

RESPONSE TO NSW GOVERNMENT CROWN LANDS LEGISLATION WHITE PAPER Carol O'Donnell, St James Court, 10/11 Rosebank St., Glebe, Sydney 2037
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This comment first responds to Question 2 (p. 6) in the NSW Government Crown Lands Legislation White Paper by NSW Government Trade and Investment. This is followed by discussion of greater flexibility for Western lands leases in the light of regional planning direction globally, nationally, in the Far West NSW Regional Plan (2010-2020), etc.

Q2: Are the objects and provisions proposed for the new legislation appropriate to support Crown land management in the 21st Century?

A: They are not good enough to support Crown land management or any related strategic planning effectively because the proposed objects do not recognize the value of Crown lands and the related potential of acquiring them, as well as selling them.

Crown lands administered by the NSW Trade and Investment Crown Lands Division alone, comprise 42 percent of NSW. Their use is central to the health and wellbeing of the people of NSW. Crown lands in the Western Division make up around 88% of the total Crown estate (p. 25) Most of the Western Division is classified as a semi-arid rangeland. One wonders who owns the rest and how sectional interests attained what appears to be the most valuable land from which the wider state population ideally also reap the benefit for current and future generations. Does government ideally intend to sell off the lot? It should plan more broadly. Now that Wran is dead, you might as well finish off the agenda that Whitlam began and failed to achieve with Lionel Murphy and others with a modern understanding of lands and markets.

National parks, state forests and community lands held by local councils and/or managed under trust arrangements were not part of the Crown Lands Management Review and were not covered in the Crown Lands Legislation White Paper (p.3). This is a shame partly because in the ideal light of state strategic planning which supports global, regional and local goals clearly, the White Paper does not serve the interests of the people of NSW and their relevant Minister clearly enough and the legislative objects appear seriously wrong. Integrated views of national parks and related lands are vital for regional planning, discussed later and attached.

The Foreword of the Deputy Premier, Minister for Trade and Investment and Minister for Regional and Infrastructure and Services clearly recognises that Crown Lands serve the people of NSW in ways related to protection of their health and wellbeing when he opens:

'Every day, individuals and families right across NSW enjoy visiting the thousands of parks, beaches, waterways and sports grounds on Crown land. Communities, businesses and farmers in our great State also rely on access to Crown land that is home to local clubs, community halls, show-grounds, racecourses, holiday parks, golf courses, farms, access roads and grazing paddocks.'

This should not be sold off to sectional interests lightly. Why does government not consider land purchase? Objects of the White Paper (p.10) are wrong as **e.** is wrong, objectionable and drives all against the interests of future generations and strategic planning. It is:

(e) To provide that the disposal of Crown land be for the benefit of the people of NSW

If Crown Lands are so valuable for the people of NSW why do the legislative objects only discuss their disposal and never their acquisition? The value of preserving Crown lands for future generations is undermined unnecessarily by absence of the ‘**acquisition**’ concept. Without this potential government is encouraged by short-term political goals to acquiesce to pressure from a variety of sectional interests which divert it from its ideal goal of serving the people, who must face change. The alternative formulation is suggested below instead:

e. To provide that the disposal or ACQUISITION of Crown Land be for the benefit of the people of NSW, including future generations

The glossary in the NSW White Paper leading to the Planning Bill (2013) stated ‘*strategic planning*’ ‘*tells the story about a place, (sic.) including where it has come from, what it is like now, the vision for an area and what will need to change over time to achieve that vision. It provides structure to this story by identifying the long term goals and objectives and then determining the best approach to achieve the goals and objectives*’.

From regional planning perspectives the Crown Lands Legislation White Paper by Trade and Investment has a faulty view of place because it denies the value of the acquisition and thus use, of any land which is not for profit. The recent Planning Bill (2013) sought to: (1) put the community first; (2) be easy to use; (3) be efficient and transparent; (4) involve residents in up-front strategic planning for their areas; (4) enable governments and councils to better plan for houses and jobs; (5) plan and deliver infrastructure alongside growth development. The treatment of Crown lands should reflect these requirements as well as supporting UN goals, those of state Environment Protection Acts and national competition, which is discussed later.

The attached response to the Productivity Commission (PC) draft research report on Bilateral and Regional Trade Agreements (2010) shows why the aims of trade should be to improve the quality of life for current and future generations. This vitally depends on the quality of the social and natural environment, as well as on increased private economic gain and its distribution. The way to sustainable development and improvements in trade is for all regions to increasingly plan their continuing competitive development by situating the land, water or air most affected by any current and proposed development in the context of the primary need to protect internationally and nationally vulnerable populations. Responsibility for the planned protection of the most vulnerable is ideally taken up globally as well as regionally and nationally. UN and others directions for doing this are addressed later.

Greater flexibility for Western Land leases are ideally addressed in related planning contexts. See the PC reports entitled ‘Inquiry into Government Drought Support Report’ and ‘Rural Research and Development Corporations’ for helpful directions. These are discussed on www.Carolodonnell.com.au PC Recommendation 5.1 states ‘public funding programs for

rural R&D should give appropriate recognition to non-R&D related drivers of performance improvement in the rural sector and facilitate, or at least not impede, structural adjustment in the sector (p. xxxvi). Governments should openly help strategic planning in related ways.

Q. Bearing in mind the fragile nature of much land in the Western Division, in what situations do you think it would be appropriate to allow Western Lands leases to be converted to freehold?

A. Proposals for ownership, leasing and all related public/private/voluntary community and land partnerships require open investigation and decision making in the context of global, national, regional and local strategic planning. Think globally, act wherever. The Far West NSW Regional Plan (2010-2020) is clear and informative for this direction. This is discussed briefly later and on www.Carolodonnell.com.au

In the above ideal context, where the management of land is constructed according to the goals of regional and strategic planning, caution is directed towards the Crown Lands Legislation White Paper statement under **5.1 Simplify land ownership options**. This states:

*‘The aim is to bring all land to be management under the new legislation into a single, simplified framework. The new legislation will rationalise the options for land ownership and provide that the management arrangements for Crown reserves **will be the same regardless of the type of ownership**’.*(My emphasis)

More open and rational planning, as distinct from more consistently commercial in confidence behaviours are necessary for best results across the board. This may be obtained in more openly designed public/private/voluntary partnerships and related service programs and projects, openly designed to meet the requirements of the case.

The competitive management ideal is for the *outcomes* of service and work to be able to be openly compared so that effective strategic planning and related improvements are possible on an ongoing basis which also facilitates sustainable direction. In 1993, for example, Hilmer’s report entitled National Competition Policy was accepted by Australian Heads of Government. It defined competition as, ‘striving or potential striving of two or more persons or organizations against one another for the same or related objects’(1993, p.2).

These ‘objects’ are not purely pecuniary, as earlier legislation had accepted as the natural law. They recognize that people seek money to fulfil social and related environmental goals. (That’s life.) From this perspective, which is more scientific and democratically inclusive, legal ‘privilege’ is a central concept justifying denial of information which may often be tied to fraudulent behaviour from a scientific or social perspective. An example of this is the global financial crisis of 2008, where almost no experts predicted the crash and where all were increasingly ignorant about the state of their investments instead of more informed. The adversarial approach to presentation of expert evidence in court is also expensive, encourages bias and silences many who might wish to be heard, while often turning truth into costly junk.

Democratic government ideally represents the whole community through co-operating openly and critically with strategic planning interests to advance the regional and related global lot. Without recognition of the potential for government acquisition of Crown lands, for the benefit of the people of NSW, the latter are likely to lose out to increasingly rich, secretive,

sectional interests to the detriment of biodiversity and the quality of life of current and future generations, particularly in the case of the most vulnerable people and environments.

Crown Lands are ideally treated in related planning contexts to achieve White Paper goals. This may require acquisition of lands as well as sale. The outdated paradigm of the 'efficient markets hypothesis', which the Crown Lands Legislation White Paper may appear to inhabit, is feudal and leads not to global equilibrium through perfect information, but to repeated cycles of boom and bust; increasing social inequality as the market globalises; destruction of the most vulnerable forms of life, both human and non-human; and to financial ignorance imposed through mandated secrecy. The 'efficient markets' paradigm predates and retards all more openly productive and competitive planning to meet common goals. Don't fall into it.

Q. What are your views about the proposal to strengthen the compliance framework for Crown lands?

A. Compliance is ideally conceptualised openly as part of quality management and research related to the conduct of more openly shared policy and projects to improve sustainability. One hopes the White Paper understands how to achieve this direction.

In regard to discussion of greater flexibility for Western Lands leases it is noted that for conversion of Western Land leases granted for agriculture/cultivation, the current interpretation of the 'ecological sustainability' requirements is that at least 75% of the area of the lease has been cleared and developed. Lessees have expressed concern about the current interpretation (p. 26). (Jesus I'm not surprised.) It is also noted that the main compliance issue in the Western Division is overstocking and overgrazing.

From strategic planning perspectives, the implementation of key recommendations of the PC inquiries into government drought support and also for rural research and development corporations are ideally considered in the light of the related global, national and regional directions since 1990, when the World Commission on Environment and Development defined sustainable development as 'development that meets the needs of the present without compromising the ability of future generations to meet their own needs'.

Ideally, all Australians should think more globally and regionally in order to act locally in more informed ways which will achieve the above goals and protect their businesses and themselves. Fund management is a means of ensuring greater business stability and bringing about necessary change in future. Ideally, governments should take more openly planned and transparent approaches to regional development with clear environmental goals and directions as well as social and economic ones. A related discussion of public infrastructure is attached.

In 1992 the UN Rio Declaration on Environment committed governments to producing healthier environments. Its first principle is that humans are at the centre of concern for sustainable development and entitled to a healthy and productive life in harmony with nature. More openly stable investments and related markets are ideally constructed in this global context. Since the 1960's, the development of the Australian national reserve system has been based on the biodiversity related principles of comprehensiveness, adequateness and representativeness (CAR).

These international scientific principles are directly related to the development of the Interim Biogeographic Regionalization of Australia (IBRA) system which divides Australia into 85 distinct biogeographic regions and 403 sub-regions. IBRA provides a scientific land planning framework and tool to aid regional development and related research practice consistent with the realization of the CAR principles.

The Far West NSW Regional Plan (2010-2020) is clear and informative. Submissions at www.Carolodonnell.com.au discussed the desired regional outcomes which relate to improved community and economic development. This is where Broken Hill appears to have enormous potential as a regional centre for learning and development regarding health, tourism and working with the natural and built environment to bring back their former glory. According to the Regional Plan this may be partly achieved in pursuit of Ramsar classification for 'part' of the Menindee Lakes System and through investment in related eco-tourism, business and festival opportunities (p. 8). One assumes the Flying Doctor Service located at Broken Hill and supported by many institutions has global development potential. Broken Hill should also be able to draw easily on other states, or abroad, rather than closing up shop.

The report on Australia's Native Vegetation Framework stated that it is a national framework 'to guide the ecologically sustainable management of Australia's native vegetation for ecosystem resilience'. The related Conference of the Parties to the Convention on Biological Diversity (UN 1992) described the ecosystem approach as 'a strategy for the integrated management of land, water and living resources that promotes conservation and sustainable use in an equitable way'. This requires planning and the 'whole-of-ecosystem' approach of the Convention on Biological Diversity is ideally addressed in strategic planning contexts. The Convention goals are to:

- Maintain viable populations of all native species in situ
- Represent, within protected areas, all native ecosystem types across their natural range of variation
- Maintain evolutionary and ecological processes
- Manage over periods of time long enough to maintain the evolutionary potential of species
- *Accommodate human use and occupancy within these constraints* (p.65)

Planning ideally presents more opportunities through more broadly democratic involvement to achieve common goals as opportunities, rather than as constraints on rugged individualism or the brothers with the family in tow. One must understand what has happened in China since the Cold War to understand how to raise people up. Government policy can assist market transitions so that they maximise the interests of communities in meeting all regional, national and international goals as widely, effectively and competitively as possible.

The ideal way to cut red tape is through more openly joined up government so that it can be seen and dealt with. On 2.10.13, at Sydney Town Hall, Lord Mayor, Clover Moore was keynote speaker at the Australian Local Government Association (ALGA). She pointed out reform of local government must begin with the recognition that the 'three Rs' of *roads, rates, and rubbish* are a limited aspect of the fundamental council role *which is about creating attractive, prosperous, healthy and safe communities; places where people want to*

live, work and do business'. The relationships between urban and rural planning are ideally seen in openly related global, regional and local planning contexts.

The following recommendations are made:

1. Plan agriculture, mining, services, manufacturing and eco-tourism in their regional land matrix contexts nationally and internationally to achieve all the goals of sustainable development.
2. Consider carbon trading and offset development in the context of the land matrix regionally, nationally and internationally to address global warming and loss of bio-diversity.
3. Reduce carbon pollution and protect biodiversity by weed and pest removal, native re-vegetation, protecting river banks and better water and waste treatment

Government and community approaches to land, housing, infrastructure, competition and fund management should now be undertaken consistent with holistic aims of state Environment Protection Acts, related aims of subordinate legislation and *key* stakeholders. The latter are those for whose benefit the fund was established, and those who own the fund. See more on this direction in relation to land and housing as outlined in the submission attached to the Financial Service Inquiry which deals with land and housing direction.

Related planning directions ideally incorporate work and compliance openly as aspects of development, learning and research in line with achieving the ideal aims of competition which are social and environmental as well as commercial

Take planned regional development and place based routes to land, housing, insurance, superannuation, and related planning for funding stability and effective competition. Develop jointly owned state and community funds which call for competitive services to the place in the interests of *key* stakeholders and others, so many service providers and advanced manufacturers may flourish as the extension of parks and improvement of lands are carried out. Key stakeholders are those who fund a project and for whose benefit it is intended.

Locally, the Sydney University Honi Soit O-Week Campus Dictionary reminds one that to improve relevant job, housing, transport and related development co-operation, the integration of the Union of Sydney Union information services and those of Sydney University should occur, to make better use of the Alumni, the Student Services Amenities Fee (SSAF) and other funds to serve the strategic direction. One wonders what those active in charitable organizations such as Bush Heritage Australia could add to this direction and ideally pose the related question to sporting, religious, political and other clubs and societies on campus. Help key organizations develop in related regional planning and strategic management directions. Openly designed and managed operations appear essential service.

In this context, the Westpac Banking Corporation creation of \$100 million education fund to give 100 university scholarships each year in perpetuity appears a welcome initiative following the bequest of \$20 million to the University of Sydney by former Worley Parsons chief, John Grill, in 2012, and others. The Westpac Bicentennial Foundation is described in the Australian Financial Review (AFR 3.4.14, p.1) as the largest private education scholarship program in Australia's history. They appear to be a design to lead the rest.

Westpac chief executive Gail Kelly said the scholarships would promote innovation, technical and design expertise, engagement with Asia and leadership skills. The will be focused on graduates seeking to study in Asia and develop skills in technology and innovation. The \$100 million will be placed in a charitable trust, and investment in markets to provide income to fund annual scholarships across five areas. Seventeen ‘future leaders’ will be awarded up to \$120,000 each, over two or three years, to study at a global institution; those focusing on relations with Asia or technology and innovation, will be preferred.

John Uhrig, former Westpac chairman, said the program is well targeted by being focused on the region. David Morgan, former Westpac chief, said the Asia focus was smart given ‘that is where our trade and investment has gone’ (AFR 3.4.14, News 6). Mrs Kelly said Westpac’s gift was ‘not about a competition – it is about something that is appropriate and right for us. But I would be only too thrilled if other organizations come in with their own’. In this context one naturally thinks of the ideal alignment potential of related strategic plans.

The richest scholarships are for post-doctoral students, who will receive \$330,000 over three years – on par with the best of other scholarships available. There are also \$120,000 post-graduate awards, as well as undergraduate scholarships of \$15,000 over three years. To encourage undergraduates to learn about Asia, there are \$10,000 overseas study grants. And there are education grants for community leaders (AFR 3.4.14, News 6). Assist related development of the institutional strategic direction in tertiary institutions, media and beyond.

Thank you for the opportunity to make this submission. Yours truly

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