

**Authorised Version No. 003**

**Land Regulations 2006**

**S.R. No. 118/2006**

Authorised Version as at  
3 April 2013

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**1 Objectives**

The objectives of these Regulations are to—

- (a) restrict the activities of members of the public on licensed water frontages;
- (b) prescribe fees and forms for the purposes of the **Land Act 1958**;
- (c) provide for the issue of duplicate documents;
- (d) provide for other matters for the purposes of the **Land Act 1958**.

**2 Authorising provision**

These Regulations are made under section 413 of the **Land Act 1958**.

**3 Commencement**

These Regulations come into operation on 29 August 2006.

**4 Definitions**

In these Regulations—

***Department*** means the Department of Sustainability and Environment;

***livestock*** means an animal (including a bird) of any species used in connection with primary production or kept for recreational purposes, other than a dog or a cat;

***the Act*** means the **Land Act 1958**.

## **5 Application to surrender land**

- (1) An application for authority under section 22C of the Act to surrender land to Her Majesty must be made in the form in Schedule 1.
- (2) A notice of intention to apply for authority to surrender land under section 22C of the Act must be made in the form in Schedule 2.

## **6 Duplicate licence document**

The Secretary may, on payment of the fee specified in regulation 11, issue a duplicate licence document to replace a lost, stolen or destroyed licence document.

## **7 Duplicate residence area right**

If it is proved to the satisfaction of the Secretary that a document granting a residence area right has been lost, stolen or destroyed, and has not been lodged with any person, bank, corporation or institution as security or for safekeeping, the Secretary may issue a duplicate document.

## **8 Notice of demand to owner**

A notice of demand under section 188A of the Act in respect of a building, structure, standing crop or improvement or any other thing that is placed or constructed on Crown land must be made in the form in Schedule 3.

## **9 Notice of municipal council that a road is unused**

A notice under section 400 of the Act that a road or part of a road that a municipal council considers is not required for public traffic is an unused road, must be made in the form in Schedule 4 and contain particulars of the road or part of the road required by Schedule 4.

## 10 Water frontages

- (1) This regulation applies to a person authorised under section 401A of the Act to enter and remain on a water frontage for recreational purposes.
- (2) A person must not on a water frontage in respect of which a licence has been granted under Division 8 of Part I or section 138 of the Act—
  - (a) enter any part of that land which is cultivated or is being re-vegetated or reclaimed; or
  - (b) intentionally disturb, destroy or interfere with any nest or habitat of any bird or other animal; or
  - (c) deface, damage or in any way interfere with any building, gate, fence, barrier, sign or other structure; or
  - (d) cut, fell, pick, remove, take, destroy or damage any flora or other vegetation, whether alive or dead; or
  - (e) remove, dig or cut any soil, sand, rock or gravel; or
  - (f) light, or cause to be lit, any fire; or
  - (g) bring a dog into, or allow a dog to remain on, that land; or
  - (h) injure, disturb or interfere with any livestock on that land.

Penalty: 0.2 penalty units.

### Note

Under section 401A of the Act, camping is prohibited on any water frontage in respect of which a licence has been granted under Division 8 of Part I or section 138 of the Act.

- (3) Subregulation (2)(d) does not apply to a person who collects firewood in accordance with a licence or permit under the **Forests Act 1958**.

**11 Fees**

The fees set out in column 3 of the Table are payable in respect of the matters described in column 2 of the Table.

**TABLE**

<i>Column 1 Item</i>	<i>Column 2 Description</i>	<i>Column 3 Fee payable</i>
<b>Licence Fees—</b>		
1	(a) for entry under section 29 of the Act of an application for a licence granted under the Act	1.4 fee units
2	(b) for preparation and issue of a licence	7.4 fee units
3	(c) for consent to the transfer of a licence	4.0 fee units
4	(d) for preparation of a duplicate licence document	4.0 fee units
5	(e) for registration of a lien or of cancellation of the registration of a lien on a licence granted under the Act	4.0 fee units
<b>Lease fees—</b>		
6	(a) for entry under section 29 of the Act of an application for any lease granted under the Act	1.4 fee units
7	(b) for preparation and issue of a lease, except for a residence area purchase lease	24.1 fee units
8	(c) for preparation and issue of a residence area purchase lease	11.2 fee units
9	(d) for consent to transfer, assign, mortgage, sublet or subdivide any lease	9.6 fee units

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<i>Column 1 Item</i>	<i>Column 2 Description</i>	<i>Column 3 Fee payable</i>
10	(e) for application by a licensee of auriferous land for a selection purchase lease	4.0 fee units
<b>Crown grant fees—</b>		
11	(a) for preparation and issue of a grant of Crown land sold in fee simple	10.3 fee units
12	(b) for declaration of the Governor in Council under section 362A(1) of the Act	13.7 fee units
<b>General fees—</b>		
13	(a) for consent of the Minister under section 96 of the Act	4.6 fee units
	(b) for preparation and supply of any deed or document not otherwise specified in these Regulations if the deed or document is prepared in connection with—	
14	(i) an application under the Act	24.1 fee units
15	(ii) a Crown grant, lease, licence, permit, right, consent, or other instrument granted or issued under the Act	24.1 fee units
16	(iii) an endorsement, registration, discharge, transfer or assignment authorised by the Act	24.1 fee units

**SCHEDULES**

**SCHEDULE 1**

Regulation 5(1)

**APPLICATION FOR AUTHORITY TO SURRENDER LAND UNDER  
SECTION 22C OF THE LAND ACT 1958**

TO: The Attorney General of Victoria

Under section 22C of the **Land Act 1958**—

*(name)*

of

*(address)*

being the \*registered proprietor/ \*person seized of an estate in fee simple in  
the land/ \*municipal council of a municipal district

*(description of land)*

apply for authority to surrender that land to Her Majesty.

It is declared that—

- (a) the land is not subject to any mortgage or charge;
- (b) the land is/is not\* subject to any lease tenancy or licence;

*(details of any lease, tenancy or licence, if applicable)*

- (c) notice of intention to make this application was published—

*(date and name of newspaper)*

\*Signed:

*(signature of registered proprietor,  
person seized of the estate)*

*(witness)*

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\*Municipal council seal

*(affix seal and insert attestation clause)*

\*Municipal council delegate

*(insert name, designation and signature of delegate of municipal council)*

Dated:

\*delete whichever is not applicable

**Explanatory notes**

1. A registered proprietor of land or a person seized of an estate in fee simple may apply to surrender land to the Crown if that land is referred to in Schedule Two A of the Act or is declared to be land to which section 22C of the **Land Act 1958** applies.
2. A municipal council of a municipal district may apply to surrender land to the Crown if that land is referred to in Schedule Two B of the Act.

**SCHEDULE 2**

Regulation 5(2)

**NOTICE OF INTENTION TO APPLY FOR SURRENDER OF LAND  
UNDER SECTION 22C OF THE LAND ACT 1958**

Notice is given that after 30 days from the date of publication of this notice and before the end of 60 days after the date of publication of this notice, application will be made by—

*(name of applicant)*

to the Attorney-General of Victoria for authority under section 22C of the **Land Act 1958** to surrender the land described below to Her Majesty.

*(description of land)*

Any person wishing to object to the surrender of this land should lodge a written objection with the Attorney-General.

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**SCHEDULE 3**

Regulation 8

**NOTICE OF DEMAND UNDER SECTION 188A OF THE LAND  
ACT 1958**

To

*(name of owner)*

of

*(address of owner)*

being the owner of

*(specify nature of building, structure, standing crop,  
improvement or other thing)*

on the Crown land described below,

I,

*(name)*

of

*(address)*

being

\*an authorised officer

\*a person authorised by the Secretary

\*a person authorised by the committee of management of the Crown land  
described in this notice

(\*delete whichever is not applicable)

under section 188A of the **Land Act 1958**, require you to produce to me a  
current lease, licence, permit or other authority under the **Land Act 1958** or  
some other Act authorising you to keep or maintain the

*(specify nature of building, structure, standing crop,  
improvement or other thing)*

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on the following Crown land:

Crown land having an area of approximately

in the Parish of \_\_\_\_\_,

County of \_\_\_\_\_

If after 21 days from the date of service of this notice, you have not produced a current lease, licence, permit or other authority under the **Land Act 1958**, I will apply

to the Magistrates' Court to order the

*(specify nature of building, structure, standing crop,  
improvement or other thing)*

to be removed by you at your expense within the time fixed by the order.

Dated:

Signed:

Address:

  

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**SCHEDULE 4**

Regulation 9

**NOTICE OF A MUNICIPAL COUNCIL UNDER SECTION 400 OF  
THE LAND ACT 1958 THAT A ROAD IS UNUSED**

To the Secretary

Under section 400 of the **Land Act 1958**, the municipal council of the  
municipal district of

*(insert name of municipal district)*

gives notice that \*the road / \*each of the roads / \*the part of the road  
described in the Table is considered by Council to not be required for public  
traffic and is therefore an unused road.

**TABLE**

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<i>Parish</i>	<i>Description of location of road</i>
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\*Municipal council seal

*(affix seal and insert attestation clause)*

\*Municipal council delegate

*(insert name, designation and signature of delegate of municipal council)*

\*Delete whichever is not applicable

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## ENDNOTES

### 1. General Information

The Land Regulations 2006, S.R. No. 118/2006 were made on 29 August 2006 by the Governor in Council under section 413 of the **Land Act 1958**, No. 6284/1958 and came into operation on 29 August 2006: regulation 3.

The Land Regulations 2006 will sunset 10 years after the day of making on 29 August 2016 (see section 5 of the **Subordinate Legislation Act 1994**).

**2. Table of Amendments**

There are no amendments made to the Land Regulations 2006 by statutory rules, subordinate instruments and Acts.

### 3. Explanatory Details

#### Fee Units

These Regulations provide for fees by reference to fee units within the meaning of the **Monetary Units Act 2004**.

The amount of the fee is to be calculated, in accordance with section 7 of that Act, by multiplying the number of fee units applicable by the value of a fee unit.

The value of a fee unit for the financial year commencing 1 July 2012 is \$12.53. The amount of the calculated fee may be rounded to the nearest 10 cents.

The value of a fee unit for future financial years is to be fixed by the Treasurer under section 5 of the **Monetary Units Act 2004**. The value of a fee unit for a financial year must be published in the Government Gazette and a Victorian newspaper before 1 June in the preceding financial year.