

Objects of the *Crown Land Management Act 2016*

The *Crown Land Management Act 2016* (CLM Act) implements reforms identified through the comprehensive review of Crown land management and follows over four years of engagement with the community on the future of Crown land.

The new CLM Act, scheduled to commence in 2018, provides a framework that will ensure that the Crown Estate continues to support and generate significant social, environmental and cultural benefits to the people of New South Wales (NSW). Complexity and duplication will be reduced and community involvement in Crown land improved.

The new framework consolidates seven pieces of legislation into one clear piece of legislation that will deliver modern, streamlined and transparent management of the state's vast Crown lands.

The objects of the CLM Act

The objects contained within the legislation can be simply described as defining the underlying purpose of the CLM Act, which is to make sure that Crown land is managed and used for the benefit of the people of NSW.

The objects apply to all aspects of decision-making around the management and use of Crown land including every dealing and activity. The CLM Act requires that all decision-makers use and apply the objects. Decision-makers include the Minister for Lands and Forestry, the NSW Department of Industry and Crown land managers.

Departmental staff, Crown land managers and the Minister make decisions about Crown land every year. There are many factors involved in this decision-making process. The objects of the CLM Act set out the underlying purpose that should guide decision-making—they are essentially decision-making standards. The objects must be considered in every decision under the legislation. The objects are listed under Clause 1.3 of the CLM Act.

The objects of the CLM Act are to:

- provide for the ownership, use and management of the Crown land of NSW
- provide clarity concerning the law applicable to Crown land
- require environmental, social, cultural heritage and economic considerations to be taken into account in decision-making about Crown land
- provide for the consistent, efficient, fair and transparent management of Crown land for the benefit of the people of NSW
- facilitate the use of Crown land by the Aboriginal people of NSW 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
- provide for the management of Crown land, having regard to the principles of Crown land management.

The principles of the CLM Act

The principles are key values that guide the management of Crown land for the people of NSW. The principles promote sustainable use and management of Crown land into the future. The principles have not changed from those in the *Crown Lands Act 1989*. Under the new CLM Act, the principles are now referenced in the objects. This means they are part of the decision-making principles under the CLM Act.

The principles are referenced in the objects and can be found in Clause 1.4 of the CLM Act.

The principles of the CLM Act are that:

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

Why the object and principles are important

The objects, including the object that references the principles, apply to all decision-making around the management and use of Crown land. For example, when granting a licence over a reserve, the Minister, departmental staff or the Crown land manager will need to consider the objects (including the principles) in their decision-making process and make sure that the grant is consistent with the objects.

How to apply the objects

To support the consistent application of the objects in decisions about Crown land, a guidance tool has been developed. The guidance tool provides an example for each object and each principle.

The Object and Principle Guidance Tool is available on the department's website at www.industry.nsw.gov.au/lands

More information

For more information on the CLM Act, visit www.industry.nsw.gov.au/lands and search 'changes to Crown land legislation'.

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