

GOVT--Government

LEGISLATIVE COUNCIL

Crown Land Management Amendment (Statutory Review) Bill 2026

First print

Proposed amendments

- No. 1 **Consequential amendment—definition of “holding”**
Page 3, Schedule 1[3], definition of *holding*. Insert after line 42—
 (a1) for Division 5.5A—see section 5.20B, or
- No. 2 **Consequential amendment—definition of “relevant conduct”**
Page 4, Schedule 1[3]. Insert after line 24—
 relevant conduct, for Part 8—see section 8.2.
- No. 3 **Crown land manager indemnifies State**
Page 16, Schedule 1[29], proposed section 3.40. Insert after line 8—
 (1A) Liability under subsection (1) remains with the manager whose conduct gave rise to the compensation and is not transferred under section 3.12A when the manager’s appointment ends.
- No. 4 **Validation and variation of dealings**
Page 23, Schedule 1[50], proposed section 5.20B, lines 10–24. Omit all words on the lines. Insert instead—

Division 5.5A Validation and variation of holdings

5.20B Definition

In this division—
holding includes—

- (a) a purported holding, and
- (b) a lease or licence issued under a holding (a *subholding*), and
- (c) a purported subholding.

5.20C Grounds for declaring holding to be valid

- (1) The Minister may declare a holding over Crown land to be valid if—
 - (a) the Minister is reasonably satisfied that—
 - (i) making the declaration is in the public interest, and
 - (ii) there is a community benefit, including because—

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- (A) a community activity, asset or service is provided because of the holding, or
 - (B) the land is being used for a community purpose, and
 - (b) the Minister has considered—
 - (i) the scope of the community benefit, and
 - (ii) the impact making the declaration may have on—
 - (A) existing Aboriginal land claims, including cultural, social or economic impacts, and
 - (B) the holder of the holding, and
 - (iii) other matters prescribed by the regulations.
 - (2) If the Minister declares a holding over Crown land to be valid, the Minister must not do either of the following unless the amended or varied purpose provides a community benefit of a type referred to in subsection (1)(a)(ii)(A)—
 - (a) amend the purpose of the holding,
 - (b) give consent to vary the purpose of the holding.

5.20D Grounds for varying holding

- (1) The Minister may vary a holding over Crown land if the Minister is reasonably satisfied the variation is necessary to correct a minor error in the holding.
- (2) In this section—
correct, a minor error in a holding, means correcting an error in a way that will not significantly increase the area, duration or purpose of the holding.

5.20E How declaration or variation occurs

A declaration or variation in relation to a holding over Crown land—

- (a) is made by notice published in the Gazette, and
- (b) takes effect on the date specified in the notice, which may be before the date on which the notice is published in the Gazette, and
- (c) is taken to validate or vary the holding from the date on which the declaration or variation takes effect.

5.20F Consultation

- (1) Before making a declaration or variation in relation to a holding over Crown land, the Minister must consult with each relevant person.
- (2) For the purposes of consultation under subsection (1), the Minister must—
 - (a) give each relevant person for the proposed declaration or variation written notice of the proposed declaration or variation, and
 - (b) include in or accompany the notice with relevant information for the proposed declaration or variation, other than confidential information relating to—
 - (i) the holder of a holding over Crown land, or
 - (ii) a holding over Crown land, and
 - (c) invite each relevant person to make submissions within the time specified in the notice, and
 - (d) consider submissions made by each relevant person in accordance with the notice.
- (3) If the Crown land the subject of the holding is also subject to a claim under the *Aboriginal Land Rights Act 1983* that is yet to be determined, the time specified in the notice under subsection (2)(c) must be no less than 28 days.

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- (4) As soon as practicable after making a decision about whether or not to make the declaration or variation, the Minister must give each relevant person written notice that includes—
- (a) details of the decision, and
 - (b) the reasons for the decision.
- (5) The regulations may impose further requirements for this section, including by prescribing the following—
- (a) the form and way in which a notice under this section must be given,
 - (b) additional requirements for consultation.
- (6) In this section—
- relevant information**, for a declaration or variation in relation to a holding over Crown land, includes the following—
- (a) the purpose of the holding,
 - (b) the purported community benefit of the holding,
 - (c) the term of the holding,
 - (d) the parties to the holding,
 - (e) the location of the holding,
 - (f) the area of the holding.
- relevant person**, for a declaration or variation in relation to a holding over Crown land, means the following—
- (a) the holder of the holding,
 - (b) the Crown land manager for the Crown land, if any,
 - (c) for Crown land subject to an existing Aboriginal land claim—
 - (i) each Aboriginal Land Council that has made a claim, and
 - (ii) the Minister administering the *Aboriginal Land Rights Act 1983*,
 - (d) a person prescribed by the regulations.

5.20G Reporting

- (1) The Minister must prepare a report for each reporting year that sets out information on each declaration or variation made during the reporting year in relation to land the subject of an Aboriginal land claim.
- (2) The report must contain the information prescribed by the regulations.
- (3) The report must be prepared as soon as practicable after the end of the reporting year.
- (4) In this section—
reporting year means the year commencing on 1 July.

No. 5 Native title rights and interests

Page 25, Schedule 1[59]. Insert after line 2—

Insert instead—

Part 8 Compensation responsibilities for native title rights and interests

8.1 Definition

In this part—

relevant conduct—see section 8.2.

8.2 Application of part

This part applies to the following conduct (*relevant conduct*)—

- (a) the conduct of a local council in connection with—
 - (i) dedicated or reserved Crown land for which the local council is or was a Crown land manager, or
 - (ii) former Crown land that is or was vested in the local council under Division 4.2,
- (b) the conduct of a Crown land manager that is of a category prescribed by the regulations in connection with Crown land the Crown land manager currently manages or previously managed.

Note— The State will remain liable for the State's own conduct.

8.3 Compensation payable by persons engaged in relevant conduct

- (1) This section applies if—
 - (a) compensation is payable under the *Native Title Act 1993* of the Commonwealth, section 24JAA, 24KA, 24MD or 24NA in relation to an act that is relevant conduct, and
 - (b) the act is attributable to the State under that Act.
- (2) Subject to the regulations, the person who engaged in the relevant conduct is declared, in accordance with the *Native Title Act 1993* of the Commonwealth, section 24JAA(9)(b)(i), 24KA(6)(b)(i), 24MD(4)(b)(i) or 24NA(7)(b)(i), to be liable to pay the compensation.
- (3) Liability under subsection (2) remains with the person who engaged in the relevant conduct and is not transferred under section 3.12A when the manager's appointment ends.
- (4) The regulations may limit the circumstances or persons to which the declaration made by subsection (2) applies.

No. 6 Delegation

Page 31, Schedule 1. Insert after line 37—

[79A] Section 12.3 Delegation of functions by Minister, Ministerial Corporation, Secretary or Crown land commissioner

Insert after section 12.3(1)—

- (1A) Despite subsection (1), the Minister's powers under Division 5.5A cannot be delegated.

No. 7 Compensation

Page 44, Schedule 1[132], proposed clause 6, lines 39 and 40. Omit all words on the lines. Insert instead—

Division 3.6A and Part 8, as inserted by the amending Act, extend to conduct occurring before the commencement of the division or part, if the conduct—

- (a) occurred after the commencement of this Act, and
- (b) caused or causes compensation to be paid by the State under the *Native Title Act 1993* of the Commonwealth.