

Memorandum of Understanding between Crown Lands and Destination NSW on the activation of Crown Lands to deliver visitor economy outcomes

Date:

Item	Details
<p>1 Parties</p>	<p>The Crown in right of the State of New South Wales acting through the Department of Planning, Industry and Environment – Crown Lands ABN 20 770 707 468 (Crown Lands);</p> <p>and</p> <p>Destination NSW ABN 52 890 768 976 (Destination NSW).</p>
<p>2 Background</p>	<ol style="list-style-type: none"> 1. Crown Lands is responsible for the management of New South Wales' Crown land and encourages the public use and enjoyment of appropriate Crown land. 2. Destination NSW is the lead agency, champion and voice for the visitor economy within New South Wales. 3. The parties' respective objects, principles and objectives as at the date of this MOU are set out in Schedules 1 and 2 (Party Objectives). 4. Crown Lands and Destination NSW each play a significant role in positioning New South Wales as the premier visitor economy of the Asia-Pacific.
<p>3 Purpose</p>	<p>The parties enter into this MOU to record and recognise:</p> <ol style="list-style-type: none"> 1. the synergies between their Party Objectives; and 2. that their mutual cooperation can deliver economic and social benefit to the people of New South Wales.
<p>4 MOU Objectives</p>	<p>The parties intend to work together to:</p> <ol style="list-style-type: none"> 1. accelerate the economic outcomes of regional and rural New South Wales; and 2. support the objectives of the <i>Visitor Economy Strategy 2030</i> and <i>Crown Land 2031: A State Strategic Plan for Crown Land</i>,

		through the activation of appropriate Crown land for tourism purposes (MOU Objectives).
5	Example activities	<p>In order to achieve the MOU Objectives, the parties will explore:</p> <ol style="list-style-type: none"> 1. sharing knowledge, experience and expertise; 2. leveraging existing assets on Crown land; 3. integrating technology to leverage existing consumer marketing channels and improve data availability; 4. identifying social, commercial and partnership opportunities; 5. delivering professional and product development and support; 6. co-designing initiatives that will enhance the visitor experience to the State of New South Wales; and 7. participation in working groups, committees and forums initiated or invited by either party.
6	Crown Reserves Improvement Fund	The parties intend that 15% of the annual allocations from the Crown Reserve Improvement Fund will be applied toward the MOU Objectives.
7	Relationship between the parties	<ol style="list-style-type: none"> 1. In carrying out their respective roles under this MOU, the parties will act and cooperate in good faith and in a timely manner in accordance with the terms of this MOU. 2. Nothing in this MOU: <ol style="list-style-type: none"> (a) constitutes a partnership between the parties; or (b) except as expressly provided, makes a party an agent or another party for any purpose. 3. A party cannot in any way or for any purpose bind another party.
8	Enforceability	<p>The terms in this MOU express current intentions only, and are not intended to be legally binding or to give rise to legal rights or obligations.</p> <p>Nothing in this MOU creates, or is intended to create, any fiduciary relationship or gives rise to any duty of care by any party to another.</p>
9	Conflict of Interest	<p>Each party will appropriately manage the existence or potential of a conflict of interest of it or its personnel associated with the performance of this MOU.</p> <p>Nothing in this MOU (including, for the avoidance of doubt, section 6) requires any party to do anything that is inconsistent with the <i>Crown Land Management Act 2016</i> (NSW), the <i>Destination NSW 2011 Act</i> (NSW) or the Party Objectives.</p>

10	GIPA	A party must promptly notify the other party of any access application it receives under the <i>Government Information (Public Access) Act 2009</i> (NSW) in connection with the activities contemplated by this MOU.
11	Disputes	The Parties must use all reasonable endeavours to resolve any dispute in relation to this MOU, and must at all times comply with the <i>Premier's Memorandum M1997 – 26 Litigation Involving Government Authorities</i> .
12	Costs	Each party will bear its own costs of negotiating, preparing and executing this MOU.
13	Term	This MOU commences on the date specified and will continue for a period of five years, unless terminated earlier on reasonable notice.
14	Governing law	This MOU is governed by the laws of New South Wales and each party submits to the exclusive jurisdiction of the courts of that jurisdiction.

Executed for and on behalf of)
Crown Lands but not so as to incur)
personal liability:)
))
)

Signature of **Melanie Hawyes**
Deputy Secretary, Crown Lands

Signature of **The Hon. Melinda Pavey MP**
Minister for Water, Property and Housing

Date

Date

Executed for and on behalf of)
Destination NSW but not so as to incur)
personal liability:)
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)

Signature of **Steve Cox**
Chief Executive Officer, Destination NSW

Signature of **The Hon. Stuart Ayres MP**
Minister for Jobs, Investment, Tourism and Western Sydney

Date

Date

SCHEDULE 1: CROWN LAND OBJECTS, PRINCIPLES AND OBJECTIVES

Part A: Objects of the *Crown Land Management Act 2016 (NSW) (CLMA)*

Pursuant to section 1.3 of the CLMA, the objects of the CLMA are:

- (a) to provide for the ownership, use and management of the Crown land of New South Wales, and
- (b) to provide clarity concerning the law applicable to Crown land, and
- (c) to require environmental, social, cultural heritage and economic considerations to be taken into account in decision-making about Crown land, and
- (d) to provide for the consistent, efficient, fair and transparent management of Crown land for the benefit of the people of New South Wales, and
- (e) to facilitate the use of Crown land by the Aboriginal people of New South Wales because of the spiritual, social, cultural and economic importance of land to Aboriginal people and, where appropriate, to enable the co-management of dedicated or reserved Crown land, and
- (f) to provide for the management of Crown land having regard to the principles of Crown land management.

Part B: Principles of Crown Land management

Pursuant to section 1.4 of the CLMA, for the purposes of the CLMA, 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.

Part C: Objectives of the Crown Reserve Improvement Fund

The objectives of the Crown Reserve Improvement Fund program are to:

1. maintain and develop recreational and tourism facilities on public reserves for community use and enjoyment, and support new tourism opportunities;
2. facilitate initiatives that enhance the operational sustainability of the Crown Land Manager (via reducing ongoing costs, increasing revenue or improving governance);
3. manage and renovate infrastructure and other assets on public reserves to optimise value to the community and comply with regulatory obligations, in particular to ensure public safety and work health and safety is maintained on Crown reserves;
4. enhance environmental assets by supporting conservation initiatives, bushfire management and invasive species (pest and weed) control on public reserves;
5. support renewable energy use, energy efficiency, water efficiency and environmentally sustainable practices that work towards net zero emissions (*new in 2021-22*);
6. support the important role that volunteers play in the ongoing management of Crown land;
7. to promote greater inclusion of Aboriginal communities and interests through co-management, cultural heritage recognition and education (*new in 2021-22*);
8. to assist in building resilience and restoring community amenity following adverse events (eg public health closures, bushfire, floods, drought);
9. upgrade and renovate showground infrastructure to support regional communities, groups and associations; and
10. improve walking and cycling access through Crown reserves, including providing new connections between reserves (e.g. alignment to NSW Government's Greener public spaces initiative - <http://bit.ly/greenspace>).

SCHEDULE 2: DESTINATION NSW'S OBJECT AND GENERAL FUNCTIONS

Part A: Principal object of Destination NSW

Pursuant to section 12 of the *Destination NSW Act 2011* (NSW), the principal object of Destination NSW is to achieve economic and social benefits for the people of New South Wales through the development of tourism and the securing of major events.

Part B: General functions of Destination NSW

Pursuant to section 13 of the *Destination NSW Act 2011* (NSW), Destination NSW has the following functions:

- (a) to market and promote New South Wales as a tourist destination and as a destination for the hosting of major events;
- (b) to promote travel to and within New South Wales;
- (c) to promote major events;
- (d) to identify, attract and procure major events for New South Wales;
- (e) to develop tourism ventures;
- (f) to implement strategic plans, as approved by the Minister from time to time, relating to the development of tourism and the procurement of major events;
- (g) to prepare, at least 3 months before the beginning of each financial year of Destination NSW, a corporate and business plan for the financial year for approval by the Minister;
- (h) to prepare, on such occasions as the Board requires, an operational plan for approval by the Board;
- (i) to construct, establish, maintain and operate tourist facilities;
- (j) to establish, maintain and conduct enterprises relating to tourism;
- (k) to provide travel and information services relating to tourism;
- (l) to market travel and related services; and
- (m) to carry out (or arrange for the carrying out of) research in relation to tourism and major events.