

An update for stakeholders

June 2018

Commencement date announced

The Minister for Lands and Forestry has announced that the *Crown Land Management Act 2016* (the Act) will commence on 1 July 2018.

This new legislation implements reforms identified through the comprehensive review of Crown land management and follows almost six years of engagement with the community.

The Act benefits the community by:

- ensuring decision-making around Crown land encompasses environmental, social, cultural heritage and economic considerations
- facilitating enhanced community engagement in decisions about Crown land
- recognising and facilitating Aboriginal involvement in the management of Crown land, including recognition of Aboriginal land rights, native title rights and interests and the spiritual, social, cultural and economic importance of Crown land to Aboriginal people
- boosting compliance and enforcement powers to protect and address issues on Crown land
- improving equity through consistency in tenures and rents and standardising lease and licence arrangements.

Stakeholder readiness for commencement

Stakeholder readiness was a key consideration in determining the commencement of the Act. Aligning commencement with the start of the new financial year will reduce complexity and duplication for stakeholders, particularly managers of Crown reserves.

The Department of Industry—Lands & Water (the department) acknowledge that our customers and stakeholders may experience a change in service and support as the department's operational processes transition to the new Act. We will work to minimise impacts for our customers and stakeholders during the transition to the new legislation.

The department has developed new internal operational processes and policies in readiness for commencing the Act, and training and resource materials will be provided to our customers and stakeholders.

All existing Crown land legislation remains in place until 1 July 2018.

Changes for councils and corporate reserve managers

A consequence of the new Act is that corporate and council entities managing Crown reserves may need to make changes to their operations, such as updating financial, banking, tax and insurance details associated with their reserve trusts. This is to give effect to changes under the Act that simplify the reserve management structure.

The government is providing an additional 12-months transition period for these organisations. The existing reserve trust layer will be kept in place until 1 July 2019 for corporate entities and councils managing Crown reserves, making sure there is time to complete these processes.

The extended transition period for corporate entities and councils responds to stakeholder feedback and recognises the complexity of the transition requirements for these entities.

The transition period only applies to the reserve trust layer for council and corporate entities.

It does not delay the requirement to comply with all other provisions of the new legislation, which will commence on 1 July 2018. Local councils will commence managing Crown reserves as if they were 'public land' under the *Local Government Act 1993* from 1 July 2018. The new *Community Engagement Strategy* and other new requirements of the Act will also commence on 1 July 2018.

Engaging with the community

The *Community Engagement Strategy* has been approved by the minister and will commence on 1 July 2018. The strategy is a statutory requirement of the Act and will be used to support community engagement on a range of Crown land dealings and activities.

The strategy ensures decisions about the Crown land you use and enjoy are made in an open and transparent way by setting out engagement requirements for certain dealings under the Act.

The strategy acknowledges that community needs vary and a range of engagement approaches are required to ensure community views are understood before important decisions are made. The strategy will be used by the department and non-council Crown land managers.

During public exhibition of the strategy late last year, the department received 183 submissions from individuals, community groups and peak bodies providing a wide range of feedback. The strategy was reviewed and amended in light of this feedback. A summary of submissions and the government's response to the issues raised is available on the department's website.

Now the strategy is approved, the focus turns to supporting and training our stakeholders to get ready for the 1 July 2018 implementation date. The strategy and support material are available from the website.

A new Crown Land Commissioner

The government and the department recognise that the new Act and the *Community Engagement Strategy* are landmark changes. The first Crown Land Commissioner will be appointed under the Act to assist with monitoring and implementing the new regime. The commissioner will play a key role in maintaining transparency and open communication regarding the management of Crown land.

Once appointed, the commissioner will work with the government and stakeholders, providing independent advice to support the successful implementation and transition to the Act.

We will make information available shortly about the functions and focus of the commissioner.

Information sessions for Crown land managers

Information sessions have been held around the state over the last four weeks to help non-council Crown land managers understand the changes and prepare for the transition to the new Act.

The sessions provided practical information on managing the changes and included information on governance for Crown reserves, the introduction of the *Community Engagement Strategy*, appointment instruments and the code of conduct. Further information will be provided to all Crown land managers shortly. Contact us at reserves@crowland.nsw.gov.au for further information.

Changes for Western Division

Western Lands Advisory Committee

Recognising the valuable role of the current Western Lands Advisory Council in advocating on behalf of the residents, lease holders and business owners of the Western region, the council will transition to become the

Western Lands Advisory Committee under the new Act from the 1 July 2018 when the *Western Lands Act 1901* is repealed.

The current advisory council members will form the new Western Lands Advisory Committee, operating under the new Act, and will hold office for the duration of their current terms.

More information

We understand you may have questions about the management of Crown land and changes under the CLM Act. We will continue to provide updates on key features of the Act and the activities to support the transition to the new legislation.

For more information contact the Department of Industry—Lands & Water on:

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- Web: industry.nsw.gov.au/lands
- Phone: 1300 886 235