blee was the first person in 1996—not me, but Mr Blee in 1996—to first expose this problem. These representatives of Crown lands are directly involved in Talus. Minister Blair is supporting the Willoughby Council's current application to the Supreme Court for approval of new secret arrangements to further accommodate this multimillion-dollar business.

One of the officers who has already given evidence to this inquiry refused to provide me copies of the new arrangements on 16 October 2014. Any suggestion by Minister Blair or these officers that the current malaise in the administration of Crown land is due to legislation or that a new statutory regime is needed to facilitate proper management is, with respect, disingenuous. New legislation will in no way cause a change in the conduct of a bureaucracy that seems intent on ignoring both the current statutory regime and their obligation to exercise their powers for the public benefit, as so clearly articulated in their own trustee handbook. I will hand up copies of the first few pages of the handbook.

Finally, Mr Chairman and honourable members, I stress that those of us fighting the current mismanagement of Crown lands have nothing whatsoever against genuine community sport and recreation. I am a father of four children. I spent 15 years coaching our community soccer teams. We view such activities and facilities as vital to our society. They are part of our heritage and must be preserved. What we object to is private businesses or pseudo not-for-profits, which pay wages instead of calling for volunteers, taking over Crown land for little, if any, rent and then hijacking that land for elite activities to the exclusion of the general public. Thank you very much, Mr Chairman.

The CHAIR: Thank you very much. Are there any other opening statements?

Ms BORSAK: Yes, thank you Mr Chairman. First of all, I would like to thank the honourable members and Chairman of this inquiry for their time and their commitment. I am sure that they are all going to gain an almost university degree from these submissions and the new information that they are going to learn about. I would also like, on behalf of Crown Land Our Land [CLOL] to acknowledge the Gadigal people, who are the traditional custodians of the land, and would also like to offer our respect to the elders, past and present, of the Eora nation and extend respect to the Aboriginal peoples throughout all of New South Wales. We need to take a lesson from these people and we need to do everything we can to assist these people to help us have this land for our people and their people, theirs being the oldest culture of Indigenous people that exists on this earth. They have done a good job until we came in and tried to help them.

I am very privileged to be the convener of CLOL. I have been a community worker since I joined Brownies when I was seven and a half, and this is what has led me to CLOL. I am a Scout leader and have been for 40 years. Crown land is absolutely essential for our young people and our adults to take on the tasks that we set for ourselves and the enjoyment that we bring to thousands of people within New South Wales. Scouts have put in a submission of their own and what I am saying is exactly what they are saying. The CLOL mission is to be a policy think tank, not a big membership group, but to be an information hub for local groups as they have the local knowledge. We work together to protect Crown land for the people of New South Wales. The Minister should govern Crown land not for the Government but for the people of New South Wales.

The objectives of Crown land are, just briefly because they are in our submission: to educate the general public on all levels of government in New South Wales as to the extent of Crown land in New South Wales; the importance of properly valuing the Crown estate, which we do not have at this present time; the importance of preserving the Crown land estate for future generations; the need to apply the rule of law in respect of the Crown estate, including the need to enforce section 6 of the Crown Lands Act; to comply with the objects of the Act stated in section 10; to apply with the principles of Crown land Management stated in section 11 of the Act; the statutory responsibility of the relevant Minister for achieving the objectives of the Act, as stated in section 12 of the Act; promote and support Indigenous rights to the Crown estate; take such action as thought appropriate to protect any part of the Crown estate or to protect the rule of law as it applies in respect to the Crown estate; and to propose alternative ways to care for and manage the Crown estate.

That was part of our push to have this inquiry. Actually, this was the whole reason. Our organisation was launched on the eve of the inquiry. Again, thank you very much, Mr Chairman, for agreeing to do that, and David Shoebridge for helping to make this happen.

Ms BROOKS MAHER: I would like to pick up from Cheryl and say that page two of our constitution is actually excerpts from the Crown Lands Act based around the principles of Crown land management, which is section 11 of the Act, and which is in fact pivotal to the Act as it stands now and should stay pivotal to any future Act because it is the cornerstone and foundation that protects the public interest in terms of New South Wales Crown land.

I am not going to go into details about specific cases. In our submission to the inquiry—we are very grateful that you are going into it in such great depth—is an overview of combined experience of people with Crown land, which basically gives a different shadow to what Mr Carapiet was saying this morning: In fact, very much about what he was saying about the mismanagement, the confusion, the casual attitude towards Crown land, the ignoring of the law are all things that we have experienced both personally and now as Crown Land Our Land in liaising with Crown land groups throughout New South Wales.

What you are hearing is in fact just a small fragment of what is out there in people-land about the problems with Crown land in this State. They go, as you hear, from riverbanks to a Jervis Bay sustainable development to tennis centres 200 metres from St Leonards station that are being taken over for commercial purposes. It goes back to what is Crown land in the first place. There are two ways of looking at it: One is the Crown land reserve system where reserves were given to the people of New South Wales to enjoy for recreation, for health, or for whatever specific purpose. I want to show you something. You have this reproduced in small font in the appendix attachment to our submission.

This is the historical record of 1824. It comes from Earl Bathurst in London. He sent these orders to Governor Darling here in Sydney and said, first of all, "Put aside proper lands to reserve". He said that these should be places to be set apart for recreation and amusement, which may be desirable to reserve for any other purpose of public convenience, utility, health or enjoyment, and "you are especially to require that the Commissioners answer the public purposes". Public purposes are the key to Crown land. They are not just there to be empty space. They have a public purpose. The document continues that that public purpose must not "on any pretence whatsoever grant, convey or demise to any person or persons any of the lands which may be so

specified as fit to be reserved ... nor permit or suffer any such lands to be occupied by any private person for any private purpose."

That was issued in 1824. That public purpose and the role of Crown land and the reservation of Crown land has come through—in 1855 and other dates and right through 1913—until we come to 1989 and the current Crown Lands Act. The current Crown Lands Act moved from having councils manage reserves—as a direct management trust—to putting in a reserve trust interface so that now councils are only managers of the trust, because there were so many rorts and rip-offs back then. That is fundamental to understanding why Crown land is in the mess it is today.

When that Act came in there was no training. It totally changed how councils were supposed to manage Crown land but they were not told how to do it. Nobody got any information. You have heard the evidence of Mr Harris at Moree. He said that he had been a Crown Lands officer for 33 years, and he knew that there had been no training.

In 2007 the NSW Crown Lands put together a handbook. It is 282 pages long. It is a very splendid handbook. It is an easy-to-read distillation of what the Crown Lands Act means. It covers things like how to have meetings and what you have to do, including the fact that there can be no delegation of Crown land decisions on leases and licences and development applications [DAs] and things to do with the land like that. It goes through how GIPA works and how Aboriginal land claims affect Crown land. That handbook, first published in 2007, has never been printed. About six weeks ago, I spoke to Mr David Clarke, who is one of the NSW Crown Lands executives who will be coming here later today. He told me, "We did not print it. If you want it you will have to download it from the website." It has never been circulated.

When I was on Ashfield Council I did not know that I was a trustee of Ashfield Park Crown land. For four years I did not know that, because Ashfield Council did not realise the difference. They just thought that it was their park. I was speaking to a senior staff officer at Ashfield Council a few weeks ago. I asked him whether he had a copy of the Crown Lands handbook and he said, "What's that?"

We are talking about quite serious failings. Apart from our submission, which goes into very great detail based on that kind of experience—I know it is long but it is worth reading—I have now tabled at this meeting a two-page recommendation and a three-page summary of the 40 pages of our submission.

They are gleaned from practical experience. If you put them together you find we totally support the suggestion made by Ms Meade of North Parramatta Residents Action Group that there should be a totally independent tribunal to manage Crown land.

Up to now NSW Crown Lands has seen in as a burden—a cost—and they have always been trying to trim staff and cut the budgets. We should be having—I will use Mr Carapiet's words—a total "culture change" so that we now see Crown land as a State asset for the people of New South Wales. Remember, Crown land is not owned by the Government; it is owned by "the State of New South Wales" on every title document. That is the way it needs to be.

The CHAIR: Ms Brooks Maher, I might stop you there because, while you are absolutely passionate—

Ms BROOKS MAHER: Can I just say one sentence?

The CHAIR: You can finish off with a concluding statement.

Ms BROOKS MAHER: Forget my passion, but in all that we have seen it is just the tip of the iceberg. This is a wonderful inquiry—and Crown Land our Land Inc [CLOL] is committed to having it a success—but this should just be a preview of a Royal Commission, because the problem is that big.

The Hon. MICK VEITCH: In all of your opening statements you touched on local government's role in managing Crown land. If you want to take this question on notice feel free to because we need to have time to ask questions. What are the "fors" and "againsts" for having local government involved in the management of Crown land.

Mr OWENS: I read the evidence from the Minister and his senior bureaucrats the other day. There is a fundamental misconception here that needs to be corrected. Emma touched upon it. In my experience, from what I have seen, local councils do not manage Crown land. Local councils manage the trust entity that was specifically brought in, in 1989, to stop the rortings by local councils. In 1989 the reserve trust system was set up. For example, with respect to the Talus Street Reserve, Willoughby Council used to be the trustee. In 1989 their status was relegated to managing the affairs of a new separate legal entity. It is a serious problem that people do not seem to understand the mechanics—the legal rules.

There is a big difference between a local council being the trustee to being the manager of the trust. This handbook that Emma mentioned—I have given some of the pages to you—is perfect. It sets out the need, if there is a trust—it would be obvious to all the lawyers here—to have separate trust accounts. It is in this handbook. Local councils have always conflated the business of Crown land with their own local government business. It is wrong. They cannot do it. I would be horrified, with respect, with a proposal that would give the sector of government—the sector of New South Wales society—that is repeatedly referred to by ICAC as the sector always subject to the most corruption complaints, any control over Crown land.

The CHAIR: I would like to clarify. We have taken evidence across New South Wales. A lot of councils have parcels of land that are half Crown and half council land. A lot of those are sporting ovals. Would you be averse to them taking control of the sporting ovals, or are you saying that there are issues where it might leave to commercialisation or privatisation?

Mr OWENS: From what we have seen there is no doubt. In every case, virtually, Rutledge has been ignored again and again by local councils. They cannot learn. I would be horrified if they were given stewardship over trust properties. If there are current trusts there that were used for recreation I would certainly say that it should not be given to local councils.

The Hon. TREVOR KHAN: Certainly?

Mr OWENS: Certainly do not give it to them.

The Hon. TREVOR KHAN: Even if there are two parcels of land, both of which are being used for sporting ovals—indeed, the same sporting oval could run over the two parcels of land; one being owned by council and one Crown land—you would say under no circumstances vest in the council the other half of the sporting oval.

Mr OWENS: Yes, Mr Khan. We have seen nothing but abject failure by local councils in their ability to manage Crown lands for the benefit of the public.

The Hon. TREVOR KHAN: How would managing a piece of land which is used for an identical purpose to an adjoining piece of land, as a sporting oval, cause some public mischief?

Mr OWENS: Let me give you an example, if I could: Northbridge oval on Sydney's North Shore. My family has been involved in Northbridge football for years and years. It is a community oval—a village green. It is not council land, as council seems to think; it is a Crown reserve for public recreation. Council have proceeded on the basis that it is just council land. They have ripped up the village green grass and put down synthetic grass with no development application [DA], even though a DA was required. They have allowed Northbridge oval—the village green that was set aside for public recreation—to be effectively taken over by Central Coast Mariners for their elite sport. That is the sort of reason I would never—

The Hon. TREVOR KHAN: Going back to the example that the Chair and I gave, that is two adjoining pieces of land, whether they be parks or sporting ovals, being used for identical purposes. Why does the vesting of the completely adjoining Crown land create a mischief?

Mr OWENS: It does not create a mischief of itself but the potential for falling away from the requirements of the law is profound. That is all I would say.

Ms BORSAK: Can we take that on notice, because there is a very long list that provides very good examples?

Ms BROOKS MAHER: I would like also to take that on notice.

The CHAIR: Yes, if you could. We had evidence that some of the infrastructure on those sporting ovals also cross over and it hinders local sporting groups from having real control and opportunity to make a buck for their clubs.

Mr DAVID SHOEBRIDGE: Do I understand it that one of the reasons you are loath to see the hand-over of public land to councils is because you will not have—as inadequate as they are—the current checks and balances that are essential in the Crown Lands Act about public purpose and statutory purpose?

Ms BORSAK: Exactly. Because councils choose to ignore, are ignorant or have not been given handbooks for whatever reason. As John Owens has said, they do not do the right thing. They are not doing their job.

Mr DAVID SHOEBRIDGE: If they have freehold title over it there is absolutely nothing to stop them at the end of the day. Is that your concern?

Ms BORSAK: Exactly. The Crown Lands Act prohibits for private profit. If you have a club like you are saying that wants to have a bit of a barbecue to raise money to put back into the oval, if someone decides to lease the little strip beside your sports oval out to someone who is a private contractor who is coming in to make a profit, saying they are going to give some money back to the club, that is not allowable under the Crown Lands Act. If the club wants to do it and pour it back into the oval, of course. My classic example is Scout halls. We rent out the Scout halls as community facilities, because they are community building projects.

Mr DAVID SHOEBRIDGE: I have been to many birthday parties at Scout halls.

Ms BORSAK: Exactly. They are a great venue. I was at one on Saturday night. We, as in Scouts, put the money back into those halls and those halls are maintained in that organisation and the benefit of any money always goes to the group.

Mr DAVID SHOEBRIDGE: But you cannot lease a Scout hall to a major entertainment company to use it as a wedding facility, and that is the difference.

Ms BORSAK: Absolutely. That is what has been happening with Scouts. It is an absolutely classic example. If you have got a Scout hall, especially a sea Scout hall and it is right next to a beautiful waterfront property, she is gone.

The Hon. PETER PRIMROSE: We know from the Minister that there is going to be new Crown Lands legislation. We do not know what is in it. Would you be concerned if there was not an exposure draft that allowed you to comment on it?

Ms BORSAK: Absolutely. I ran for local government together with Emma Brooks Maher in Ashfield and that was my platform, community consultation.

Ms BROOKS MAHER: Can I add something to that which I think it is important for the Committee be aware? In the CLOL submission we point out—and this is also relevant to Mr Khan's question about the overlap of ovals and things—that the current situation in Crown Land is not a happy, logical, efficient or whatever, situation. As you heard Mr Carapiet say this morning, he has asked for classifications. Also I believe Mr Ross Harris of Moree also said with his experience you cannot manage something if you do not know what you have got. What you need is an audit of Crown land. The thing is, that bringing in new legislation in the mess that the situation is in now is just putting a different kind of icing on another kind of chaos cake. What you need to do is get the cake right first, which is where the audit and the classification is.

In the recommendations that I have put before you there is a whole list on the front page of the things that need to be thought about because Crown land is an immensely complex issue, as we have heard with beekeepers and fishermen and what have you just today. These whole factors need to be put in. We need to integrate that with the new Crown land digital IT system that they are now getting so that it works and is not the same 1994 Excel spreadsheet system that they have been working on, where they cannot even identify State heritage properties like Yasmar.

The CHAIR: Thank you for that. The Minister is appearing this afternoon. I have a question about the IT system.

Ms BROOKS MAHER: We are totally in favour of getting Crown land into a new regime which is fit for purpose for the twenty-first century.

The CHAIR: We will not be relying on the Census people to do that then. On that note we will have to conclude. I know you have lots to say but you have put in really comprehensive submissions. We will take them into consideration. Thank you for your evidence.

Mr OWENS: I am not sure if you have this publication by Dr Jenkins for his doctorate. He is now in Lismore. It is *Crown Lands Policy-making in New South Wales*. It is the only publication I have found on the history of Crown lands. That is my copy. I would be happy to hand that to you.

The CHAIR: We will not take your copy but we will chase it up. It might be in the Parliamentary Library.

Mr OWENS: It is a wonderful publication.

The CHAIR: You have 21 days to deliver the replies to questions you have taken on notice. The secretariat will be happy to help you with that. In light of your evidence we may send you some further questions on notice. Once again, thank you for what you do in your communities, in particular the Scouts. God bless you and keep up the good work.

(The witnesses withdrew)

CERIN LOANE, Policy and Research Coordinator, Nature Conservation Council of NSW, affirmed and examined

KATE SMOLSKI, Chief Executive Officer, Nature Conservation Council of NSW, affirmed and examined

KEVIN EVANS, Chief Executive Officer, National Parks Association of NSW, affirmed and examined

The CHAIR: Would anyone like to make an opening statement?

Ms SMOLSKI: I would like to begin by acknowledging the traditional owners on whose land we meet, the Gadigal people of the Eora nation, and pay my respects to their elders past, present and future. I will just mention up-front that we very much are in support of greater input from traditional owners into the management of Crown lands. I am sure that will be a topic that this panel will be discussing maybe not in detail with us but hopefully with others. I would also like to thank the panel. We think this is a very important topic. As you are all well aware, Crown lands represent 42 per cent of the State. They have many wonderful attributes for the public of New South Wales. We appreciate your time and efforts in this inquiry.

The Nature Conservation Council [NCC], as many of you might be aware, is the peak environment organisation for New South Wales. We represent 150 member societies across the State ranging from local groups to groups with statewide membership. We are committed to protecting and conserving the wildlife and habitats, landscapes and natural resources of New South Wales. The principal reason that NCC takes an active interest in the management of Crown lands is because they encompass a wide range of natural habitats, from the subtidal and intertidal areas and coastal habitats to the arid habitats of western New South Wales. Crown lands contain endangered ecological communities and threatened species in many areas of the State. Particularly in urban areas Crown lands often contain important remnant vegetation. In certain parts of the State, for example, in the Central Division, where clearing for agricultural activities has been extensive, Crown lands within travelling stock routes and reserves are often the area with significant communities of native vegetation and wildlife. Of course, we have been the voice for nature in New South Wales and these are areas that we are particularly concerned about.

Another reason that NCC and our member groups take an active interest in Crown land management is that members take part in a wide variety of activities on parcels of Crown lands; they include bushwalking, bird watching, bush regeneration and other conservation activities, they also use the beaches and parks, as many across New South Wales do. Our primary aim in relation to Crown lands is to ensure that biodiversity and ecosystem integrity and natural landscapes of Crown lands are conserved and appropriately managed. NCC and member groups also have an active interest in ensuring that existing public uses and access to Crown land are maintained and that Crown lands, in particular Crown reserves, are managed to maintain their social, cultural and environmental values.

The roles that our members undertake in relation to Crown lands: Just to give you a sense of our involvement on this issue, we have an advisory role to government on certain committees with representatives on the Western Lands Advisory Council, Crown Holiday Parks Trust and the NSW Roadside Environment Committee. Member groups carry out conservation activities on Crown lands like bush regeneration, as I have mentioned. Individual members of conservation groups serve on trusts which administer some Crown lands reserves, like the Peel Trust. Member groups have been involved in the preparation of plans of management for Crown lands including those under council's care, control and management.

We have a number of concerns relating to the current management of Crown lands, including the lack of adequate assessment of the environmental, social and cultural values of Crown lands, as our colleagues on the former panel were highlighting, particularly prior to the sale, leasing and licensing of Crown lands; the lack of transparency and accountability in relation to the management and administration of Crown lands; the current sale of Crown roads without adequate assessment of values or community engagement; and the inappropriate leasing of Crown lands or appropriate use of Crown land. These concerns are outlined in more detail in our submission, which, of course, we will table a copy if you have not had a chance to review it.

We do have significant concerns around the Government's current Crown land review, including the lack of transparency around the process and the proposed shift away from managing Crown lands for their important environmental, social and cultural aspects—that is one of the concerns that we have—and we understand that the Government is currently preparing draft legislation for introduction into the Parliament later this year. We are concerned that despite it being over two years since the white paper process, the Government is not planning to undertake public consultation on the exposure bill. We would be happy to talk about that in more detail. We certainly look forward to this inquiry providing some clear and strong recommendations to government on how our Crown land should be managed.

The CHAIR: Any other opening statements?

Mr EVANS: Yes, thank you, Mr Chair. I am sure you are aware that the National Parks Association of NSW [NPA] and the Nature Conservation Council put in a joint submission, so I will endeavour not to overlap with Kate; we fully concur with Kate's opening address. Initially I would like to acknowledge the Gadigal people of the Eora nation and pay my respects to those past and present. For those who are unaware, the National Parks Association of NSW was formed in 1957. We are a State-based organisation and we have 27,000 supporters, many of whom are in regional and remote New South Wales. So we are certainly not speaking as a city-centric voice on these issues. I would like to acknowledge the contribution of the many volunteers and staff who have contributed to our joint submission. The passion and knowledge by those individuals is quite significant and we have rested heavily on their wisdom.

NPA has significant interest in Crown lands management issues, as demonstrated by many of our branches and individuals who are participating on Crown land in many forms: habitat improvement, bushwalking, bird watching, all sorts of activities. But our policy interest has been quite significant too. Over many decades we have had forums and conferences, many of which have been held in regional areas—Orange was the last Crown lands conference that we held, with a focus on travelling stock routes. That was very successful with more than 100 people participating.

That just gives you a bit of a flavour for why we are interested in Crown lands. We consider the uses of Crown land, including environmental conservation and many forms of public recreation, should be recognised as significant uses of Crown land for the public benefit. The key recommendations of interest for NPA are that we strongly advocate that decision-making in respect of all Crown lands should be in accordance with the principles of ecological sustainable development. We have heard many questions, and I am sure we will have more, about who the more appropriate land owner should be, but in our case we would suggest that what the principles are of how we manage those areas should outweigh who manages them.

It is also our view that consideration of the social, cultural and environmental values of Crown land should be mandatory before lands are leased, licensed and sold, to ensure that the public benefit of Crown lands is preserved for future generations, and there should be increased public input into the process, which we feel is sadly lacking at the moment. It is crucial that the social, cultural and environmental values are properly evaluated before further decisions are made about the future of Crown lands, including travelling stock routes. Crown lands must be administered in an open, transparent and accountable manner.

I just want to talk briefly about two areas that we think are quite significant and are often overlooked: Crown lands and the national reserve system. We consider that it is in the public interest to retain the TSR network and manage it primarily both for the movement of stock as well as for the conservation and biodiversity of habitat connectivity. That connectivity is really vital when we acknowledge that west of the divide we have cleared so much of our natural heritage already. So the remaining travelling stock routes in particular have amazing biodiversity values that we need to retain.

We also know that the New South Wales reserve establishment plan acknowledges that west of the divide we are very underrepresented with those biosystems into the national parks estate. We consider that those areas, including reserves, could be managed as part of the reserve system, but also managed with the droving and the infrequent grazing that has happened. With International Union of Conservation of Nature [IUCN] categorisation it is possible to achieve that joint duality. The national park additions under the Coalition have dramatically declined in recent years and we now have, I think it is, a 95 per cent reduction in the previous six-year average. So utilising Crown lands, especially west of the divide, could be a very cost-effective approach to building the reserve system at a point where we are claiming that we do not have enough money to build a reserve system and manage it adequately.

The Hon. CATHERINE CUSACK: What do you mean by 95 per cent?

Mr EVANS: There has been a significant decline in the long-term average of declaring national parks in New South Wales compared to the previous years. The long-term average was about 170,000 hectares a year and we are now looking at 9,753 hectares a year over the last five years; so a significant drop in lands declared for conservation. The other issue of importance is that we all know that Sydney and New South Wales is on a growth trajectory and we have land conflict issues—significant ones. Sydney in particular is surrounded by national parks. We are looking at an increase in population to around another 1.5 million by 2030. Those national parks are under significant pressure to achieve the recreation and conservation outcomes expected of their initial declaration. What we would like to propose is that Crown lands in another 10 years could be managed using the recreational opportunity spectrum. This would decrease the amount of conflict and it would give long-term management assurance to government and land managers to avoid conflict and ensure that a growing population had the nature-based opportunities that a growing population need and that we can still build a reserve system for conservation. There is more information in our submission.

The CHAIR: Ms Loane?

Ms LOANE: No, I think my colleagues have covered it.

The CHAIR: I am trying to get a clear and concise understanding of what you are saying about TSRs. Are you for them staying in the status quo and that the graziers and drivers can continue to use them in the full way that they do now?

Mr EVANS: Yes, absolutely. The conservation values of those areas are significant. It is deteriorating at the moment but over time the main reason those values are still an integral part of most TSRs is because they have been managed effectively.

We strongly oppose continuous five-year leases because that means you are opening them up to permanent farming arrangements. Many farmers who have traditionally used TSRs are saying that if a farmer requires a five-year lease on a TSR they should get off the land and let a farmer with better land management techniques use it. You are devaluing the biological values and the cultural heritage values if you leave them open to continuous lease arrangements.

Mr DAVID SHOEBRIDGE: And their capacity to work as a travelling stock route.

Mr EVANS: Their capacity is reduced significantly.

The CHAIR: That is the important thing: You are not suggesting by any means that use of the travelling stock routes for that purpose should be reduced.

Mr EVANS: No, not at all.

The Hon. MICK VEITCH: Mr Evans and Ms Smolski, were your opening statements prepared?

Ms SMOLSKI: Yes.

The Hon. MICK VEITCH: Would you be able to hand them up?

Ms SMOLSKI: Yes.

The CHAIR: You may table them after your evidence.

The Hon. MICK VEITCH: Mr Evans, in your opening statement you mentioned IUCN. What does that stand for?

Mr EVANS: It stands for International Union for Conservation of Nature.

The Hon. MICK VEITCH: Thank you. That is for the benefit of Hansard.

The Hon. TREVOR KHAN: Not only for Hansard but for me.

The Hon. MICK VEITCH: I want to talk about western lands. The government white paper talked about repealing a number of Acts and bringing them under one Act. One of them was the Western Lands Act. Are your organisations of the view that that is an adequate way of managing the western lands of New South Wales or should they remain under a standalone Act of Parliament?

Ms LOANE: Thank you for the question. We understand that there are certain concerns with the management of western lands. In our original submission to the Government's white paper we were not opposed to rolling the eight Acts, including the Western Lands Act, into one, but we want to see the same management principles and the things that relate to the specific issues of managing the western lands carried into the new Act. There is, for example, the object to manage western lands in accordance with the principles of ecological sustainable development. It is one of the things that is not in the Crown Lands Act and has not been proposed to be carried through. We would like to see that. The issue with the land assessment requirements before western lands leases can be sold off is another thing that we would like to see carried into the current system. It is not that we are opposed to merging the two; it is that we want to see a lot of the managing principles in the current Western Lands Act rolled into one. We see efficiency reasons for bringing it all together.

Mr DAVID SHOEBRIDGE: You would like to see the Western Lands Act take over the Crown Lands Act in some of those key principles, as opposed to the other way around.

Ms LOANE: In some respects. Some of them are a lot better in the Western Lands Act than they are in the Crown Lands Act. We have a representative who sits on the Western Lands Advisory Council. A lot of the feedback from our internal policies is fed through that person to the Western Lands Advisory Council. I do not know whether this Committee has spoken to them as part of this inquiry, but it would be worth speaking to

the Western Lands Commissioner about his views and the views of that committee and how they see western lands being dealt with in the future.

The Hon. MICK VEITCH: I think we may run out of time for that. When talk about TSRs we mean travelling stock routes and travelling stock reserves. There is a series of routes and the reserves sit off the routes.

Mr EVANS: Yes.

The Hon. MICK VEITCH: I just wanted to clarify that.

Mr EVANS: It is almost 700,000 hectares in total. It is a significant issue that is often overlooked. Many people are unaware of the role of the TSRs, their cultural heritage role in the history of Australia and their 40,000 years of use.

The Hon. MICK VEITCH: Thank you.

Mr DAVID SHOEBRIDGE: You would have heard Dr Sweeney's evidence and seen his submission about the need to, as a priority, undertake an ecological, environmental and social audit of Crown land before doing anything with it. Do you support the proposition?

Mr EVANS: Yes, absolutely. There have been some efforts to do that. The Federal Government has looked at some of the travelling stock routes in Queensland and New South Wales. That report was published a decade ago. There has not been a significant body of work looking at Crown lands and travelling stock routes in the form of a State by State audit.

Mr DAVID SHOEBRIDGE: There is a statutory obligation in the Crown Lands Act and it does not seem to have been lived up to. Should we retain that and resource it?

Ms SMOLSKI: I do not want to speak for Kevin, but we believe that we urgently need an audit of Crown land so that we know what assets we are looking for for the State and so that we can best figure out how to manage them. The Nature Conservation Council and the National Parks Association undertook an audit to the best of our ability, which we included as part of our original submission into the legislation, that highlights all the different conservation habitats, threatened species habitats, endangered ecological communities and the other assets for biodiversity needs through the Crown lands. That is a long-winded way of saying we think that we absolutely need that audit. It should be resourced to do it appropriately.

Mr EVANS: To build on what Kate was saying, I would like to table this document entitled *Estimating the Value of the Ecosystem Services Provided by Travelling Stock Routes*. This was commissioned by the National Parks Association a few years ago. It estimates the value of ecosystem services provided by travelling stock routes using just two trial areas. The reason I am linking the two issues is that we are often told that we cannot afford to manage land for these purposes. We are saying there has not been a significant attempt to undertake a national approach to the ecosystem services provided by nature. We have attempted to do that with this trial. Lack of money prevented us from having a broader look at it. One can see that to do nothing would result in an impact on the ecosystem services that these natural areas provide.

Mr DAVID SHOEBRIDGE: The cost of doing nothing is greater.

Mr EVANS: Yes, it is much more.

Mr DAVID SHOEBRIDGE: Would you tender that document?

Mr EVANS: Yes, I will.

Mr DAVID SHOEBRIDGE: You talk about the spectrum of recreation opportunities. You are talking about preserving Crown land, adding to our natural estate. You are not talking about locking it all up. You think that there is a great opportunity to give people more access to environmental and public land.

Mr EVANS: Absolutely. We fully recognise that, historically, there has been a record of conflict as a result of declaring areas for conservation. People want to build infrastructure and put facilities in these places, and that leads to conflict.

The Hon. TREVOR KHAN: Even ride a horse.

Mr EVANS: Yes. We suggest that the recreational opportunity spectrum can manage much better to avoid the inherent conflict scenarios that have plagued us for decades, if employed well. It has been successful in New Zealand and America, where it was based. We are amending the methodology for Australia. Our vision document will come out in October this year.

Mr DAVID SHOEBRIDGE: If you have any details about how it is going in New Zealand, the committee would appreciate it.

Mr EVANS: I will take that on notice.

The Hon. PETER PRIMROSE: Ms Smolski, in your evidence you said that you would be happy to talk about an exposure draft and whether that would be valuable. Would you and the other panel members comment on that?

Ms SMOLSKI: Absolutely. Crown lands form 42 per cent of the State. They are assets for the people of New South Wales. It has been two years since we saw draft legislation that people could comment on. We strongly support an exposure bill with adequate time for the public to see what will be in the legislation so that they can comment on it. I know this is an issue that Ms Loane is passionate about.

Ms LOANE: We recently wrote to Minister Blair asking him for an exposure bill. The answer was that it was very unlikely that he was going to do that. We think it is so important because it has been more than two years since the white paper. There have been three Ministers in charge of this portfolio since then. It was originally announced by Andrew Stoner, then Deputy Premier and Minister for Trade and Investment. It then moved to Kevin Humphries. It is now sitting with Minister Blair. The Government's response in October recognised many of the concerns of the community and environment groups but did not respond adequately to those concerns. Minister Blair, in the first hearing of this inquiry on 29 July, alluded to a few matters that have not been flagged before, such as a new community engagement strategy. We have not heard much about that and would like to see more. The other concern we have is that the Government has lately been introducing legislation straight into the upper House and moving it quite quickly. We are concerned—

The Hon. TREVOR KHAN: I do not know that it was quick.

The CHAIR: Was that greyhounds legislation?

Ms LOANE: The greyhounds legislation went even faster than usual.

The Hon. CATHERINE CUSACK: It seemed quicker to you than it did to us, let me assure you.

Ms LOANE: Greyhounds aside, if we have only five days to review a significant piece of legislation that is consolidating eight pieces of legislation into one, we think it is really important that this Committee recommend that there be an exposure bill.

Mr DAVID SHOEBRIDGE: Even if we do not get an exposure bill, one of the other options is to leave it to lie on the table of Parliament for three weeks, to provide adequate time to read it.

The Hon. CATHERINE CUSACK: That is an exposure bill.

Mr DAVID SHOEBRIDGE: That is not an exposure draft. It is just delaying the second reading debate.

The CHAIR: Order! We will go to questions from the Government members.

The Hon. CATHERINE CUSACK: On the issue of our reserve system, in fairness, there have been some great tactical acquisitions, have there not, that have served that principle of connectivity?

Mr EVANS: Yes, absolutely there have been some declarations over the six years that are significant. There have been fauna reserves for koalas down south. It is small, but it is certainly a very good addition to the reserve system. To make my point clear we were saying that there are international obligations. There are targets that the Federal Government signed onto that looks at a country that signs on to create 18 per cent of its unique ecosystems into reserves by 2018. We are falling way short of that and New South Wales is the second-worst in regards to the ability of the other States.

The Hon. CATHERINE CUSACK: When measured on that criteria of?

Mr EVANS: Comprehensive, adequate and representativeness.

The Hon. CATHERINE CUSACK: It is very important for this inquiry, and I think it is really worth focussing on the tactical acquisitions that have been made in the interests of connectivity. I am thinking of the Great Dividing Range strategy to have connectivity. Do you want to talk about that? We just spoke about the Goolawah land that was floated for sale that was added to the national park in the interests of connectivity, Dharawal and The Drip is a very small parcel but valuable addition to Goulburn Park. Again I see Minister Speakman's announced 6.9 hectares going into Heathcote's national park. It does not sound like much but it is 2.6 million. The quality of the acquisition has to be factored in as well?

Mr EVANS: Yes, it sounds like a justification.

The Hon. CATHERINE CUSACK: No, I am just wondering whether we are in that phase where we need to focus on connectivity with what we have got as a priority.

Mr EVANS: I do not agree with you. I think it is justification for the Coalition's current approach, which is to pandering between The Nationals and the Liberal Party and we have a piecemeal approach, some more reservations that are coming forward. So I am not going to wear that. We need to have a significant investment. The Great Eastern Ranges, primarily on private land, connecting our private land to the reserve system has seen significant investment by both Labor and the Coalition. Those kind of approaches are really vital to see into the future, but you cannot beat the significant investment in protected areas to preserve biodiversity. The decline is significant.

The Hon. CATHERINE CUSACK: Will you talk about the model of the Great Dividing Range?

Mr EVANS: The Great Eastern Ranges?

The Hon. CATHERINE CUSACK: Could we learn from that model that are beneficial west of the range as well?

Mr EVANS: Absolutely the Great Eastern Ranges initiative, for the record, has been going for 10 years. The Labor Party created it in partnership with a number of not-for-profit organisations. The Coalition then backed it with even more significant investment and it is still running now. I am the Chair of the Great Eastern Ranges initiative. I am also Chair of the Illawarra to Shoalhaven component of the Great Eastern Ranges initiative. It is a partnership-based approach that brings a number of diverse groups to the table to ensure that you can get the outcomes you need to connect nature, connect landscapes and communities. It works very effectively and it could be expanded certainly to areas west of the divide because that partnership model proves that you are bringing the passion and interest of those people to protect their patch.

The Hon. CATHERINE CUSACK: This is really critical to me because Crown land is in all sorts of parcels everywhere and under different trustees. This co-operative approach has identified a landscape and looked at connectivity for the landscape that has really got to be a high priority that Crown Lands would get on board with. It does seem to be a model where the planning has been successful.

Mr EVANS: It has. Funding has deteriorated, unfortunately, in this term so we have lost funding to support the partnerships. There are grants in place for some of the projects on the ground, but the model has fallen apart because the Government has not funded the Great Eastern Ranges model, unfortunately.

The CHAIR: You have taken some questions on notice and you have tabled some documents. You have 21 days to answer the questions on notice that will be sent to you by the Secretariat. The Committee may also address some further questions on notice.

(The witnesses retired)

(Short adjournment)

RICHARD GREEN, Chairperson, United Land Councils, affirmed and examined

MICHAEL ANDERSON, Deputy Chair, United Land Councils and United First Peoples Syndications, affirmed and examined

NICHOLAS PETERSON, Strategy and Legals Executive, United Land Councils, sworn and examined

HUSSEIN FARAJ, Chief Executive Officer, United Land Councils and United First Peoples Syndications, affirmed and examined

The CHAIR: Would anyone like to make an opening comment? You were waving me down, Mr Green, so did you want to make an initial comment?

Mr GREEN: What we normally do in the Aboriginal culture is we stand for a minute's silence for the past and present and welcome the land of the Gadigal people, if you do not mind.

The CHAIR: Mr Green, to show our respect we acknowledged the Gadigal people and the Eora nation this morning, but I am happy to stand for a moment of silence in light of your request.

[A minute's silence was observed.]

The CHAIR: Would anyone like to make an opening comment?

Mr ANDERSON: I will start. I know time is running and I am trying to beat the traffic out of Sydney. I do not think I will succeed somehow. In terms of our presentation, let me go straight into it, if you do not mind. My name is Michael Anderson. I am a 40-year veteran campaigner for land rights. I address this Committee as the Deputy Chair of United Land Councils Limited and the United First Peoples Syndications Pty Ltd. We are an association of more progressive Aboriginal land councils, focused primarily on economic development of Aboriginal lands. Through uniting Aboriginal land councils and first people organisations across Australia, we have been able to accumulate the necessary expertise, skills and talent, which, when combined with the united property portfolio, allows us to attract large-scale international and domestic investment.

By achieving this, we create unique opportunities to consider major infrastructure and social projects such as port and rail development, and there are other infrastructure programs that will include such things as the development of major urban and regional housing developments, along with food production and fishery programs. We also acknowledge that there are major opportunities for Aboriginal peoples to get into the extractive industries as well. What we would like to offer this Committee is a different take on how this Committee on Crown lands must look at going forward. There are significant numbers of outstanding land claims under the New South Wales Aboriginal Land Rights Act 1983.

Like the New South Wales Government, we would like to see an outcome that serves everyone's ambitions. In this regard, we must direct our attention to the future, a future that can take advantage of a giant vacuum and achieve an outcome that will create opportunity for historical changes in New South Wales. We propose working for a statewide settlement in respect of all current land claims under the New South Wales Aboriginal Land Rights Act 1983. By using this opportunity to plan for the future, we can meet the needs going forward into the next century. Settling the 32,000-plus land claims could take 100 years to resolve. This is a ridiculous position. It creates an uncertainty that is no good for anyone. Uncertainty is inconsistent with planning and inconsistent with confidence in investment. Aboriginal people continue to be frustrated at not being able to have these claims settled. These unsettled disputes on land can only attribute to each other's angst. This must be overcome.

The historic unenlightened can only be put behind us. If we do not address this matter and other outstanding issues are not addressed in a mature and grown up manner, Australians who are working towards a better future in an increasingly global competitive world and by including Aboriginal people in this Asian century will permit us to gain access to an increasing economic future that will allow us to address, through development, the poverty line that Aboriginal communities have been resigned to to this day. We cannot afford another generation of Aboriginal Australians being hogtied to competitive disadvantage. The Aboriginal community is most vulnerable. The poverty and lack of education that is associated with it is more dangerous and devastating now than at any moment in history. The speed of technological evolution and constant evolution of skills to survive is such that delay is not an option. Lack of economic development for Aboriginal lands is removing any opportunity for younger generations of the Aboriginal world to catch up, let alone to thrive.

An opportunity for mass settlement in the context of a partnership for grand statewide planning will allow this Committee to distinguish itself and take national leadership for settling disputes over Aboriginal land so that together, as a multicultural Australia, we can provide the certainty that business and the community need

to properly plan with confidence; and work in multicultural partnership to set broad objectives for the growth and development of New South Wales and thereby plan the growth areas for housing, regional development and infrastructure corridors—town planning by strategic design for the global economic rather than by the trials walked by meandering cows.

We advocate the idea of forming a working party with key government stakeholders through which we will secure the support of Aboriginal New South Wales. We are confident that, if we cannot achieve greater unity of Aboriginal people, we will certainly be able to deliver a large number of the most important strategic areas of New South Wales, particularly the coast and some regional locations west of the Blue Mountains. We have brought to the Committee a sample of works we are doing. We present to the Committee our introductory brochure with which we introduce ourselves to Aboriginal organisations across Australia. The brochure sets out our objectives and the benefits we bring to them as members uniting with us.

In that brochure, we identify major projects such as damming the Great Katherine dam and building pipelines inland to irrigate the arid central Australia, converting it to Australia's food bowl to the world. We also discuss the project of a super port in Yamba to cater for the international trade for the next two centuries and, through that port, opening up the vast network of disused rail networks to provide a safe and efficient transportation mode. We attach a separate summary of the Yamba super port proposal because that is directly relevant to this Committee and how, working with Indigenous communities, major infrastructure can be created combining port and rail to become the leading means for distribution throughout Australia.

We also attach a profile of our leading joint venture partners such Grossman, which a leading German solar, civil engineering and construction company, and the MHR Group, which is a leading Dubai pipeline and infrastructure group. One thing Arabs know is deserts and how to irrigate them. We provide a Lever arch folder that contains some of the template agreements used to effect an amicable settlement on the current Aboriginal land claims that are outstanding. We have drafted a master settlement agreement and we provide for every conceivable use of the land. We provide draft agreements for parks and conservation management, licences for Aboriginal farming and fishing use and access, Indigenous social housing models, trust funds for the provision of the next generations of Aboriginal peoples, and a series of land use agreements to promote business and industry.

The agreements cover details such as proper governance and financial disciplines and imply levels of Aboriginal skill and training for those having decision-making authority, which our organisation will provide. It is implicit in these agreements that specialist expertise will be developed for Aboriginal land management so that the community will have confidence in the skill and discipline of management. We also provide a small sample, in the form of two papers, of social uses of the land with particular relevance to Aboriginal people: (a) a paper on developing Aboriginal tourism and (b) a paper on the need for and optimal planning for cemeteries.

As I will say later in this statement, Indigenous tourism is a unifying theme. Asian tourism is tending to plateau a little. We have been continually approached by Chinese tourism agencies that are seeking the Aboriginal experience. However, at the moment the development of tourism facilities is highly speculative and not something that we would encourage Indigenous organisations to do. Our approach is to work with the ultimate consumer so that we can be confident in the volume of demand and plan accordingly. We have been forging a consortium of local Chinese Government authorities responsible for oversight of tourism to take a share in the tourism development projects. Together with the Chinese consortium of government authorities, we are able to plan the experiences that the tourists want and provide the facilities to optimise that experience. From the Indigenous perspective, that means jobs, business and industry. It also means, most important of all, cultural pride and celebration—celebrating the culture, and getting paid for it!

We also attach a paper on cemeteries. The ever-apparent shortage of cemeteries is a widespread problem. For Aboriginal communities, their social economic position is such that the minimum of \$22,000 it takes to bury a member of our mob is prohibitive. We have studied the problem and propose solutions. However, for the immediate relevance to this Committee, we hold it out as an example of why a global settlement of land claims allows the possibility, in the course of that settlement, to identify areas we jointly identify with the Government. Essentially, this is the opportunity before this Committee.

A settlement can take many forms. One form it can take is that areas are mutually identified as being put aside for specific social uses, cemeteries being one. There are many: women's shelters, men's shelters, future hospitals, schools and growth centres. Rehabilitation centres are another example. Most of the Aboriginal community of New South Wales lives around the Sydney Basin. However, there is no rehabilitation centre where a Local Court can provide a sentencing option closer than Grafton. Setting aside agreed areas for rehabilitation and other social uses is a fast track for settlement.

What do we need in return? Firstly, we need participation. Secondly, we need to overcome the regulatory strangulation. What land has been awarded can broadly be categorised as mostly environmental. That is bush. With zoning that is E2 or E3 at best, it is hideously cost-prohibitive to rezone and develop. In many cases, the land award is a cruel joke. The Government hands over the costs of maintaining a park to an Aboriginal land council but retains the control and authority over it so that nothing can be done on it. Through this settlement process, we believe the natural by-product could and should be planning deregulation. We abandon this claim A and we agree that claim B be reserved for a future sports arena for general public use, but in return the planning laws around claim C is changed so that we can use it for our economic purposes by changing it from a land subdivision to an industrial business park.

The ongoing participation of Indigenous representatives is critical to fast-tracking the settlement process. All sides to a land claim can agree that a skilled and productive Indigenous community is a positive. A land settlement can be consistent with developing those skills. Aboriginal human resources can excel in certain areas in particular. For example, with the growth of Western Sydney, there will be new demand for warehousing logistics. As international trade accelerates, 3M and 4M warehousing logistics becomes the most cost-effective way for managing stock and fulfilling orders. The growing proportion of businesses with an online sales presence are increasingly being better served by modern warehousing technology whereby stock control and delivery can more effectively be managed through computerised logistic machinery than by numerous individual warehouses.

Large high-tech warehousing is ideally suited to land under claim. The promise of employment and lasting careers for the younger generation on their own land is meaningful to the Aboriginal community. This same thinking applies to the Yamba super port and rail development. New regional hubs will be created around train intersections. Almost all of these potential growth areas involve Aboriginal lands or land claims. Another example for the regional areas is the development of Aboriginal skills around high-tech machinery in primary production. A means of settlement can be to provide for share-farming—an area for expansion by existing farmers where an Aboriginal skilled force can operate the most modern machinery, essentially as contractors travelling through the various lands at harvest. The cost of having the latest farming equipment is concentrated to the Aboriginal workforce who are using it repeatedly rather than being borne by individual farmers and used part time.

We can agree that some uses of the Crown land are best left to the Crown to allow for adaptability to needs yet unforeseen. What should also be acknowledged is that the Aboriginal community can be just as instrumental to agreeing that some uses of Crown land can be for social needs that can be protected. In working out which areas should be put aside for what, they can be targeted towards improving the skills of the Aboriginal communities who have a natural stake in cultivating and preserving that land. The quid pro quo, is that the Government releases us from the stranglehold of regulation, and on a statewide basis, re-designs the planning laws so that land which is awarded is most economically and beneficially used. Having the benefit of the global planning that comes from the settlement process in mind, that is not a great ask. It is something that will naturally follow. In agreeing that claim C should be awarded, re-zoning the land for its use as business park, tourism and urban growth areas simply follows naturally.

As we hope to present to you, we have the backers, both in international investors and venture partners. We have the capacity and funds to change our destiny. All we ask is that we get on with it. We need no charity. We need no patronising. We ask that we plan for the future together and get the red tape out of our way. We hope to change the paradigm. Rather than winning or losing a land claim, we should focus on what social needs can be accommodated jointly, leaving the claims that are awarded to flow naturally and consistent with the needs of the future. Delay, prevarication and procrastination are not options anymore. The speed of technical evolution means that to be behind is to stay behind—further and further behind. We have to act as best we can, now. We may get a few things wrong.

The next generation is more likely to forgive mistakes. If we relegate another generation to poverty and to be poorly equipped to deal with international competition, that generation will not forgive. Most significant is the mere existence of disputed lands that affects who we are as a society. Who are we as a people? How do we define ourselves, living in a society where we allow some Australians, the original Australians, to be treated differently, when there are countries fiercely gaining the better of us? Global settlement is about economics, community and spirit. It is about restoring our humanity. We hope that my team here can assist the committee with its questions. Thank you.

The CHAIR: Thank you for that very concise opening statement. I would like to take you to the paragraph on page 4, where you talk about "overcoming regulatory strangulation" with respect to what land has been awarded. We heard some evidence earlier that maybe the problem is that you have been given back either low-value land economically or high-value conservation land. What is your take on that? If we were able to go

with land claims and were able to return to Aboriginal communities the land claims that they are putting forward do you think those lands should be padlocked with the environmental sustainability principles that are in our planning laws.

Mr PETERSON: What we are saying is that we have been cleaning out those things that have been jointly put aside for future social needs. There will be those that are for future development. We speak of the examples of our members—for instance the Newcastle Awabakal Local Aboriginal Land Council. Around Warners Bay there is a massive piece of land—200 hectares. That is E3. It is grossly expensive to rezone. The funny thing about rezoning is that you spend literally millions to get a folder of paperwork that does not add any value to anyone's house. It does not build a better house. It does not build a better road. It is just paper passed between bureaucrats and lawyers. It does not actually improve any housing. We are saying, as part of the trade-off in the course of the planning, "That is urban area. We have a special fast-track planning system for that," and we can distribute it. We would do the normal things, but not as much.

The CHAIR: Along the way we have spoken about this. The Standing Committee on State Development has been talking about an Aboriginal State Environment Planning Policy [SEPP] which basically fast-tracks, in the right spirit, opportunity for the Aboriginal community to quicken the outcomes on economic development plans.

Mr FARAJ: Sorry, is this the OCHRE that they are talking about with State Government planning at the moment?

The CHAIR: No. We are on another committee on State development and one of the issues that we are looking at is whether there should be an Aboriginal SEPP. We are not here about planning laws. I am merely trying to get on the record an answer to this question. There are 29,000 parcels of land with respect to land claims. Should that be hindered by our current planning laws or should it be given back for the Aboriginal people to determine what is high-valued rather than the label that we are putting on it through the New South Wales planning laws?

Mr ANDERSON: I know a lot of those areas of land and what has been claimed over the years. A lot of those land claims are very important—there is a lot of significance to them. Aboriginal people understand that they have an appropriation here, and a possibility of getting this appropriation in their name. A lot of those land councils have already earmarked what it can be used for and what is to be preserved. For example, there are a lot of stock routes along the rivers. They front the big river bends. Those river bends are very important to Aboriginal people. Along those rivers are a lot of old fire hearths, where the old camps were pre occupation. A lot of people have already identified those things. They would not even let other Aboriginal people make any advances which may cause disruption to the river.

I sit on another national committee on water planning. New South Wales is yet to put its water plans in to the Commonwealth Government under the Murray-Darling Basin Plan. I sit on those committees and I am one of the assessors on whether New South Wales is doing the right thing with their water resources plan. So we are looking at those rivers and factors that are important to us in terms of looking after them. When you talk about planning, Aboriginal people already know what can be used and what cannot be used. I can tell you that a lot of that land will not be used.

Mr PETERSON: I was going to table this bundle of documents. It is only one of two. We were going to bring two. It will give you an idea that we have done a lot of thinking about every conceivable use.

The CHAIR: Yes.

Mr PETERSON: They are templates to be adjusted for each occasion, but it is there to give you a flavour.

The CHAIR: My point is that we are discovering Aboriginal land claims but when it is deemed so we give the land back but we still tell you what the value of the land is, rather than giving the autonomy to the Aboriginal people to say, "We agree that it is high-value cultural land," or "We do not have the same view as you; therefore we could use it for economic use. We know that you would see it differently but this is how our people see it."

Mr ANDERSON: That is where the conflict has always been.

The CHAIR: Conflict?

Mr ANDERSON: Yes. That is where the conflict has always been, because you have priorities and cultural ideologies about what is what. There are differences in terms of economic uses versus social and cultural uses. When people about culture a lot of them do not understand the spiritual value, because we have a

religious faith. We do not have a church, we have a place. That place is an area where ceremonies take place and where religious things happen according to our creation. These are the places that you just do not touch, you just do not go near them. It is as simple as that. But again where you border on those things, this is where negotiation comes in. You need goodwill on both sides and you need to be clever at negotiating. It is called diplomacy

The CHAIR: We have had evidence from other Aboriginal land councils that are saying they want to do direct land swaps because it is best for the community to get one outcome and the Aboriginal people to get another outcome and it should be a pretty simple switch. Do you have any comments about how that pathway could be simplified?

Mr FARAJ: In the Awabakal under the old title they have got land in Warners Bay. That land there can actually become a solution for all of their problems, everything from home subsidy schemes to home rental schemes. There is enough money just by using a partial amount of that land and getting the right investors in to utilise that to resolve all the problems they have for all their members under the Awabakal branch. There is also the fact of the Newcastle post office. Because of the amount of money required to repair or restore it is just not logical for any Indigenous incorporation to ever build or a land council to restore. But it has so much significance for the local people and the council that it would have been such an easy solution to say that okay, guys, this has a lot of value, this land may not at this end, but the planning part of that land is fantastic.

When the New South Wales Government looked at the Hunter strategy they left that land out. It is in a prime location, it is right in the city, it is in between everything, around more housing. It is absolutely perfect. If it is just a matter of saying that okay, you guys want this and this is very significant to you guys but this is also significant to us to resolve the issues like the cemetery funeral funds, the health benefit schemes, the rental subsidy schemes. Most people have got the assets, if they are rezoned correctly, to have a very good life. I think that is a prime example utilising both.

Mr PETERSON: In that example it would be not quite what you had in mind but they would give you the post office in return for—

The CHAIR: That is what I am saying. There is some red tape and bureaucracy that could be simplified for a win win.

Mr ANDERSON: But outside of the city, when you start getting into the country areas, there is still a dispute. For example, I am a member of the Walgett Local Aboriginal Land Council but in Walgett a lot of Aboriginal people are still uncertain about the land swap because Walgett wants to do up another housing estate outside the levy banks. It is going to cost them millions of dollars to redo that levy bank. They want to rezone that area and do some stuff but they cannot because it is under claim currently that has not been dealt with by the New South Wales Government as one of those 29,000 claims outstanding. Walgett cannot expand. A lot of the towns in rural areas are strangled by the fact that you have got this noose around you with all the claims around the towns. You need to sit down and start planning a negotiation with local government as well as Aboriginal people, those land councils, so that you can release that stranglehold. But it has got to be value for value.

The Hon. TREVOR KHAN: Is that not what the Aboriginal land agreements [ALAs] are all about?

Mr PETERSON: Yes. Logically speaking that is correct. We just want to take it one step higher and try to do it statewide.

The Hon. CATHERINE CUSACK: How do you relate to the ALA?

Mr PETERSON: I will give you a good example. That Warners Bay that we were talking about, under existing planning laws it would be very difficult to get the zoning. What we did want to propose is, for example, the University of Newcastle wants to bring a medical faculty there. They will bring the medical faculty and they will bring the students there, which helps. But around Warners Bay are another about 10 massive claims which were perfect for an ALA. We are saying now as a State that we are going to do this, there is going to be so much social good, you chuck in the ones around as a settlement.

The Hon. CATHERINE CUSACK: I am sorry, I meant the Aboriginal Land Council. Are you doing a mediation role for the council?

Mr PETERSON: Yes, we are trying to bring them together to try to get it on a massive scale. Because the ALA will be terrific when, for example, there is something in it for the Minister. The Minister is saying that I will be settling this but they are building a university, they are putting in this that and the other. If we can do that on a statewide basis with the rail networks port expansion into the next century—

The Hon. SCOTT FARLOW: Could you come back to us on notice as to which land councils in New South Wales are part of your organisation?

Mr PETERSON: Sure.

Mr DAVID SHOEBRIDGE: I would ask on notice what is your relationship like with the New South Wales Aboriginal Land Council? Is it a positive relationship, have you sat down and spoken with them about this particular proposal, are you on the same page? Secondly, what do you mean by "progressive" land councils, if you could provide that on notice?

Mr PETERSON: Those that have been keen to show interest in development.

Mr DAVID SHOEBRIDGE: Development-focused land councils?

Mr PETERSON: Yes, taking it from bush to something.

Mr ANDERSON: I know a lot of the land councils really want to progress and develop economic strategies, housing estates and start doing that, but unfortunately they are really tied down with a noose around their neck.

Mr DAVID SHOEBRIDGE: If you could answer Mr Farlow's question and mine about the land council on notice that would good.

The CHAIR: We are also looking for the cemetery and the ports attachments, if you can table them.

Mr PETERSON: Yes.

Mr ANDERSON: Just a cultural thing on the cemeteries, I know New South Wales is planning to bury people on top of each other. That is a no-no with us. That is really going to be major conflict, but we can avoid that because I know we have got traditional cemeteries out there where there is plenty of land to do that. We can open those things up. A lot of our people are banned from burying their people on their own cemeteries.

The CHAIR: I cannot speak for the Government but I am sure they would take your cultural needs, understandings and beliefs into consideration.

Mr GREEN: Just one comment, please. We are talking about employment. Michael and I come from the Kamilaroi tribe and we are negotiating with Santos gas and Whitehaven Coal. We have created 75 Aboriginal jobs up there in the mine over the last three years and we want it to be an all-Aboriginal mine. We are working with the chief executive officer, Mr Paul Flynn, pretty closely and things are happening. We are proud of it.

Mr ANDERSON: But we get kicked because they do not want us to destroy the land, some sections of our group. But when you are taking home \$5.6 million into 75 households a year that is not a bad outcome for Aboriginal people.

The CHAIR: As the State development committee we went out to Whitehaven Coal and heard about the great work they doing to employ Aboriginal youth. There are some great outcomes being achieved.

Mr GREEN: We are involved with that.

The CHAIR: Thank you for caring for those kids. It is very important that they have jobs. Thank you for your evidence this afternoon. You made a very comprehensive opening statement, which I allowed to go well over time because I think it contained a lot of things you wanted to say given the fact that there was no earlier submission. You will have 21 days to provide your replies to the questions you have taken on notice. The secretariat will help you make sure you hit that target. If further questions are submitted to you because of your evidence they will assist you with that too. Once again, thank you very much for your evidence

(The witnesses withdrew)

THE HON. NIALL BLAIR, Minister for Primary Industries, and Minister for Lands and Water

ALISON STONE, Deputy Director General, Department of Industry—Lands, on former affirmation

DAVID CLARKE, Group Director Governance and Strategy, Department of Industry—Lands, on former affirmation

DAVID McPHERSON, Group Director Regional Services, Department of Industry—Lands, on former affirmation

The CHAIR: Good afternoon, Minister. Thank you for appearing and closing off this inquiry with your right of reply. Given the fact that this is a right of reply I do not think there will be any opening statements.

The Hon. NIALL BLAIR: I was going to make a brief one.

The CHAIR: I am happy to take that but I think it is more important that we finish off with asking you some questions.

The Hon. NIALL BLAIR: Absolutely.

Mr DAVID SHOEBRIDGE: I know Mr Clarke has been sitting there and if there are any observations he wanted to make as well I think we should allow that.

The CHAIR: I will make it clear that I do not want anyone to take more than two minutes with an opening statement because I want to put some things on the record that we have found out through evidence in the inquiry and I think it is appropriate that we put those things before you.

The Hon. Niall BLAIR: I will do my best to be as brief as I can because there are some things that I would like to reiterate as part of the closing and then open up for questions. Throughout the afternoon I will try to be as succinct as possible as well with my answers. I thank the Committee for the opportunity to appear again. I acknowledge the traditional owners of the land on which we meet and pay my respects to elders past and present. As I said in my opening statement at the first hearing, Crown land is one of our most important assets. Crown land is central to every community across New South Wales. As we have heard through this inquiry, it benefits and services all of us every day and in many ways, yet there have been those, like in Parliament last week, that somehow believe Crown lands is the plaything of government and that a development is going to pop up on every unused piece of land or that there is some agenda to inappropriately change the current use of Crown land. This could not be further from the truth, as I will detail later to you.

I understand the Committee has had the opportunity to visit various locations around the State and hear many things, including the passion people have about Crown land. We share this passion. It is also pleasing to know the Committee has heard from a wide variety of councils, local Aboriginal land councils, peak bodies, key stakeholders and community groups about the many important values, interests and issues associated with the management of Crown land in New South Wales. I am sure the Committee is gaining an appreciation of the diversity of views that are held about Crown land. Some stakeholders would like to see Crown land available at no cost, while the Act and Treasury guidelines require that market rent applies, and yet other stakeholders might say that Crown land is not well maintained but, at the same time, want access at no cost and for the Government to fully fund its upgrade and maintenance.

I feel sure that some stakeholders have expressed a view that the Government takes too long to deal with their particular application, yet others would state the Government should consult more on any and every application, which would undoubtedly increase processing times. On the very first day of hearings you heard about the length of time taken to resolve an Aboriginal land claim and my submission to you that the work involved is conducted in a very thorough way. I would be surprised if anyone would believe we should rush a decision to divest land from the Crown estate regardless of the outcome of the divestment.

Many of the issues which have been raised in hearings and submissions have been considered as part of the Crown land management review, which has been ongoing since 2012. The Government's review of Crown land has been conducted over a number of years in an open and consultative manner. This has been beneficial to hear and to respond to the views to allow a detailed examination of what reforms will best address our needs to modernise the governing legislation over the use and control of such a large part of the State. This inquiry is allowing a further exploration of views about the management of Crown land in New South Wales. As you have heard at this inquiry, there are substantial inefficiencies and duplication because of the current legislation overlapping administrative responsibilities and inconsistencies in management. We would expect this when we look at the age of the legislation in place to govern land in this modern era.

As I said previously, the Government will be introducing a single Crown land management bill into Parliament later in 2016. This will replace the existing range of legislation regulating Crown land. The new

legislation will allow a strong strategic approach to managing the highly diverse Crown estate. Our people are passionate about managing our estate and we need to give them the tools to ensure that they have the best opportunity to achieve the best practice in supplying a viable, well-maintained and accessible estate to the people of New South Wales. I have already run through previously what the bill aims to do. The new bill will provide for the ownership, use and management of Crown land in New South Wales and provide clarity about the law applicable to Crown land. It will require environmental, social, cultural, heritage and economic considerations to be taken into account in decision-making about Crown land. This will re-emphasise the importance of the use and control of Crown land being responsive to all of these factors and strengthen the protection of the environmental and social obligations we have in administering the estate.

The new Act will be concerned with the allocation and management of Crown land, including the administration of tenures and Crown reserves and the acquisition and sale of Crown land. This is the same focus as the current Act. There is no change of focus or scope from the intentions of the previous Acts, and, indeed, there is a renewed focus on public engagement and quality of service and facilities. It will provide for a consistent, efficient, fair and transparent management of Crown land for the benefit of the people of New South Wales, allowing for less time being spent on unnecessary administrative roles and more on engaging with and meeting community expectations. Importantly, it will also provide for facilitating the use and management of Crown land by Aboriginal people. Provisions will include protections of Aboriginal interests under the State's Aboriginal land rights legislation and the Commonwealth Native Title Act.

The new bill will not automatically transfer any Crown land to councils, or to government agencies for that matter. Divestment of land to councils will be managed through an orderly process of voluntary negotiations involving councils and local Aboriginal land councils. It will not lead to wholesale or widespread sale or disposal of Crown land. In relation to this last point, as I noted earlier, there has been a lot of misinformation in recent weeks about the future of important Crown land sites like Wentworth Park. I would like to clarify the Government's position. As you may know, UrbanGrowth has released proposals for a transformation plan for The Bays Precinct following a series of community workshops and an international summit. Wentworth Park forms part of The Bays Precinct as an important public space. This plan clearly states that Wentworth Park will continue to be used for active open space.

On 7 July, the report of the Special Commission of Inquiry into the Greyhound Racing Industry in NSW was handed down. In addition to Wentworth Park, there are 16 greyhound racing tracks on Crown land in New South Wales. The Government has made it very clear that existing greyhound tracks on Crown land will be repurposed as open public space, alternative sporting facilities or for other community uses. There have been no decisions to change the use of Wentworth Park. The Premier has clearly stated there will be no residential or commercial use and that Wentworth Park will remain as open space and for community use.

You would have heard submissions that Crown land should not be used for commercial purposes. I would submit that the use of Crown land for commercial purposes is essential. The revenue from these uses underpins the maintenance of Crown land reserves across the State through funding provided from the Public Reserves Management Fund, which I announced last week. Access to Crown land to run a business has two key benefits: it ensures that there are facilities and services that people come to use and enjoy, such as recreational and social activities and the ability to enjoy food and get an ice-cream, for example. This enhances any experience or visit to a local reserve. It also generates opportunities for small businesses to open and prosper in regional communities; mums and dads, young people and professionals are running businesses like surf schools, horse riding operations, kiosks and cafes, child care centres and caravan parks. They run these operations from Crown land and they provide jobs for locals.

It is the balance of local community access and the needs of local businesses that will continue to be the focus. Local councils and local communities are best placed to strike this balance. That is why we think local government is best placed to own and manage many areas of Crown land. This Government is committed to ensuring the continuity of use of important cultural and social sites such as showgrounds and surf lifesaving clubs and publicly accessible caravan parks and, under the new legislation, will ensure that Crown land continues to be such a vital part of the social fabric of New South Wales. Thank you. I am happy to take questions.

The CHAIR: In terms of resourcing, obviously we have taken evidence across New South Wales, the Crown Lands department is facing a downturn in appropriate staff resources to be able to cope with all the requests. Do you have a comment on that?

The Hon. Niall BLAIR: I will pass to Ms Stone in a moment, but it is important to note that one of the things that was announced in this year's budget was an allocation around \$7 million over four years for IT services for the department. Obviously that is a key component of making sure that we have the ability to be

able to be up to date and efficient in processing a range of applications or other functions within the department. So part of what we are trying to do is to have that IT capacity to be able to be more efficient and more conducive and responsive to customer applications. But part of that as well is exactly why we are doing the reforms. At the moment it does not matter how many staff we have, to a degree; when they are working within an outdated legislative framework that is not keeping up with what we were expecting of our Crown lands estate in 2016, that is one of the limiting factors. So we are trying to implement better information technology [IT] capabilities and a legislative framework that will be more conducive to working through this. Ms Stone may like to add something.

Ms STONE: I reiterate the Minister's comments. Within the business we have started to look at areas to make sure that we are more efficient in the way that we operate. Over the past two or three years we have established a number of business centres that are systems and process driven so that we are more efficient in delivering services for customers. Across the State we have a number of staff operating in reserve management, leasing, licensing and the full range of services that the business requires. The Minister spoke about funding to improve our ICT systems and processes, which has two benefits. It is partially to improve customer service but also so that we are more efficient at a business and financial and management reporting level. Last year the Government also provided money to consolidate our road closure and disposal program. That has made sure that the part of the business is fully funded for the future and that we have very clear targets.

The CHAIR: In the past five years has there been a cut to the number of staff working in Crown land management?

Mr DAVID SHOEBRIDGE: I think that is unfair. We should go back a decade, to 2006. The Government inherited this when it came to office.

The CHAIR: In general, over 10 years has there been a reduction in staff across New South Wales who manage Crown land?

Ms STONE: I have been in this business for 3½ years. In that time we have made a lot of efficiencies in that business so that we can do more with better trained and skilled people. We put on 65 permanent people for the road closure and disposal program, with that additional funding. It was provided initially in 2012. It was continued last year for that program. We cannot compare apples with apples over the past 10 years.

The CHAIR: That is right. The second issue with staffing is that, with all due respect to the staff, the historical knowledge of the staff is very shallow. There might be a reduction in staff for more effective processes but they do not have knowledge of the local area. It is frustrating for people who ring in when the staff have no historical knowledge of parcels of land. What training are you providing to address the gap in historical knowledge?

Ms STONE: In our regional services we have 140 staff working in client services. They speak daily to local government and customers. We also have consolidated a lot of customer inquiries into our call centre. We have great statistics on that. The call centre takes 18,000 calls a year. Inquiries are answered at first point of call in about 60 per cent of cases. I can provide extra figures on that. If the question cannot be answered at the first point of call it is referred to local staff.

The CHAIR: That is the point. You can give me a long-winded answer, but the Committee's finding that the connectivity is not there. People ring the call centre, the call centre diverts them and the person on hand is either under because of a reduction in staff or does not have local knowledge of the land parcel. Then they are already five steps behind.

The Hon. TREVOR KHAN: Is that a question?

The CHAIR: It is an observation.

The Hon. NIALL BLAIR: I make a very brief point. I could have hundreds and hundreds of staff, but that not may not be the best way to use those resources. We have to look at the way we do business. Aboriginal Land Agreements versus the traditional way that we do land claims is a good example. It is better to invest the time in sitting down with local land councils to negotiate better outcomes, rather than spending more money employing more staff to continue going through the process. We could be working smarter. We are investing in systems and new legislation to work smarter to achieve better outcomes.

The CHAIR: I hope you are getting an IT system like the one in the education department. You would be in big trouble.

Mr DAVID SHOEBRIDGE: Or TAFE.

The Hon. TREVOR KHAN: It is the same one.

The CHAIR: Is the department looking at an audit of Crown lands in New South Wales?

Ms STONE: A full audit of all parcels?

The CHAIR: Yes, of Crown land.

Ms STONE: We could talk to the purpose of the State land stocktake.

Mr CLARKE: Thank you. One of the constructs in the Crown land review has been the concept of State land and local land. As part of that process we have undertaken the State land stocktake. It is not occurring on a statewide basis as yet. It will eventually get to that point. We have gone to a number of local council areas and, in consultation with State government agencies, had a look at the land that the State believes it needs for State purposes. It could be for State infrastructure needs, environmental needs or other purposes. We are able to get the audit underway of what land is in a particular area. That will then inform our decision-making in future. It will be a key input into the proposed negotiation with councils and Aboriginal land councils.

The CHAIR: It is more so that the community can see what is Crown land.

The Hon. MICK VEITCH: Minister, thank you for accepting the Committee's invitation to appear a second time. You mentioned Aboriginal Land Agreements. This inquiry has heard testimony about Aboriginal Land Agreements and the local land pilots following the Government's review into Crown land management in 2012. Given that native title is integral to Crown land management, can you advise how native title will be addressed in the process, along with Aboriginal Land Agreements?

The Hon. NIALL BLAIR: That is certainly important. I will ask Mr Clarke to answer that because he has been intimately involved in how we deal with this.

Mr CLARKE: There are two separate pieces of legislation that are very important in dealing with land. One is the State Aboriginal Land Rights Act and one is the Commonwealth Native Title Act. Both of those Acts have to be considered in all dealings with Crown land. The proposed Aboriginal Land Agreement mechanism is under State legislation. It is the State and Aboriginal land councils. The process that is being put forward to enable those negotiations to occur is that it is principally between the State and the land councils. However, both those parties recognise and acknowledge that native title rights and interests and claimant groups have an interest in those negotiations. There will be mechanisms by which those groups can be invited to participate in those negotiations where it is appropriate and/or be consulted about the issues that are taking place through those negotiations.

The Hon. MICK VEITCH: Thank you. Minister, no doubt you have heard that at just about every hearing someone has asked about whether there should be an exposure draft of the legislation. In your first appearance at this inquiry you said that there will not be an exposure draft. Do you still stand by that?

The Hon. NIALL BLAIR: I said I would consider it.

Mr DAVID SHOEBRIDGE: You did not appear in enthused.

The Hon. NIALL BLAIR: It is just my demeanour. I have been accused of being stone-faced.

The Hon. MICK VEITCH: In light of what we have heard, will you give consideration to an exposure draft?

The Hon. NIALL BLAIR: Thank you for the question. The first point is that there is a time line. The department has been working with Parliamentary Counsel to introduce the bill in the spring session of Parliament. This inquiry has popped up in between that. It is an issue that we have been considering and I am more than happy to assist the Committee. We do not have an exposure draft of the legislation yet because we are working to a particular time line. I am happy to provide a subsequent submission for the Committee's consideration. I propose to set out a table to show some comparisons between what the current Act has, what the proposed Act proposes and what the white paper consultation and comments were on the subject.

I will run through the subjects that we are looking at. They are the title of the Act, other related Acts, reducing red tape, focus, scope, content, objects, principles of Crown land management, powers, land ownership, Aboriginal interests, state and local land tenures, sale and disposal, Crown reserves, dedications, compliance and enforcement, administrative and miscellaneous matters, community engagement, Western Division, vesting, local councils, market rents, statutory minimum rent, land assessment, landowners' consent, reserve management, appointment of reserve managers, appointment of board members, categorisation of reserve managers, claims of management and council management of reserves.

That obviously reads to you like they are the sections we will be covering in the legislation. As I said, we do not have the legislation ready for me to submit it here today. Chair, if there are any areas that you would

like that comparison done further than those 33 areas that I have outlined, I am more than happy to consider that from the Committee. I want to be able to use this as a constructive process to say, "These are the areas that we are looking at", show you how they will be dealt with in comparison between what we have at the moment, what we are proposing and then also how that fits in with the community feedback from the white paper. Hopefully the Committee will be able to digest that in time for the handing down of its report. When we get to debate this legislation in Parliament hopefully you will see again that there are no surprises. This is something that in eight or nine weeks' time—whenever the parliamentary sitting period is—we will be looking at introducing into the Parliament. I am not trying to avoid the question or the commitment but we do not have a draft available, but we have an idea where we can try to fill in some of those gaps.

The Hon. Mick VEITCH: The next issue will be regulation. Does the information you are looking at providing to the Committee, which I appreciate, detail which elements will be left for determination by regulation?

The Hon. NIALL BLAIR: No, not at this stage.

The Hon. Mick VEITCH: In your opening statement you spoke about the transfer of lands to local government. What is your expected timeframes for the consideration of transfer of land to local government, accepting that you said that not all land will be transferred and it is an opt-in, opt-out arrangement? What is your expected timeframe for that process after the progression of the bill?

The Hon. NIALL BLAIR: Let us get the bill through first and then we can look at the moment. All that we have done at this stage was a desktop pilot with those four councils. Where I have travelled around the State—I think I mentioned last time—I have councils asking to be involved in that process. We will concentrate on getting the legislation through unless Mr Clarke has any information around timeframes. At this stage I think it is too early to determine how quickly that would happen.

Mr CLARKE: All I can add to that is there is a parallel process with the legislation, which is the proposed negotiations with councils and Aboriginal land councils. The Minister referred to the additional resourcing in the 2016-17 budget which is, in part, to support those negotiations. They have not yet commenced but they will get underway this financial year.

The Hon. Mick VEITCH: I refer to resources and the response you gave to the Chair's question in relation to ICT. My concern is the dollar amounts included in the budget for this year and into the four years are not enough. That is based on evidence the Committee has heard around the State that there are serious inadequacies that need to be addressed. I do not think anyone on either side of politics could accept that it is satisfactory. How did the department arrive at the numbers to put to Treasury to say that is what we need to implement and ICT strategy?

The Hon. NIALL BLAIR: I will refer to Ms Stone in a moment. The ICT is not something that is just one element as a stand-alone process. As I said you need to look at that allocation of resources and, as the shadow spokesperson for Crown Lands, you tell me what you are going to stump up, and I am happy to see how that plays as well. I mean \$7 million is certainly a big investment in this area.

The Hon. Mick VEITCH: I am not saying you should not have this money. I am saying you should get more.

The Hon. NIALL BLAIR: What are you committing?

The Hon. Mick VEITCH: We will issue a joint press release and ask for more money.

The Hon. CATHERINE CUSACK: How much did you get, Mick?

The Hon. Mick VEITCH: We will do a joint press release: we both agree there should be more money.

The Hon. NIALL BLAIR: As I said, part of this not just about the hardware and the physical presence, it is how we do business. Having a framework and the abilities to do business differently is the only way we are going to be able to get some good customer outcomes out of this. Again I listened to some of the evidence given by the previous witness. Again the ALC is the way forward when we talk about land claims. This is having an ability to get people around the table and negotiate. It is very hard to stump up on a spreadsheet how that needs to look on a submission for the Treasurer or for ERC. This is about making sure that we have, firstly, the relationships to have the negotiations, secondly, that we have the ability to have done the work to identify the parcels of land and that is what is then underpinned and supported by the ICT and the systems within the department, and it is about having the framework to continue on with that negotiation.

Some of this is very hard to show on a spreadsheet. Some of this is just about being open and transparent, having relationships and I hope that that is something that as Minister I have brought to the table. I think the relationship that we have now with the land councils and NSW Aboriginal Land Council and the good work that has been undertaken by the department and those organisations that are responsible for some of those negotiations means that we are at a point now where we can move forward with this.

Ms STONE: I will start with the benefits of what we are looking to achieve through the additional funding. It is really around improved delivery of our business processes, improve customer satisfactions so reducing times to process applications, respond to inquiries, improve productivity through one interface. So currently we use a number of disparate data bases. I think the Committee has heard we have 580,000 parcels of land, each of which have probably four different data bases that you go to to get a single piece of information. It is a system that has not been invested in for probably since it has been built.

The other part is to make it more spatially dependent so, in fact, you can actually hit one button and not go to six sources of information. I am talking in lay person's language, not IT person's language. We are looking at trying to reduce costs such as system maintenance, hosting fees. When our data bases were built, today we deal in things call the cloud. So how do we make sure that they speak to customers, our financial systems, our recording systems and certainly try to put as much information into the public domain as we possibly can. The two areas that we are really trying to invest in: one is to upgrade our current information system so that they are modernised to deal with the whole of the Crown estate—not all of our Crown estate is probably captured into all of our data bases.

And then the development of, I guess, the ability to query that in a way that I can use, not employ six people to have to go to find out the answer to one single question from me. So if you ask me "How many of" something have I got today? I would have to ask somebody who would have to go to three sources and it would take a little bit of time to get that information back to me. We are hoping to say that investment—it will have to go through a business case process and further refinement. As you know ICT projects are fraught at times but I believe that we know what we need and we have got opportunities to look at where they have done similar systems in other States for land information.

The Hon. Mick VEITCH: Minister, the Committee has taken quite a bit of evidence in relation to the value of travelling stock reserves and routes—TSRs. I know there is a strategy development for TSR management across the State. Are you prepared to take on board all the evidence the Committee has taken and seek that it be transferred across to the other review that has been managing travelling stock reserves at the moment?

The Hon. Niall BLAIR: Yes, this review is long overdue. No-one has really the time to take a snapshot of where the reserves are, what is left of them, what is their use and current purpose but, more importantly, what is the future. Do we need new routes? Do we need other areas? These are the questions that are being thrown up as part of what Local Land Services is doing. They are working closely with Crown Lands. It would be my expectation that they are looking at some of the evidence that has been received by this inquiry because I know the inquiry has travelled in different parts of State and I hope that the Committee has met with people that it has met with. I know that the combined action to retain routes for travelling stock [CARRTS] is a good example. I have met with CARRTS. I know that they met with Local Land Services on a number of occasions, but certainly the more evidence that we can get to make an informed decision—I would expect that that was occurring, but I will endeavour to follow that up.

The Hon. MICK VEITCH: We heard some good testimony today. The apiarists gave some good information about the value of TSRs to their needs as well.

The Hon. Niall BLAIR: Can I—

The Hon. MICK VEITCH: No bee dance.

The Hon. TREVOR KHAN: Can we see the dance?

The Hon. Niall BLAIR: The only point I was going to make is hopefully you heard testimony that we are looking at a whole-of-government response to the issue of apiary sites. Again, we have been open to looking at the different needs and bringing all the agencies in to get a better outcome. To me, it was a good case study of how this has been going awry in the past. We had different government agencies dealing with one stakeholder group that had different rules. It was not a whole-of-government approach. I guess that is an example of how we are trying to better manage the Crown estate.

The Hon. MICK VEITCH: We do not want any more auctions.

The Hon. Niall BLAIR: That is certainly an issue that we are well and truly aware of.

Mr DAVID SHOEBRIDGE: And you are not going to have any more auctions like what happened in the State forest on the south coast, which saw most of the industry priced out.

The Hon. Niall BLAIR: It was not long into my tenure as Minister when the first auction trial occurred. There have been no more since and we are looking to get a good outcome on how we allocate and provide tenure for those apiary sites in a whole-of-government approach.

Mr DAVID SHOEBRIDGE: You say more of those options.

The Hon. Niall BLAIR: I said there has been no more since the first one and we are looking at a better way to do this.

Mr DAVID SHOEBRIDGE: Different to that?

The Hon. Niall BLAIR: Yes. As I said, that is only one example of how one agency was dealing with this issue. I am happy to state that if the Forestry Corporation needs to rely on the auctioning of apiary sites to balance the balance sheet, then as Minister for forests I would probably have more worries than I have at the moment.

Mr DAVID SHOEBRIDGE: I hear your commitment to openness and transparency, but some disturbing evidence, at least from my part—

The Hon. TREVOR KHAN: Everything disturbs you, David.

Mr DAVID SHOEBRIDGE: —was that the four councils that signed up for the pilot project had to sign confidentiality agreements, which prevented them sharing information with adjoining councils and, indeed, potentially are still in place. (a) What was the rationale for confidentiality agreements; and (b) can you assure those councils they can now share their experiences with adjoining councils?

The Hon. Niall BLAIR: From memory, we took on notice to look at the submissions or information from those trials at the last hearing. I imagine that that is potentially part of that submission. I will confirm with Mr Clarke.

Mr CLARKE: I think that was a question on notice.

Mr DAVID SHOEBRIDGE: What was the rationale for signing up the councils for confidentiality agreements? These are pilot projects that will hopefully inform everybody. Why wrap them up with confidentiality if you want transparency? Mr Clarke?

Mr CLARKE: I guess the concept was it was a new idea and we were testing it and we wanted to be able to manage it in a small number of councils, not every council. The confidentiality agreement was to allow the two parties—State Government and local government—to share information with each other through the pilot process. Once the pilot assessment work was finished, the confidentiality agreement ended. The councils have been briefed on the findings of the local land pilot. Information has been available to other stakeholders about that and there was a question on notice to provide those findings to this Committee, which we will do.

Mr DAVID SHOEBRIDGE: There were some questions from the Chair about resources and the like. Could you please provide us with the full-time equivalent staff numbers in the department since 2006 on an annual basis.

Ms STONE: We can do that.

Mr DAVID SHOEBRIDGE: In respect of travelling stock routes, we had a number of submissions, as you have heard, about the complications of having to deal with moving from one Local Land Services area to the next when people only want to move stock from A to B. Are you looking at having a one-trip permit, if you like, from start to destination?

The Hon. Niall BLAIR: I guess when Ms Stone talks about having a better interface with customers, that is the sort of thing that makes sense, to have permits; that you make an application and it can be transferred across different Local Land Services areas. Again that is something that we can talk to Local Land Services about. Those practical applications, and I know that the Chair was good to raise some issues about the knowledge of some of the people approving some of the permits and the implementation of some of the permits. These are all operational decisions that I—

Mr DAVID SHOEBRIDGE: No-one is suggesting there should not be local knowledge, just a single point application.

The Hon. Niall BLAIR: I agree. Again, going back to the question from the Hon. Mick Veitch, I am expecting that some of that evidence will then be taken on board. Again, if agencies like Local Land Services

can, in conjunction with Crown lands, look at how we can have a better interaction with those customers, then that would be my expectation.

Mr DAVID SHOEBRIDGE: Minister, we have had at least three groups in their submissions today ask for a broadscale audit, particularly an ecological audit, but also a social and heritage audit of Crown land before any major decisions are made about handing them over. What steps have been taken to do that? You need that information about the land before you make any long-term decisions about it.

The Hon. Niall BLAIR: In what context are you talking about handing the land over?

Mr DAVID SHOEBRIDGE: Before decisions are made divested in local councils, or before decisions are made for long-term leases, or before decisions are made to turn it into a national park.

The Hon. Niall BLAIR: Sure. I will refer in a moment, but I will make this point: In a lot of cases there may be very clear-cut precedents or ways in which we can enter into leases and things like that. This is the point I was making earlier in my opening address. By then requiring that every piece of land—can you remind me of the types of assessments that you wanted again?

Mr DAVID SHOEBRIDGE: Ecological values, social values, heritage values.

The Hon. Niall BLAIR: Okay. I am trying to work through it. On one hand Crown lands gets constant criticism. I am sure you have had a lot of evidence about the delay in processing applications. On the other hand we can have clear-cut business as usual assessments that we could make. By adding another layer of the social, cultural, heritage and ecological assessments for every application—I think I will have to come back to the Hon. Mick Veitch and ask him to do a press release with me on that because of the amount of extra resourcing required. Do you mean for every application, or divestment, or land claims?

Mr DAVID SHOEBRIDGE: Indeed, as part of your statutory obligation under section 30 of the Crown Lands Act, you should already have instituted a program for the assessment of all the Crown land estate—preparation of an inventory, assessment of the capabilities of land, identification of suitable uses for land, where practicable the preferred use or uses. That is your obligation for 27 years.

The Hon. Niall BLAIR: Is that for every—

Mr DAVID SHOEBRIDGE: That is all Crown land.

The Hon. Niall BLAIR: Going forward, the example that you are putting, is that for every lease?

Mr DAVID SHOEBRIDGE: I will tell you. The Nature Conservation Council's submission, but also an earlier submission today stated that you should be prioritising those parts of the Crown land estate that are at greatest threat of development and have the highest ecological values. Do you have a process to do that, given how important it is?

The Hon. Niall BLAIR: I need to clarify, from what development?

Mr DAVID SHOEBRIDGE: For example, from private development, from divestment for private development.

The Hon. Niall BLAIR: I do not have any examples of where we are setting it up for—the new legislation for Crown lands is not about getting rid of Crown lands for development. I think I have made that quite clear. It is a way of having a structured framework to move forward. That may be that—

Mr DAVID SHOEBRIDGE: Minister, I am not suggesting this is about the legislative change. This is about the current pressures that have been on Crown land for 50 years, particularly around the coast.

Ms STONE: Could I make two comments in response? We have a number of heritage assets, so a lot of our coastal harbours have heritage assets, certainly our lighthouses and many other buildings. Often there is a requirement to do conservation management plans, which either the trusts do on our behalf or we have done in relation to seeking funding for upgrades.

Our Coastal Infrastructure Program has gone to that process in terms of making sure that we have an understanding of what heritage assets need to be maintained and upgraded. We are required to comply with other legislation in relation to heritage and in relation to protection of the environment, and we are mindful of that in all of the dealings that we are required to undertake on Crown land.

The Hon. MICK VEITCH: Just following up from that question about native title—Minister, have you considered addressing native title under an Indigenous land use agreement at the same time as negotiating Aboriginal land agreements? Is that something to which consideration has been given?

The Hon. NIALL BLAIR: Yes.

The Hon. MICK VEITCH: You have given consideration. Have we actually done it?

The Hon. NIALL BLAIR: No, we have not as yet.

The Hon. MICK VEITCH: Why not?

Mr DAVID SHOEBRIDGE: It is tricky.

Ms STONE: The Aboriginal land agreement provision came in recently.

The Hon. MICK VEITCH: Yes.

Ms STONE: There is a lot of work going on in both native title consideration and Aboriginal land agreement consideration. Certainly, they are being considered, I guess, as more of a total package as we understand more about how this might operate practically. It has taken, I guess, quite a while to have the conversations that we have needed to have to make sure that we can bring that to the table soon.

The Hon. SCOTT FARLOW: Let me pick up on that point. We have received a lot of evidence with respect to Aboriginal land claims during this process. Of course, with the introduction of the Aboriginal land agreements [ALAs] there is some optimism about the process moving on more speedily. Could you outline, perhaps, how in particular the Government proposes to negotiate some of those agreements with Aboriginal landholders and claimants? How do you think that will speed up the process to be able to deliver better outcomes for Indigenous groups around the State?

The Hon. NIALL BLAIR: Thank you. Obviously, just following on from what Ms Stone said, the Aboriginal land agreements are now a new mechanism under the Aboriginal Land Rights Act, which came into force on 1 July 2015. Aboriginal land agreements will allow local Aboriginal land councils and the Government to enter into voluntary and negotiated agreements. To support the development of ALAs I am pleased to announce that we have jointly developed a negotiation framework with the New South Wales Aboriginal Land Council. As part of this process the New South Wales Aboriginal Land Council consulted with its network of land councils across New South Wales to discuss ALAs and issues regarding the negotiation framework.

The negotiation framework agreed with the New South Wales Aboriginal Lands Council is a significant step in fulfilling the intentions of the Act. The framework defines the scope of negotiations and proposed principles that will guide how negotiations are conducted and prescribe its procedural elements to ensure negotiations are fair and are likely to succeed. All negotiations will be voluntary and must be conducted in good faith. The framework will ensure that ALA negotiations are fair and likely to succeed in the shared objectives of speeding up the process of land claims, providing more sustainable social, cultural and economic outcomes for local Aboriginal land councils and Aboriginal communities from the return of land, and providing greater certainty to all parties over Crown land. Briefings shortly will occur with councils and local Aboriginal land councils in the first areas proposed for ALA negotiations to discuss the proposed process and next steps.

The Hon. CATHERINE CUSACK: Minister, can you clarify the basis on which commercial use of Crown land is being undertaken?

The Hon. NIALL BLAIR: A number of high-profile matters have been used by opponents of the New South Wales Government's Crown land reforms to create confusion over how Crown land reserves are used. It is not appropriate for me to comment on the specifics of current matters before the courts, including matters surrounding the Talus Street reserve. What I can say is that council reserves that are set aside for the purpose of public recreation are able to be lawfully used and occupied for commercial purposes. This was clearly stated in the recent judgements regarding King Edward headland reserve in Newcastle. Leases and licences for business operating on Crown reserves contribute a significant amount of revenue to the department's Public Reserves Management Fund program, which in turn provides grants to the hundreds of volunteer community and other groups and councils that manage Crown lands across the State.

It is important to appreciate that many reserves are able to be maintained to the high standards the community expects only because of the revenue received from commercial operations on those reserves. As an example, caravan parks operate on Crown land. Surplus funds from those caravan park operations are used to manage and protect adjoining foreshores for public benefit. This Government will continue to support the many and varied small businesses that make a living from their access to Crown reserves. Regional economies are stronger because of that. Our tourism industry benefits from that. Our reserves managers rely on the income generated, and our local communities want our reserves well maintained. Chair, because I did make a bit of a slip during that answer, I will provide that answer to Hansard to ensure that my answer is clearly articulated

when I said that the reserves are only able to be maintained as a results of commercial activities. I just want to clear that up.

The Hon. MICK VEITCH: There goes another one of my press releases.

The Hon. NIALL BLAIR: You can retract that.

The Hon. TREVOR KHAN: Minister, there has been considerable evidence with regards to Crown roads. Can you outline the process by which closure application and sale of Crown roads are dealt with and also whether you are able to give some indication with regards to clearance of the backlog of those applications?

The Hon. NIALL BLAIR: For the information of the Committee, the Department of Industry—Lands is responsible for over 500,000 hectares of Crown roads, with the majority of those roads not formed or constructed. Many of those roads are not required for access by the general public and exist as lines on maps. The roads program enables landholders to apply to purchase roads adjoining their freehold property through a process of closure and disposal of unnecessary Crown roads. This program benefits landowners by providing them with an opportunity to consolidate their landholdings. Approximately 8,000 applications have been completed since April 2011, generating revenue of more than \$81 million for the Government.

In 2015-16 more than 1,800 applications were completed. They generated revenue of more than \$17 million, which provides funds for reinvestment into other government projects and priorities. This is a very popular program with more than 6,500 applications awaiting completion and 550 new applications being received each year. Currently, the department aims to complete 1,700 applications each year. Road closure applications are individually assessed on their merits. For equitable management, road closure applications are processed on a first-received, first-processed basis. Applicants can seek expedition of their road closure by applying in writing. Extenuating circumstances may include a current development application involving a road or deceased estate matters.

It takes a minimum of seven months to close and sell a Crown road. This timeframe is dictated by the legislative requirements governing Crown roads. The process involves thorough investigation and actions under two pieces of legislation—the Crown Roads Act and the Crown Lands Act—as well as consultation with adjoining and affected landholders and other authorities. The process involves public consultation and assessment of whether the roads are required for public access to land or waterways and should remain as part of the public road network. All proposed road closures are publicly advertised. If not required for public purposes, the roads are closed and sold, which reduces costs associated with managing this land for the State and reduces red tape for affected property owners. Approximately 25 percent of road closure applications process per annum are unable to be approved due to being required for public access or because the applicant withdrew interest at different stages of the process.

Officers from Department of Primary Industries Fisheries [DPI] and the Department of Industry—Lands work together to ensure that road closure applications are assessed to identify existing angler access. DPI Fisheries staff have assessed more than 13,000 individual roads for closure. Of those, DPI Fisheries has requested the retention of 300 roads because they provide access to waterways, which is an important issue as I am the Minister responsible for fishing. That is a good example of two different sections within my ministerial portfolio working together to address the issue of, in some cases, competing stakeholder interests.

The Hon. SCOTT FARLOW: We heard that from the anglers today.

The Hon. TREVOR KHAN: Perhaps Ms Stone may know what was the number of road closure applications that were outstanding in 2012 as compared to now.

Ms STONE: There were probably over 8,500 applications on hand when the road closure and disposal program was funded initially. The first tranche of funding provided for 50 staff to be located in a business hub in Grafton. I think we have talked today about a second tranche of funding that continues that, with staff across the State, but mostly located in Grafton and New South Wales. The Minister has already said that the number of current applicants on hand has come down substantially. We hope to be bringing that number of applications down to within 1,000 within three to four years.

The Hon. CATHERINE CUSACK: That was initiated in 2012.

Ms STONE: That is right.

The Hon. CATHERINE CUSACK: What is the future of that program.

Ms STONE: The future of that program is strong and ongoing. As I said, we are more efficient with it now. We are looking at it at a cluster level, so it is not road by road. Again, we are looking at how to make sure that roads within a particular area are all assessed at the same time to make it more efficient for the referencing

agencies like the NSW Rural Fire Service, local government and the waterway access that the Minister has referred to.

Mr DAVID SHOEBRIDGE: Can you give us the costs as well as the returns for that, so we get a full picture.

Ms STONE: I can provide those figures on notice.

The Hon. NIALL BLAIR: It is fair to say that with respect to that program we have been victims of our own success. It was opened in 2012. The response has been so positive, with people wanting to engage with it, that we have had to add extra resources to process it. We changed our decision to create that. It is something that we are working through.

The CHAIR: I would like to put a couple of questions on notice. Can you give us a reply to the issue of fencing at King Edward Park. Where is that up to? Is it more than likely going to be removed for the public good?

The Hon. NIALL BLAIR: I am happy to come back to you on that but I can answer very quickly. Crown Lands definitely believes that the issue at the moment is between council and the developer. As I said, I can come back to the committee, but once Crown Lands is satisfied that the demolition has been completed—and council has signed off to say that that has occurred—it is my understanding that the issue around the fencing can be resolved.

Mr DAVID SHOEBRIDGE: Mr Blair, tear down that fence.

The Hon. NIALL BLAIR: Once we get the confirmation. When Mr Blair is responsible for that site and when I am confident that the demolition has occurred—

The CHAIR: If you could quicken that outcome it would be appreciated by the community.

The Hon. NIALL BLAIR: I will chase that up for you.

The CHAIR: I know you have given that undertaking. My second point is about essential services. There was a petrol station or something at Stockton—an essential service for a small community. Maybe Crown Lands need to be mindful of not flogging off those particular properties given the essential service needs of local communities. It can make or break those communities if those properties are moved on for commercial purposes. Can we just be mindful of that?

The Hon. NIALL BLAIR: What is the question?

The CHAIR: There was some evidence that came through with respect to essential services at Stockton. I am sure you would know all about it because the evidence came across.

The Hon. NIALL BLAIR: I definitely know about it. I have been asked about it before.

The CHAIR: I am just asking that the department to be mindful of those sorts of situations popping up, where there are essential services in small communities.

Mr DAVID SHOEBRIDGE: Is the issue of essential services in small communities going to be part of the Act, too?

I am happy if you take the next question on notice. We have had a series of representations, particularly from the New South Wales Aboriginal Land Councils, about prioritising return of land to the Aboriginal people. Aboriginal people, of course, owned this entire State before colonisation. Crown Land is 42 per cent of the State. Will any new Act have, as one of its core principles, prioritising the return of land to Aboriginal people and the traditional owners?

The Hon. NIALL BLAIR: I will take that on notice. Are you referring to what the previous witnesses were talking about in relation to a settlement?

Mr DAVID SHOEBRIDGE: No, I was referring to the New South Wales Aboriginal Land Council's evidence.

The Hon. NIALL BLAIR: Thank you.

The Hon. CATHERINE CUSACK: Because the back-log has been so large and ongoing, I think there has been a bit of an impression that it is a static waiting list. Could I ask you to give us, on notice, information about how many are being processed each year and the number of new applications coming into the pool. It is not as if nothing is being done—

The Hon. NIALL BLAIR: Aare you referring to Aboriginal land claims?

The Hon. CATHERINE CUSACK: Yes.

The Hon. NIALL BLAIR: I think the Hon. Catherine Cusack was away the first day I have evidence.

The CHAIR: That is correct.

The Hon. NIALL BLAIR: I presented a graph, but we will go back and check that.

The Hon. CATHERINE CUSACK: I understand that but it has become a recurring theme. I think that more is being done while I understand that a lot more has to happen.

Mr DAVID SHOEBRIDGE: The numbers approved, by year, would be really helpful.

The Hon. NIALL BLAIR: We can do that.

The CHAIR: That concludes the session. I thank the Minister for presenting. It is really brave of you to do it twice during an inquiry. It just goes to show your commitment to the portfolio. We also appreciate the department fronting up for a right of reply. There may be further questions on notice. You will have 21 days to answer them. Sam and the secretariat will help you with that. There may be further questions, given the evidence you have put forward today.

The Hon. NIALL BLAIR: I would like to table my opening statement, for the ease of Hansard, because I did go through that relatively quickly.

The CHAIR: Thank you for your commitment to this portfolio across New South Wales. That includes the hearings for this Crown Lands inquiry. For the information of the public gallery, we hope to report by 13 October. You will see that report if you keep your eyes and ears to the ground.

(The witnesses withdrew)

The committee adjourned at 17:05.