

Submission

No 118

**CONSULTATION ON THE MODERN
MANAGEMENT OF COMMONS**

Name: David Shoebridge, The Greens

Date received: 17/02/2017

The Greens (David Shoebridge)

Date: Fri, Feb 17, 2017 at 4:10 PM

Subject: submission re commons

Please find attached here the Greens NSW submission for this consultation.

RE: Recognising and protecting the values of commons

Thank you for the opportunity to make a submission on the proposed changes to the Commons Management Act 1989. These proposed amendments to the Act, which amount to the abolition of commons across NSW, are not supported by the Greens.

When the Crown Land Management Bill 2016 was passed in November 2016 amendments were made to retain commons in this State. Those amendments, which were moved by the Greens, were supported unanimously in the Parliament. It is a cavalier approach from the bureaucracy to then seek to reverse the Parliamentary outcome through this 'reform' process.

In short the current proposal is to seize all the land in NSW that is held as commons and deliver ownership of the land to the State of NSW as Crown land. The Commoner Trustees are to be abolished in this process. The Government has said it intends to appoint former Commoner Trustees as Land Managers. This kind of process is generally referred to as a land grab.

There are a number of commons across NSW that are extraordinarily well-managed. They are highly valued community assets and provide a common good. However we acknowledge that there are some commons where the management has largely lapsed. The land still retains its value to these communities, however decades of indifference to management issues, at both a local and state level, should be addressed.

In light of this we see some merit in the proposal from St Albans that would expressly protect those commons that are well run and achieving their purpose. The test proposed by St Albans is that of a "functioning common" and as follows:

"A functioning common in good standing under the Commons Management Act whose management and operations are carried on in a manner which is consistent with the purposes of a Common."

The Greens support a clear statutory protection in the Commons Management Act for a "functioning common." This would include a process for the Minister, on advice from the Department, to make a determination whether or not a common was a "functioning common." In order for this process to be fair there would be a need the right for a merits review of any such determination by a commons, or Trustee(s), who objected to the outcome. The appropriate venue for such an appeal would be the NSW Civil and Administrative Tribunal (NCAT).

Commons have a proud 200 year history in NSW. The Greens, together with a broad cross section of NSW, are committed to protecting and enhancing this proud history. This would not be achieved by the adoption of current Departmental proposal which we urge the government to withdraw. A more modest and targeted reform consistent with this submission would, we suggest, both protect the public interest and respect our history and heritage.

Please contact my office if you would like more information or to discuss. Thank you for your consideration of this important matter.

Kind regards,
David Shoebridge,
Greens NSW MP
Spokesperson for Crown Lands