



Kerrie Jordan  
ILS - Directorate  
Information & Land Services  
Department of Primary Industries and Water  
GPO Box 44  
Hobart Tas. 7001

Tasmanian Conservation Trust Inc.  
Floor 2 191 Liverpool Street  
Hobart TAS 7000 Australia

Phone: (03) 6234 3552  
Fax: (03) 6231 2491  
Tct6@bigpond.com

ABN 63091237

18 March 2009

Dear Kerry,

### **Comments on the *Crown Lands Act Review Draft Issues Paper***

Thank you for giving the Tasmanian Conservation Trust (TCT) the opportunity to comment on the *Crown Lands Act Review Draft Issues Paper* November 2008 (hereafter called the paper) prior to its release for public comment. We have not attempted to be comprehensive or exhaustive with our comments but have aimed to flag major areas of concern which we will comment on in greater detail in the public comment period. More importantly, we have made a number of recommendations to amend the discussion paper prior to public release and we have clearly highlighted these.

#### **2.3 review outcomes, assumptions and scope**

##### *Scope*

Point three refers to the development of “principles and guidance for land management”. While we agree that the CLA must include solid principles related to land management, the detailed guidance can be obtained from existing documents, most importantly the PWS Reserve Code of Practice.

Point five: As a part of the business model, can a proportion of the funds raised from sales, licenses and leases be put aside for land management? Could the new CLA do this?

#### **3.2 Land tenure in Tasmania today**

Recommendation 1: As mentioned at the last meeting, it would assist people making comments on this paper if they had access to maps showing the actual land that the CLA will relate to (assuming the CLAC reserves go ahead and the CLA does not relate to them). Perhaps the paper could include a clear reference to the CLAC maps on the DPIW web site with some basic interpretation. Many people in community groups will look at the paper and want to know ‘does this relate to my area’. It would improve the relevance and accuracy of submissions if such people were assisted in finding out whether their concerns actually relate to Crown land.

## 4.1 The Crown real estate function

### *Public benefits test*

Recommendation 2: You offered to provide the committee with a document explaining the public benefits test. I would greatly appreciate this and urge you to include this in the paper released for public comment. We would like a public benefits test but I also want detail on the current text so I can comment in detail.

### *Assessment processes*

This section refers to several related problems perceived by government and presumably applicants for leases and licences. The paper says the legislation and policy deal with assessment in a “piecemeal approach” and there is “inconsistency in internal assessment processes across departments” but I don’t get a clear picture of what the real-world problems are and for whom? Recommendation 3: This section should be re-written to clarify the nature of the problems related to the assessment processes.

I also got confused in this section when you used the words ‘manage’ and ‘management’ and I think you should use administer. In later sections you use management to mean land management and I believe the distinction to be very significant. Recommendation 4: In this section replace the word management with administration.

### *Issues*

It is a great concern to us that there is “currently no opportunity for public comment into proposals to lease or licence Crown land”. We will provide more details comments later.

### *Sale of crown lands*

Yes, we believe that sale of Crown land should be subject to a strategic whole-of-government assessment. We can see that this may slow down the process and take some independence away for some Government agencies, GBEs and SOCs. Perhaps these agencies, GBEs and SOCs could go through a process similar to CLAC to identify different classes of land under their control/ownership. Areas with significant natural, cultural and Aboriginal value would be required to go through the whole-of-government assessment and the other areas would not. You may wish to offer some examples for different processes other than a centralized strategic whole-of-government approach or the status quo.

## 4.2 Crown land management function

I will not go into detail here (we will elaborate in our later submission) but want to emphasize points made in the committee meeting that active land management and the funding of it is one of our major concerns. One option discussed is for an agreement (including provision of funds) between Crown Land Services and Parks and Wildlife

service (PWS) for PWS to manage all or some Crown land. In specific circumstances community groups may also formally take on management of local areas of Crown land but perhaps this only occurs after a management plan is agreed to.

Recommendation 5: As discussed in the meeting it is quite incorrect for the paper to state that the “PWS have carried out the on-ground management of this land” and this must be corrected prior to public release. If you released the paper including these words I anticipate you will get a lot of critical submissions and probably phone calls from community groups who know their local patch of Crown Land is not actively managed by PWS and perhaps not by anyone.

Recommendation 6: In fact I believe the paper should include some additional and stronger wording to describe the problems that have arisen due to this absence of land management.

### **4.3. Other issues**

#### *Definitional issues*

Recommendation 7: The paper is correct in identifying problems with defining Crown land but perhaps the problem could be worded more clearly and concretely. It is difficult defining a confusing situation – so I sympathise. In the real world, is anyone affected by this definitional issue and if so how?

Recommendation 8: The findings of the legal advice (I recall you were obtaining a second opinion) should be summarized in the paper.

#### *Organisational arrangements – a more commercial model?*

Recommendation 9: The paper suggests the review could look at alternative models and we believe several more detailed scenarios should be included in the paper released for public comment.

#### *Potential for establishing overarching principles for Crown land*

We agree that the CLA should include a set of principles as is the case with reserved land under the Nature Conservation Act. I imagine that Public Reserves that have significant values should have objectives similar to a Nature Recreation Area or Conservation Area.

#### *What land should be covered in a new act*

We have not fully considered these issues and will make detailed comments during the public comment period.

*Penalties and enforcement*

Again we will comment in more detail during the public comment period but we clearly think the current penalties and enforcement processes are greatly inadequate.

Thank you again for the opportunity to comment on this paper and please do not hesitate contacting me for any further information or clarification on the points made in this letter.

Yours sincerely

Peter McGlone  
Acting Director