



# Trish Doyle MP

## Member for Blue Mountains



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### New South Wales Parliament Legislative Assembly

#### Crown Land Management Bill 2016

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I add my voice to those of my Labor colleagues who have stood together today to point out the shortcomings and failings of the Crown Land Management Bill 2016 introduced by the Baird Government. It is often the strategy of the Baird Government to conceal malice in its legislation with incompetence.

My Labor colleague, the member for Cessnock, spoke for more than 40 minutes earlier today about the implications and unintended consequences of this legislation. These consequences, which one might charitably chalk up as examples of ministerial incompetence, are just as likely ideological and malicious. Under this Government, we must be very careful to know the difference.

We have seen in the very recent past that at times Ministers in this Government have to be led by the nose by members of the Opposition to see what the impact of their legislation will be. As Tim Freedman points out, "You can lead a horse to water but you can't make it enjoy the view."

Sometimes, though, if you lead the horses opposite along by the nose for long enough they can eventually be persuaded to see the unintended impacts of their poorly drafted legislation—like when the Government backflipped on its own apparently accidental attempt to deregulate the debt collection industry. Those opposite only realised their mistake when the member for Swansea pointed out to the Minister for "Imitation and Poorer Regulation" that they would have bikies and spivs on doorsteps shaking people down for overdue telephone bills.

Sometimes this Government is malicious and sometimes it is incompetent. I suppose we shall see which it is later tonight when it accepts or rejects our amendments.

The amendments to this bill are important and I will outline why. In the first place, the bill represents a complete upheaval of the Crown lands management arrangements in this State and there has been no explanation why this is necessary or beneficial. Indeed, it is very concerning. In my electorate alone there are a number of examples where the proposals contained within this legislation will produce poor outcomes for the local community.

I have spoken in this place before about the historic railway tunnel that runs beneath Glenbrook. This was a mushroom farm and a World War II mustard gas storage facility. The mushroom farm was shut down recently by Crown Lands due to abhorrent employment practices, but now as a community we face the prospect of this heritage-listed site being sold off or "managed off" and there no longer being any way for the Government to ensure that it is used for community benefit or that it is not in fact misused by another unscrupulous business.

Likewise, the Katoomba Airfield at Medlow Bath is fighting for its survival right now. I recently met with the widow and daughter of the former operator of Katoomba Airfield, Rod Hay, who died in tragic circumstances at the airfield earlier this year. Rod had been fighting for the right to renew his lease and continue operating the bush airfield that our local Rural Fire Service, State Emergency Service and National Parks and Wildlife Service staff rely upon during emergencies, bushfire disasters and of course general operations throughout the year.

With his passing, his family have taken up the fight to renew the lease and continue to operate the airfield. Under this legislation, we face the prospect of the airfield site being flogged off altogether and residential development of the site being put back on the table.

The airfield site is sandwiched between the national park and the sleepy village of Medlow Bath. The changes this Government is proposing put at risk the ongoing future of the airfield, which is critical infrastructure for the Blue Mountains.

During bushfire emergencies and search and rescue operations it is the operational hub for our emergency services agencies. Unless Katoomba Airfield can be allowed to secure a long-term lease, this emergency management capacity will be put at risk. And for what? It is for this Government's ideological obsession with transferring public assets to the private sector.

I reiterate for the Hansard record what others in this place have already said: Crown land is public land. In view of this, Labor has proposed using this bill as an opportunity—with amendments—to rename Crown land as State land to acknowledge the ownership of these parcels of land by the people of New South Wales.

As a strong supporter of an Australian Republic, I am keen to see outdated and irrelevant references to the Queen of England scrapped.

But there is much more wrong with this legislation than just who has naming rights of what is left of the public estate once Casino Mike has finished selling it all off to his developer mates.

Huge environmental impacts will arise from any watering down of protections for Crown lands, which is what this legislation seeks to do. The Government describes any environmental protection as "red tape". That is a very clear indication of the Government's ideological obsession. What ordinary people see as a basic protection for the environment, Mike Baird and the Liberals see as red tape. They see it as a hindrance to profit making by their mates at the big end of town.

I note the advice provided to me by environmental and conservation experts who have explained the dire consequences of the bill for threatened flora and fauna.

Of particular concern is the fate of travelling stock routes, which are a network of land parcels sited on Crown land throughout New South Wales. They cover more than 500,000 hectares.

Travelling stock routes are a vital resource for the State's threatened flora and fauna. Though they have historically been grazed, unlike on adjacent farmland the grazing intensity has typically been quite low. Furthermore, clearing of travelling stock routes has been limited. This has allowed for not just the formation of abundant tree hollows but a build-up of coarse woody ground debris and the opportunity for natural canopy regeneration to occur. These habitat elements are typically limited on overcleared and overgrazed agricultural land. This complexity of microhabitats within the vegetation results in multiple niches being created that support invertebrates and natural vegetation regeneration, which in turn supports faunal groups such as reptiles, woodland birds and microbats.

Travelling stock routes range in width from tens of metres to whole kilometres, providing vital landscape-scale biodiversity links. Threatened and migratory fauna species use them as corridors, which link larger islands of habitat in national parks and State forests, and they provide good habitat for a variety of threatened flora. They are also vital for the preservation of endangered ecological communities.

Allowing those assets to be sold or transferred to other government departments or landowners would have a severe impact on the integrity and value of the areas and on the biodiversity that they support. Where the Government should be increasing environmental protections for those vital areas, it is instead diminishing them.

The impacts of this rushed and poorly thought out legislation are many and varied. I do not think the Government has sat down and thought this stuff through. There is a pattern emerging where the Government fronts up with a bill, throws it down on the table and then seeks the free political and public policy advice of the Opposition to point out the problems with it. Then the Government goes back and rethinks it.

The Government did that with debt collectors and with compulsory third party insurance, and it is very likely doing it now with Crown lands. I am not sure that the Government has fully thought through the types of groups that will be impacted by this poor-quality legislation.

For example, have those opposite considered what the impact will be on local community groups such as the Blackheath Area Neighbourhood Centre and the activities it runs—such as the vital out-of-school-hours program in my electorate—or the Women’s Domestic Violence Court Assistance Scheme, which operates from Crown land? These resources are very often sited on Crown land. What impact will this legislation have on those groups?

What guarantees will the Government give that its rushed, poorly drafted and short-sighted bill will not undermine the long-term future of those services? It is no mistake that there has been next to no community consultation on the bill. The Liberals are pushing this legislation through using the cover of the American election today in the knowledge that by the time the people of New South Wales realise what they have done it will be too late. It is a very cynical move.

Another insidious aspect of this legislation is the effect it will have on native title claims. Creating power for the Minister to vest Crown lands in local councils means that the potential for native title claims over various areas is stripped altogether once the land is no longer Crown land.

This means that the bill is effectively an attack on the rights of our Aboriginal people to make lawful native title claims by triggering a fire sale of properties and transferring them to categories of land title that become ineligible for a native title claim.

This is an affront to a concept that should, by now, have enjoyed cross-party consensus in this place.

Labor will move amendments to this legislation to fix its failings and shortcomings, but it is absurd that Government has established a habit of bringing bad legislation to this place and then asking us to fix it.

It is a very poor way to govern and, if Government members lack the skill or the passion for it, they should just hand over to us now and get out of the way.