

CROWN LAND MANAGEMENT BILL 2016

Schedule of the amendments proposed by the Legislative Council on 9 November 2016 am.

No. 1 **GOVT No. 1 [c2016-114A]**

Page 2, clause 1.3. Insert at the end of line 29:

, and

- (f) to provide for the management of Crown land having regard to the principles of Crown land management.

No. 2 **GOVT No. 2 [c2016-114A]**

Page 2, clause 1.4. Insert after line 29:

1.4 Principles of Crown land management

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

- (a) that environmental protection principles be observed in relation to the management and administration of Crown land, and
- (b) that the natural resources of Crown land (including water, soil, flora, fauna and scenic quality) be conserved wherever possible, and
- (c) that public use and enjoyment of appropriate Crown land be encouraged, and
- (d) that, where appropriate, multiple use of Crown land be encouraged, and
- (e) that, where appropriate, Crown land should be used and managed in such a way that both the land and its resources are sustained in perpetuity, and
- (f) that Crown land be occupied, used, sold, leased, licensed or otherwise dealt with in the best interests of the State consistent with the above principles.

No. 3 **GRNS No. 2 [c2016-105C]**

Page 3, clause 1.4 (1), line 29. Omit all words on that line.

No. 4 **CDP No. 2 [c2016-111A]**

Page 40, clause 4.6 (1) (d), lines 15 and 16. Omit all words on those lines. Insert instead:

- (d) the Minister is satisfied, after taking into account the criteria prescribed or identified by regulations made for the purposes of subsection (2), that the land is suitable for local use.

No. 5 **CDP No. 3 [c2016-111A]**

Page 40, clause 4.6 (2), lines 17 and 18. Omit all words on those lines. Insert instead:

- (2) The regulations may make provisions for or with respect to the criteria to be applied in determining whether transferable Crown land is suitable for local use.

No. 6 **CDP No. 4 [c2016-111A]**

Page 46, clause 5.5. Insert after line 21:

(4) Before approving or amending a community engagement strategy, the

Minister must:

- (a) publicly exhibit a copy of the proposed strategy or amendment for a period of at least 28 days along with any other explanatory material that the Minister considers appropriate or necessary, and
- (b) allow submissions to be made about the proposed strategy or amendment during the exhibition period.

No. 7 **CDP No. 5 [c2016-111A]**

Page 46, clause 5.6 (1). Insert after line 32:

- (d) the period for notifications (if any) about proposed dealings or other action affecting Crown land use to which the strategy applies,

No. 8 **GRNS No. 39 [c2016-105C]**

Page 190, Schedule 7, lines 34–36. Omit all words on those lines.

No. 9 **GRNS No. 40 [c2016-105C]**

Page 192, Schedule 7, line 43. Omit all words on that line.

No. 10 **GRNS No. 41 [c2016-105C]**

Pages 198 and 199, Schedule 7, line 5 on page 198 to line 2 on page 199. Omit all words on those lines.

No. 11 **GRNS No. 42 [c2016-105C]**

Page 200, Schedule 7, lines 1–36. Omit all words on those lines.

No. 12 **CDP No. 10 [c2016-111A]**

Page 204, Schedule 7. Insert after line 12:

32 Continuation of validation of certain secondary interests

- (1) Without limiting section 30 of the *Interpretation Act 1987*, each of the following remains unaffected by the repeal of the *Crown Lands Act 1989*:
 - (a) any validation by clause 59 of Schedule 8 (the **former validation clause**) to the *Crown Lands Act 1989* of an existing secondary interest (as defined by that clause),
 - (b) any conclusive presumption in respect of those interests provided by the former validation clause,
 - (c) the application of section 104A (Saving of native title rights and interests etc) of the *Native Title (New South Wales) Act 1994* to the validation of any interest by operation of section 34AA of the *Crown Lands Act 1989* and the former validation clause.

- (2) The power of the Minister under section 2.19 to validate a secondary interest as referred to in that section extends to an existing secondary interest (as defined by the former validation clause).
- (3) A reference in section 2.19 to the use of Crown land in accordance with the secondary interest before its validation under that section extends to use and occupation before the commencement of that section.
- (4) This clause extends to the operation of section 2.19 in its application to Crown land managers because of section 3.17.
- (5) However, this clause continues not to affect:
 - (a) any decision of a court made before the commencement of section 34AA of the *Crown Lands Act 1989*, or
 - (b) any land claim (within the meaning of the *Aboriginal Land Rights Act 1983*) made before 9 November 2012 (the date of the decision in *Minister Administering the Crown Lands Act v New South Wales Aboriginal Land Council (Goomallee Claim)* [2012] NSWCA 358).

No. 13 **GRNS No. 43 [c2016-105C]**

Page 205, Schedule 7, line 25. Omit “Council, and”. Insert instead “Council.”

No. 14 **GRNS No. 44 [c2016-105C]**

Page 205, Schedule 7, lines 26 and 27. Omit all words on those lines.

No. 15 **GRNS No. 45 [c2016-105C]**

Page 208, Schedule 8, line 3. Omit all words on that line.
