

ITEM 10

NOTICE TO MINISTER FOR LANDS AND FORESTRY OF COUNCIL'S NATIVE TITLE MANAGER

The *Crown Land Management Act 2016* (CLM Act) came into effect on 1 July 2018. To comply with the requirements of the CLM Act, Council has appointed a Native Title Manager. Council must notify the Minister for Lands and Forestry of the details of its Native Title Manager each year. Section 377(1)(s) of the *Local Government Act 1993* (NSW) (LG Act) states that the making of an application, or the giving of a notice, to the Governor or Minister is a non-delegable function meaning a resolution of Council is required for such purposes.

RECOMMENDATION

Council –

- 1 Note the resolution of the Executive Management Committee on 7 August 2018 to appoint Ms K Ponne, Legal Counsel, as Council's Native Title Manager.
- 2 Authorise the General Manager to finalise and give written notice to the Minister for Lands and Forestry of the name and contact details of Council's Native Title Manager.

REPORT AUTHORISATIONS

Report of: Clare Phelan, Manager Governance and Information (Acting)

Authorised by: Renee Campbell, Director Corporate Services - Connected and Engaged City

ATTACHMENTS

- 1 Council Crown Land Management Newsletter - 26 October 2018

BACKGROUND

The practice of managing Crown Land has recently changed as a result of CLM Act which came into force on 1 July 2018. To comply with the requirements of the CLM Act, Council is required to engage or employ at least one qualified Native Title Manager (section 8.6). Pursuant to section 8.7 of the CLM Act, written advice from a Native Title Manager must be obtained for any dealing by Council on Crown Land to ensure those dealings can be validated under Native Title legislation (namely, the *Native Title Act 1993* (Cth) and the *Native Title (New South Wales) Act 1994* (NSW)).

A Native Title Manager is a person who has undertaken the approved training facilitated jointly by the Crown Solicitors Office and the Department of Industry - Lands and Water and holds the necessary qualification issued by Department of Industry - Lands and Water. A number of Council Officers have attended the relevant training and attained the Native Title Manager qualification for the purposes of the CLM Act.

PROPOSAL

On 7 August 2018, the Executive Management Committee resolved to appoint Ms K Ponne, Legal Counsel, as Council's Native Title Manager.

Section 8.8(2) of the CLM Act requires Council to give written notice to the Minister by 31 October each year about:

- (i) whether any person is engaged or employed as a native title manager; and
- (ii) the name and contact details of that person.

On 15 October 2018, written notice of the appointment was provided to the Minister (by letter to the NSW Department of Industry). However, section 377(1)(s) of the *Local Government Act 1993* (NSW) (LG Act) states that the making of an application, or the giving of a notice, to the Governor or Minister is a non-delegable function meaning a resolution of Council is required for such purposes.

The Office of Local Government has advised that if councils miss the 31 October 2018 deadline they should provide notification to the Department of Industry as soon as possible.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2028 goal “We are a connected and engaged community”.

It specifically delivers on core business activities as detailed in the Governance and Administration Service Plan 2018-19.

CONCLUSION

Council is required to notify the Minister for Lands and Forestry of the details of its Native Title Manager each year.



Council Crown Land Management Newsletter

26 October 2018

Important information about Native title manager notice to Minister for Lands and Forestry

Section 8.8 of the Crown Land Management (CLM) Act 2016 requires each council to give notice to the Minister Lands and Forestry of the name and contact details of any person the council has engaged or employed as a native title manager. The notice must be given as soon as practicable after 30 June (but not later than 31 October) of each year.

Such notices should be straightforward, addressing only the items required under the legislation (ie: the name and contact details of any person the council has engaged or employed as a native title manager). If no native title manager has been engaged by the council, the notification should indicate this.

Councils are reminded that section 377(1)(s) of the Local Government Act 1993 states that the making of an application, or the giving of a notice, to the Governor or Minister is a non-delegable function meaning a resolution of council is required for such purposes.

It is expected that some councils may miss the 31 October deadline. If your council finds itself in this position, please provide the notification to DOI as soon as possible.

Notices should be sent to council.clm@crowland.nsw.gov.au.

Plan of management training webcast now live

A condensed webcast version of the face to face training sessions for council staff delivered by OLG and Department of Industry – Land and Water in August and September 2018 is now available to download from the [OLG Crown Land Resources webpage](#).

The purpose of the training is to inform council staff of the requirements for developing compliant Plans of Management for Crown Reserves. However, the training also emphasises the importance of preparing for the POM process as early as possible, especially by ensuring that councils understand how the initial categorisation process acts as a critical gateway step to developing a POM.

This webcast provides an opportunity for those who missed the face to face sessions to understand the key information provided, but also allows staff who did attend the sessions to revisit the information.

The webcast is divided into two parts which can be viewed or downloaded separately:

1. Recap of transition arrangements (including the classification and initial categorisation process).
2. The PoM development and adoption process.

Where to go for further information

For further information about the impending legislation, including the abovementioned support materials and details of upcoming training and events visit the OLG Crown Land webpage www.olg.nsw.gov.au/crownland.

General enquiries about OLG's Crown Land support project should be directed to 1300 117 784 or by email to councilcrownland@olg.nsw.gov.au.

Further information on the CLM Act generally, including Native title issues and the Land Negotiation Program can be found on the Department of Industry – Lands & Water [website](#).