



**Monaro Acclimatisation Society Inc**  
**9 Thompson Drive**  
**Tathra, NSW. 2550**

*Sustainable future fishing for trout and native fish*

Professor Richard Bush  
Crown Land Commissioner

**RE: EVALUATION OF THE CROWN LAND MANAGEMENT ACT 2016**

Dear Professor Bush

This submission is made on behalf of the members of the Monaro Acclimatisation Society Inc (MAS). The MAS is a voluntary organization primarily concerned with the development and maintenance of freshwater fisheries in the south-eastern sector of NSW. The MAS is a primary stakeholder with the NSW Department of Primary Industries (Fisheries). MAS participates with NSW Fisheries in the stocking of freshwater lakes and rivers, maintenance of habitat, contribution to policy and legislation affecting freshwater fish in NSW. The MAS is a member of the NSW Council of Freshwater Anglers and has over 600 members. MAS is a trustee for one Crown Reserve and is in the process of investigating ways of adding more reserves to its portfolio. The MAS is working with the Recreational Fishing Alliance of NSW and NSW DPI on the NSW Angler Access Project which aims to secure crown roads and reserves for the purpose of angler access in NSW.

Each year members of the MAS stock over 300,000 trout into the waterways of the Snowy Mountains / Monaro Region. This is done on a purely voluntary basis with our members contributing their own time, vehicles and fuel to keep the waterways of this region adequately stocked for the public's benefit. Most of our stocking points are on Crown land reserves and accessed via the Crown road network.

The MAS collective reading of the review and our observations of NSW Crown Lands operations in a rural land context over time has been one of minimalist rural land maintenance and management decisions based on political desires rather than good community outcomes.

The MAS submission is asking the NSW Government to increase resources to allow better management both on the ground and in the area of community engagement and community access. While we ask for this we believe it is unlikely to occur especially as the NSW government is fast tracking the reduction of the Crown Lands Estate across the NSW as quickly as it can without causing a community reaction.

The argument for public access to the states waterways is a compelling one and is valid as much for our rivers and impoundments as it is for our oceanic foreshore including beaches. The process of protecting these access points should not be one of contesting the proposed closure but rather protected for the public enjoyment automatically.

The MAS response is based on the questions posed in the Evaluation of the Crown Land Management Act 2016, Discussion Paper, March 2021. Each section question that is relevant to the concerns of the MAS is headlined with our comments following.

## **INNOVATION AND THE STATE STRATEGIC PLAN FOR CROWN LAND.**

### **Question 1**

*Do you think the legislation is fit for the future and will it enable outcomes in the State Strategic Plan for Crown Land to be achieved?*

While it is acknowledged that the legislation has been refined, the question above seems to indicate that the legislation alone will allow for outcomes to be achieved. It is acknowledged that legislation is important, but without proper funding, resource allocation, political will and commitment from your department, outcomes will not be achieved to the satisfaction of stakeholders regardless of legal wording.

The MAS and other angling organisations have sought to resolve situations where land holders have locked off crown roads and in the main, we have been disappointed with many of the outcomes. Regardless of the legislation there seems a propensity for your department to not prosecute and this leads to recalcitrant landholders being emboldened to continue challenging the legislation.

### **Question 3**

*Do you have any blue-sky ideas on new or innovative ways of managing and activating Crown land?*

The MAS would like to see the Lands Department implement a program of identifying crown roads and reserves on the ground. While there is some capacity for tech savvy people to use Six Maps to identify Crown roads, in the main, Crown roads are unidentifiable on the ground. If Crown roads were marked with a simple sign, then members of the public would know that the road exists. The signs could be quite simple. In instances where an enclosure permit exists over a Crown road it could be made part of the condition of the permit that the landholder erects a sign identifying the road as a Crown road.

The MAS also believes that Six Maps should be developed into an application that can be easily used in the field. This will allow members of the public to realise where they are to avoid confusion.

The MAS would like to see an offence of Intimidation placed within the Act. The MAS believes that such an offence would curtail the often threatening behaviour anglers face when on Crown lands by landholders who believe they have a right to bully and frighten people off Crown lands that they see as their own domain.

The MAS would like to see a dedicated complaints section set up to allow members of the public to report breaches of the legislation. The MAS is quite frustrated in trying to contact our local Lands Department on any matter relating to Crown lands.

The MAS would like to see a dedicated section set up in the Lands Department to assist organisations such as the MAS to become Reserve Managers. The MAS is the manager for one reserve, and we would like to explore the possibility of managing more reserves to ensure they are kept in the public domain; however, the process is not clear and trying to contact the Goulburn office is nigh on impossible.

While the MAS cannot speak for the NSW Department of Fisheries, we believe that there would be great value in vesting water side reserves and Crown roads that lead to such reserves or waterways to the NSW Department of Fisheries. Vesting such lands in a department that is intrinsically involved in the waterway would ensure the best outcome for public access and sustainability.

Over the last 10 years the NSW Government has directed the Lands Department to actively facilitate the sell-off of Crown roads across the State. Under this process the MAS has lodged many objections to these sales as the roads proposed lead to either waterside reserves or provide direct access to a waterway. We find it is a complex and time demanding process for the MAS to have to undertake these objections on behalf of the public. It would be really nice for the Department to automatically reject any application to close a Crown road that leads to a waterway or a waterway reserve. As mentioned in our opening statements, *“The argument for public access to the states waterways is a compelling one and is valid as much for our rivers and impoundments as it is for our oceanic foreshore including beaches. The process of protecting these access points should not be one of contesting the proposed closure but rather protected for the public enjoyment automatically”*.

## **ACCESS AND USABILITY**

### **Question 2**

*Do you think approvals (including with other government agencies) have been streamlined, and has this enabled more efficient dealings on Crown land?*

The MAS is concerned that the process appears so streamlined that many matters sneak through without proper scrutiny. We are worried that the latest devolving of reserves to Councils will result in the wholesale sell-off of these reserves as Councils will complain they do not have the financial means to look after them.

The MAS has, over the years, tried to engage with the Lands Department on several issues and each of our dealings have ended in frustration and little action. We believe that the department is still a process driven organization rather than an outcome driven one. We believe that it would make our life easier if the MAS (and all other managers) had a dedicated contact point within the Department to assist us.

## ENHANCED COMMUNITY INVOLVEMENT

### Question 1

*Has the Community Engagement Strategy enabled greater and more meaningful opportunities for the community to have their say in the future use and management of Crown land?*

In short, the answer to this question is no. The MAS is concerned that of the 20 engagement requirements listed in Table 3 of the Community Engagement Strategy 15 of those requirements rule out the community and enjoyment test. Even though Crown land may not be currently used, this does not mean that the community does not have a vision for it. As an example, most of the “sale” requirements in the table do not require the community and enjoyment test, but if that land is bordered by a waterway which is used as a fishing place, then the community enjoyment test would be useful to determine if it would be appropriate to reserve part of the land as an easement for public access to the waterway prior to sale.

The MAS view is that by arbitrarily removing the need for the community and enjoyment test, many opportunities to develop your key principle of: *where appropriate, multiple uses of Crown land be encouraged*, will be lost.

## WESTERN LANDS OPPORTUNITIES

### Question 3

*What improvements could be made to stimulate productivity and growth while also ensuring Western lands resources are sustained in perpetuity?*

The MAS would like to see fishing included as a purpose in the Western Division. Since discovering that fishing was not an authorized purpose for western lands many fishing places have disappeared. Rivers such as the Darling have hundreds of kilometres between legal fishing places. Opening up more places to angling will be a boon to small rural communities and would allow investment in accommodation and service opportunities.

## COMPLIANCE AND PROTECTION OF LAND

### Question 1

*In your experience, have the enhanced enforcement provisions in the CLM Act enabled better protection of land from damage and inappropriate use?*

In a word, no. Only recently, a Crown road in our district has been locked by a new landholder and this is a common event. Lock outs are common across the public estate. There should be a dedicated section to deal with complaints.

We believe our previous comments regarding signage would go a long way to stopping this practice of locking the public out.

A dedicated compliance team would be advantageous.

While the comments above may indicate the MAS is critical of the department and processes, we believe that there is a good basis from which to work to better protect the public estate. We look forward to seeing how this evolves.

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