

HOUSE OF ASSEMBLY
WEDNESDAY 25TH FEBRUARY 2015

**REAL PROPERTY (PRIORITY NOTICES AND OTHER MEASURES)
AMENDMENT BILL**

Second Reading

Adjourned debate on second reading (resumed on motion).

Mr PEDERICK (Hammond) (15:41): I rise to continue my remarks in regard to the Real Property (Priority Notices and Other Measures) Amendment Bill 2015. As crown land is discussed in the bill, my preceding remarks before the lunch break were about an issue I have with crown land in my electorate, that is, a place called Gawler Square, which is part of the Currency Creek survey which was initially done in 1840. This is about the council trying to amalgamate title in the old Currency Creek planning area to get some clarity into the future, and it has been a difficult process.

The issue is that someone did not get their survey done appropriately and built a shed right where a roadway supposedly needs to go to this Gawler Square, but this Gawler Square is a town square that will never function as a town square. These are all rural living blocks and the Gawler Square, which is about four acres in the old language, is split four ways, essentially, between the four neighbours and being used by the four neighbours as part of their properties. The issue is, because this landholder has his shed in the wrong place, legally, access needs to be maintained to a planned town square.

The reality is no-one is ever going to go to this town square, at all—no-one. There is a Ngarrindjeri native title claim over the crown land, which is the town square. I am still seeking clarity between various ministers, as I indicated earlier in my speech, about whether native title is automatic because it is crown land or whether there is a separate native title claim by the Ngarrindjeri people on that. That is the difficulty we have.

The difficulty I have in a practical sense is: why does this landholder, even though he did have some survey issues (and he admits that), need to pull down half a shed so there can be a road to nowhere? I think it is ridiculous, quite frankly, that it cannot be resolved. I wrote to the planning minister on 24 April 2014, and I quote from part of his reply:

I am advised that records held by the Department of Environment, Water and Natural Resources indicate that in 2008 council sought information about the revocation process of Gawler Square with a view to subdividing the land and merging it with

adjoining certificates of title. In April 2009 the department advised council that, as native title had not been extinguished from the land, Gawler Square could not be disposed. Advice was also provided regarding the requirement for maintenance of legal access to the land following any merging of road reserves into the adjoining freehold land.

I would like to note that the council involved is Alexandrina Council and, if native title can be extinguished, they will be more than happy to go on with the process of those four parts of crown land being merged into the other titles of the adjoining property owners.

I have a letter from minister Hunter, who is the Minister for Sustainability, Environment and Conservation, which talks about a meeting I had with my staff and some of his departmental staff that was held on 30 October 2014 regarding Gawler Square, Currency Creek. I quote a paragraph from the reply from minister Hunter:

DEWNR is unable to dispose of Gawler Square as the site is subject to an unresolved Ngarrindjeri native title claim. However, I am pleased to advise that an interim solution has been identified whereby adjacent landholders may apply to DEWNR for licences to occupy the Gawler Square land. This will authorise their current use of the land.

'Well, that's fantastic. They're doing it anyway, so why should they get it authorised?' you may say. That is fine, they are going to use it anyway, but at the end of the day what I am disappointed about from the meeting I had with the advisers that day—I note the minister was not there—is the fact that they did say that native title could be revoked. It could be through a process, and I think they indicated to me that there were several cases that had been resolved recently. I know the council and the adjoining landholders are keen for that process to go ahead, but the letter is quite different to the advice I got from advisers on the day of the meeting.

I note my most recent advice from Alexandrina Council, which is dated 10 February 2015, and I quote from the letter one paragraph:

Should Council receive formal notification that the native title claim is able to be resolved in a timely manner, Council will be in a position to review its current offer to [my constituent] and determine the most appropriate long term resolution for all parties concerned.

I urge the government and ministers involved—and I have verbally communicated to the new Minister for Aboriginal Affairs, the Hon. Kyam Maher from another place—that this needs to be worked through. I think it can be resolved appropriately. Perhaps it is just too simple, but I think it is madness that we may cause a couple of people in my electorate to pull down part of their shed to have a road to nowhere.

