

Submission

No 093

CONSULTATION ON THE MODERN MANAGEMENT OF COMMONS

Name: Gundaroo Common

Date received: 21/02/2017

Gundaroo Common

Date: Tue, Feb 21, 2017 at 2:25 PM

Subject: Gundaroo Common Trust Submission – Commons

Attached please find a submission from the Gundaroo Common Trustees in relation to the NSW Department of Industry (Lands) review of legislation for commons.

Kind regards,

Shelley Schreiner

Submission – Commons

Thank you for the opportunity to comment on proposed changes to the *Commons Management Act 1989* (NSW). As we understand these changes, the Commons Management Act would be repealed and a new regime would be included in the recently enacted *Crown Lands Management Act 2016* with the effect of converting commons, including the Gundaroo Common, into a Crown Reserve. The Trustees note, however, that very little detail of a substantive nature is provided in the fact sheet on the proposed framework accompanying the Department's letter dated 24 January 2017. The Government's stated objectives for the new commons regime such as the protection of environmental and cultural values, widened community use, and stronger compliance and enforcement provisions to ensure good management of the commons resource, are worthy. There is a risk, however, that the proposed changes will effectively abolish the concept of the historic commons in NSW.

The Gundaroo Common bounds the village of Gundaroo which is located some 40 kms north of Canberra. In 1849, the NSW Colony established the village of Gundaroo on the Yass River reserve. The village of around 100 hectares in area, its streets, sections, and communal lands (the park, cemetery and common) was surveyed and laid out. The Gundaroo Common – as surveyed in 1849 and gazetted in 1870 – has functioned continuously and successfully since the 19th century.

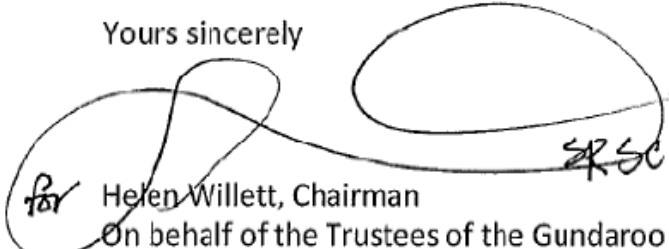
Common Trust in its submission that commons are “a unique and historically significant form of land tenure”. This was recognised when the NSW Parliament removed the regulation of commons from the Crown Lands Management Bill prior to its recent enactment. It is our view that this heritage is best preserved through the Commons Management Act. The Act has established a legislative framework which has demonstrably enabled local communities to manage the historical, cultural, social and environmental values of commons. This tradition of local involvement must not be lost and communities through their commoners should retain the democratic right to elect common trustees. Local involvement is essential to sound local management. It is difficult to imagine how ministerially-appointed land managers who may have little or no connection to the common communities could successfully act on their behalf.

The Common is a site of considerable historic, cultural, social and environmental significance. Managed by Gundaroo commoners through the Common Trust, it remains a well-used and well-loved local resource. Commoner membership is important to village residents. The Gundaroo Common is used for the agistment of commoner cattle as part of a small commonly managed herd, and for a range of recreational activities by district residents including walking, picnicking and horse riding. The Common has strong scenic values providing a rural backdrop to the historic village. Protection of remnant vegetation and threatened ecological communities is a significant element of the Gundaroo Common Trust's management mandate.

The Trustees of the Gundaroo Common Trust agree with the view expressed by the St Albans Common Trust in its submission that commons are "a unique and historically significant form of land tenure". This was recognised when the NSW Parliament removed the regulation of commons from the Crown Lands Management Bill prior to its recent enactment. It is our view that this heritage is best preserved through the Commons Management Act. The Act has established a legislative framework which has demonstrably enabled local communities to manage the historical, cultural, social and environmental values of commons. This tradition of local involvement must not be lost and communities through their commoners should retain the democratic right to elect common trustees. Local involvement is essential to sound local management. It is difficult to imagine how ministerially-appointed land managers who may have little or no connection to the common communities could successfully act on their behalf.

The Trustees of the Gundaroo Common Trust do agree that some amendment of the Commons Management Act may be desirable. Amendments such as those mooted by the St Albans Common Trust should be considered. The key concept of the 'commoner', traditional uses of commons, and the traditional agistment rights of commoners should be retained but the Trustees recognise that the criteria for enrolment as a commoner could be examined. The Trustees also support public use of commons in line with agreed management plans to ensure the proper management of potentially conflicting activities. Above all, continued local management of the commons resource is strongly supported as critical to good management.

Yours sincerely



SRSCHREINER

Helen Willett, Chairman
On behalf of the Trustees of the Gundaroo Common Trust